



Apex Police Department General Order



Title Personnel Early Warning System		Order Number 311-20
Effective Date: July 15, 2020	Amends: 311-17	
CALEA Standard: 35.1.9	Rescinds:	
Reference: Performance Evaluation System	Pages: 6	
Forms:		

Personnel Early Warning System

Purpose

The purpose of this directive is to outline the procedures to be used in identifying potential personnel problems in their initial stages, in an effort to redirect an employee’s actions/behavior in a fashion consistent with departmental values and standards.

Policy

It is the policy of the Apex Police Department to actively monitor employee conduct and provide appropriate intervention where it is evident that behavioral problems exist and have the potential to adversely affect the employee, the employee’s work performance, workplace safety, and/or department operations. The intent of this system is to provide a positive employee benefit by providing Town and department resources to assist the employee in enhancing his/her performance to attain at least acceptable levels in all performance factors.

Definition

Personnel Early Warning System (PEWS) – A time sensitive system designed to effectively organize critical performance and evaluation data in a format conducive to promptly identify early indicators of certain performance and/or stress related problems and to facilitate any necessary or appropriate follow-up activities.

Procedures

Background

1. “A comprehensive Personnel Early Warning System is an essential component of good discipline in a well-managed law enforcement agency. The early identification of potential problem employees and a menu of remedial actions can increase agency accountability and offer employees a better opportunity to meet the agency’s values and mission statement.” (SOURCE: *CALEA Manual*)
2. The Apex Police Department Personnel Early Warning System (PEWS) is designed to provide a process to review material, situations, and circumstances to determine if patterns of concern exist, so that remedial action may be taken before a problem escalates.
3. Early identification for employee intervention, when warranted, is a means to assist the employee as a career-enhancement tool, focusing on strategies that will foster professional growth. Supervisors are still charged with employee development on a daily basis and the PEWS should be construed as another resource to effective supervision.

Reporting (35.1.9)

1. Employees are required to report violations, infractions, and/or misconduct. Additionally, employees will report any circumstance, situation, conduct, or behavior that indicates another employee may be experiencing a problem that could affect his/her job performance and/or the safety of the employee, another employee or the community.
2. These or any other appropriate concerns will be reported, as soon as possible, to any supervisor. That supervisor is responsible for bringing the concern to the Chief of Police through the chain of command.
3. The supervisor receiving such a report will make a determination if the circumstances warrant immediate action (i.e. a safety concern) and if so, take appropriate action in accordance with department and Town guidelines. The supervisor will also notify the on-duty Watch Commander, as soon as possible.
4. The on-duty supervisor will assess the situation and make notifications pursuant to General Order 711 – *Notification Matrix*.

General Responsibilities (35.1.9)

1. Chief of Police – Has overall responsibility for implementation of the PEWS.
2. Deputy Chief of Police – Will act on behalf of the Chief of Police by participating in, overseeing, and monitoring the implementation of this policy throughout the department.

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3. Division Commanders – Are responsible for ensuring the effective implementation and oversight of this policy in their respective divisions.
4. Command Staff & Supervisors – Are responsible for actively monitoring employee conduct, intervening, and properly notifying the appropriate Division Commander when an employee's behavior adversely affects the employee, the employee's performance or agency operations.
5. All Employees – Are responsible for their own conduct. Any employee who is the subject of a PEWS review or referral will promptly and fully cooperate with his/her supervisor(s), or anyone else involved in the furtherance and completion of the PEWS review.

Personnel Early Warning System Implementation

1. The PEWS is managed by the Deputy Chief of Police and consists of a review based upon patterns of currently collected material and other information including, but not limited to, the following: (35.1.9)

- Performance evaluation reports
- Complaints
- Use of Force incidents
- Pursuits
- Disciplinary actions
- Internal Affairs investigations
- Departmental motor vehicle crashes (on-duty)
- Attendance (unauthorized use of sick time, repeated tardiness, etc.)
- Observations of a pattern of inappropriate behavior
- Any other situation or circumstance that is determined by a command officer as appropriate to include

NOTE: The existence of incidents in these categories does not necessarily mean that that act was inappropriate. In fact, the review of all such incidents may show the employee was acting within guidelines in all circumstances. The purpose of the PEWS is to identify patterns that may indicate that the employee would benefit from intervention in the form of EAP, training, etc. as defined in this directive.

