

EARLY WARNING SYSTEM

EFFECTIVE 03/01/02

REVISED

NOTE: Information obtained as a result of the early warning system is confidential and will only be released per confidentiality law, as required by this General Order, or as authorized by the Chief of Police or the Integrity Unit Sergeant.

03.801 PURPOSE

This administrative directive is intended to assist police supervisors and managers in identifying police employees whose performance warrants review and, where appropriate, intervention in circumstances that may have negative consequences for the employee, coworkers, the Department, the City of Tyler, or for the general public.

03.802 POLICY

It is the policy of this department to establish a system for tracking and reviewing incidents of risk to the department, its employees or the citizens and visitors of the City of Tyler. To this end, the Early Warning System shall be used as a means to identify and assess employee performance involved in high-risk incidents and to intervene where appropriate.

03.803 DEFINITIONS

- A. Incident-Actions that may result in injury to employees or the public, cause civil rights violations, increase the civil liability to the department, or cause this agency to lose public support and confidence in its ability to perform its duty in a professional manner.
- B. Personnel Early Warning System- A system for the early identification of agency employees who may need some type of corrective action and a procedure for collecting and evaluating materials required for implementing such corrective action.

03.804 PROCEDURES

A. General Statements

- 1. This system is in place as a warning of a potential problem. Investigation may reveal that an employee has done nothing wrong and any further action is not needed or warranted.
- 2. The Early Warning System is designed to assist supervisory and management personnel in monitoring employee performance.
- 3. Utilization of the Early Warning System does not alter the critical role of supervisors in directly monitoring the performance and behavior of personnel under their command.
- 4. Supervisory and management personnel shall be familiar with alternatives and authorized actions they may take in response to personnel exhibiting behavioral problems with or without information provided by the Early Warning System.

B. Responsibilities

- 1. Integrity Unit Sergeant
 - a. Develop, implement and administer the Early Warning System
 - b. Generate the following reports:

- (1) A six (6) month and a yearly summary report to the Chief of Police identifying individual police personnel who exceed the established threshold of incidents. See Section 03.804C of this order for a list of qualifying incidents. The report shall draw no conclusions nor make any determinations concerning job performance.
- (2) On going notifications to respective supervisors regarding specific employees who exceed established thresholds of incidents including the following categories:
 - (a) Complaints
 - (b) Administrative Inquiries
 - (c) Use of Force Reviews
 - (d) Pursuit Reviews,
 - (e) Injury Reviews
 - (f) Summary Reports taken against an employee by a supervisor

The report alone shall not form the basis for disciplinary action

- (3) Annual evaluation of the Early Warning System regarding its effectiveness in the identification of potential problem employees, the ability of the system to increase department accountability to the public, and the ability of the system to offer employees a better opportunity to meet the department's values and mission statement.
 - (a) The evaluation will include a review of established thresholds to ensure they are reasonable as compared to historical norms of agency personnel functioning in the same or similar assignments.
 - (b) The evaluation must contain a statement of the number of incidents or combination of types of incidents and activities considered to be the threshold indicating a need for intervention.
 - (c) The evaluation will be forwarded to all members of the management staff for review and input before it is finalized to the Chief of Police.
 - (d) The evaluation of the system will be completed each January, and is based on the previous calendar year.
- (4) Maintain appropriate documentation related to personnel identified through the Early Warning System and their response or progress toward recommended actions.
- (5) Other reports as directed by the Chief of Police.

2. Role of first and second level of supervision

- a. Review notification report that threshold has been reached with subject personnel and encourage the employee to provide insight to the itemized incidents and problems identified in the report
- b. Meet with his or her (supervisor's) commander to discuss the notification report and other relevant information and determine if corrective actions are warranted.
- c. Complete a memo summarizing recommended actions and justification for such recommended actions. The memo shall be forwarded to the subject employee's division commander through the chain of command for his review and approval. Copies shall be forwarded to the Integrity Unit Sergeant and the Chief of Police. This report shall be filed in the confidential departmental personnel file for the affected employee.