2. Identification of an employee for review under the PEWS may originate from the employee; the employee's supervisor, at or above the level of the immediate supervisor; or upon review by the Deputy Chief of Police and/or Chief of Police.
3. Incident Based Review – Triggering Events

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- The Division Commander or the squad/unit supervisor will notify the Deputy Chief of Police, who will conduct a preliminary review whenever any of the following situations are known:
 - Two instances of involvement in a preventable on-duty motor vehicle crash within a calendar year
 - Three instances of involvement in a Use of Force incident within a period of 180 days
 - Two citizen complaints filed against an employee within a calendar year
 - Two Internal Affairs/Direct Complaints against an employee within a calendar year
 - Five incidents of the above (crash, Use of Force, and/or Internal Affairs/Direct Complaint) within a period of 180 days
 - A discernable pattern of unapproved excessive sick leave or tardiness
 - Any act of violence or threat of violence by an employee toward another employee or employees
 - Behavior of an employee that is so unusual or inappropriate that it creates an unsafe work environment or disrupts the normal working condition
 - Any apparent identification of an employee experiencing unusual or inappropriate physical or mental problems (i.e. bruises, sleepiness, behavioral changes, etc.)
 - An employee's involvement in an emotionally or physically traumatic incident that appears to have detrimentally affected his/her normal performance standards
- A written summary of the review will be forwarded to the Chief of Police through the chain of command within 30 days of an Incident Based Review.
- The summary must contain the reasons for the review, a description of actions taken by the supervisor, and any recommendations for future actions.

4. Annual Review (35.1.9)

- Annually, the Deputy Chief of Police will conduct a review based upon current patterns of collected material and an annual evaluation of the PEWS.
- The review will be conducted during the first quarter of the year for material collected during the previous year, documented, and submitted to the Chief of Police through the chain of command no later than January 31st of the year following the period subject to the review, unless the date is extended by the Chief of Police.
- The review will include the variables listed above and identify employees who have a performance profile that rises above or significantly below a normative level that is comparable to those being evaluated under the same job assignment and functionality.

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- The annual evaluation of the PEWS will include recommendations for improvement and/or policy revision when appropriate. Input for preparation of the evaluation may incorporate comments and suggestions from Town Administration, Division Commanders, Command Staff, supervisors or any employee.

5. Documentation

- Documentation relative to a PEWS review is confidential and will be released only with the approval of the Chief of Police. PEWS reviews are not disciplinary in nature and do not become part of the employee's administrative file maintained by the department.

Process

1. Whenever a decision is made to initiate a PEWS review, appropriate notification will be given to the employee. The notification should come from the Deputy Chief of Police, or another supervisor designated by the Chief of Police, and should include the following:
 - Informing the employee of the basis for the review and noting the specific variables indicating the reason for the review
2. Upon conference with the employee, the Deputy Chief of Police or designated supervisor will determine if the totality of the situation calls for a suggested PEWS intervention.

Review and Intervention (35.1.9)

1. If, after examining the information gathered from the employee-behavior review process, the Deputy Chief of Police or designated supervisor determines that a need exists for intervention into the employee's situation, he/she may recommend the initiation of appropriate remedial and/or corrective action(s), including but not limited to:
 - Supervisory coaching and counseling
 - Training, to include but not limited to, individual enhancement, remedial drivers, firearms, judgmental shooting, sensitivity, diversity, interpersonal communication, defensive tactics, or any other training that would be appropriate under the circumstances (**NOTE:** All training must be documented in accordance with applicable written directives)
 - Intervention as approved by the Chief of Police, which may include:
 - Medical/Psychological assistance and/or review
 - Employee Assistance Program (EAP) or other program referral (35.1.9)
 - Referral to a confidential counseling, therapy, alcohol, drug abuse or other appropriate program
2. Review, intervention, or remedial/corrective action is not a form of discipline and should not be used in place of disciplinary action when disciplinary action is appropriate.

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File Maintenance and Purging

1. All documentation concerning the PEWS and Intervention Review Reports will be secured separately from the employee's personnel file and maintained by the Office of the Chief of Police in accordance with the North Carolina Records Retention and Disposition Schedule.

Text in "Green" denotes a significant change in policy

BY ORDER OF:



John W. Letteney
Chief of Police