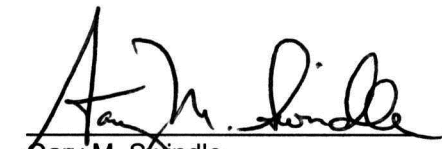
- d. Upon approval of the division Commander, implement the recommended action plan by notifying the subject employee.
 - e. Monitor and formally report on the progress of the subject employee in complying with the recommended action plan. Required reporting intervals shall be established by the Division Commander. All reports shall be filed in the confidential departmental personnel file for the affected employee.
 - f. Notify the Integrity Unit Sergeant when an employee receives a below satisfactory rating on an evaluation or is placed on a performance plan.
3. Chief of Police or Designee
- a. Review and approve/disapprove recommended actions submitted by supervisory personnel.
 - b. Review reports on employee progress toward compliance with recommended actions.
 - c. Establish a reasonable system threshold prompting supervisory involvement.
4. Employee
- a. Once an employee has been identified by the Early Warning System and has been notified by his/her supervisor, the employee will cooperate with the supervisor and/or the Integrity Unit Sergeant in identifying reasons for or resolutions to departmental concerns regarding the employee's actions.
 - b. Follow the agreed upon plan of action to completion.
- C. The following activities/incidents shall be considered in identifying department employees who may require agency intervention efforts:
- 1. Complaints lodged against employees in accordance with provisions in the Tyler Police Department General Orders, operational orders and the City of Tyler Administrative Operating Procedures on the receiving and investigation of employee misconduct, to include;
 - a. Complaints lodged by one employee against another;
 - b. Summary disciplinary actions taken against an employee by a supervisor, with or without a formal complaint;
 - c. Complaints lodged by citizens against department personnel;
 - d. Allegations of violations of criminal or regulatory statutes;
 - e. Disciplinary actions taken against employees; or
 - f. Administratively defined examples of improper actions and/or improper conduct.
 - 2. Use of Force Reports
 - 3. Performance based and related information to include but are not limited to the following:
 - a. Traffic accidents;
 - b. Pursuits, both within and out of policy;
 - c. Lawsuits and claims (access to information related to pending litigation shall be cleared by the Chief of Police);
 - d. Assaults on the officer;
 - e. Officer reports of resisting arrest, and obstruction;
 - f. Sick leave abuse, as defined by applicable department and city policy;
 - g. Misuse or abuse of departmental property;
 - h. Below satisfactory rating on a performance evaluation;
 - i. personal injury accidents.

4. Possible corrective actions that may be required. Corrective actions, when warranted, may include the following:
 - a. Referral to the Employee Assistance Program;
 - b. Referral to an agency authorized mental health professional or other mental health care provider authorized by the department;
 - c. Requiring the employee to participate in agency authorized training, targeting personal or professional problems that the officer may be facing (e.g., Communications, Cultural Awareness, Coping with Stress, anger management);
 - d. Reassignment or transfer; or
 - e. Conclusion that the employee's actions do not warrant immediate need for corrective action.

03.805 THRESHOLDS THAT ACTIVATE THE EARLY WARNING SYSTEM

- A. Four (4) or more of any combination of the following Early Warning criteria in a Six (6) month period of time.
 1. Use of Force Reports, or
 2. Vehicle Pursuits, or
 3. Firearm discharges, or
 4. Complaints of Misconduct, or
 5. Fleet Accidents, or
 6. Injury Incidents.
- B. Six (6) or more of any combination of the following Early Warning criteria in a Twelve (12) month period of time.
 1. Use of Force Reports, or
 2. Vehicle Pursuits, or
 3. Firearm discharges, or
 4. Complaints of Misconduct, or
 5. Fleet Accidents, or
 6. Injury Incidents.

Approved: 03/01/02


Gary M. Swindle
Chief of Police