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|--|--|---|----------------|
|  <b>NORFOLK</b><br>Department of Police | <b>Administrative General Order ADM-215: Early Intervention System</b> |   |                |
|  | Office of Preparation: Office of Professional Standards (wk/nbg/wdp)   |   |                |
|  | <b>CALEA:</b>  | 35.1.9                                  |                |
|  | <b>VLEPSC:</b>   |   |                |
| LEGAL REVIEW DATE:   | June 24, 2015  | PRESCRIBED DATE:                        | 7/1/15         |
| City Attorney:   | Wayne Ringer   | City Manager/Director of Public Safety: | M. [Signature] |
| APPROVED BY THE AUTHORITY OF THE CHIEF OF POLICE:  |  | [Signature]                             |                |

Purpose:

This order establishes policy and procedures to be employed by the Norfolk Police Department for use as an Early Intervention System (EIS).

Policy:

It is the policy of the Norfolk Police Department to utilize an Early Intervention System to identify patterns of behaviors and/or allegations of misconduct that indicate that an officer may be in need of retraining or supervisory intervention. The Early Intervention System is not disciplinary in nature and does not take the place of the established internal investigation and disciplinary processes.

Supersedes:

1. Any previously-issued directive conflicting with this order

Order Contents:

- I. Early Intervention Concept
- II. Early Intervention Initiation
- III. Command Reviews and Recommendations
- IV. Early Intervention Action Plan
- V. Documentation and Dissemination

I. Early Intervention Concept

- A. Early Intervention Systems are data driven management tools designed to identify officers with patterns of behavior or alleged misconduct who may require intervention with options such as counseling, retraining, action plans, and/or monitoring and guidance from immediate supervisors in order to improve their performance.
- B. Officer misconduct often stems from underlying issues. Officers will often exhibit symptoms of those issues before misconduct occurs. An officer's command staff and first line supervisors are crucial in recognizing those symptoms and should intercede with corrective guidance and continued monitoring before misconduct occurs. **(CALEA 35.1.9.d)**
- C. Early intervention of potential problem officers and utilizing various remedial actions can increase agency accountability and offer officers a better opportunity to meet the agency's values and mission.
- D. Early Intervention is not discipline. One or more events that trigger an early intervention may also be or become the subject of an internal investigation, a criminal investigation or a disciplinary proceeding. Implementation of the early intervention procedures herein will not be delayed pending such investigations or proceedings unless the Chief of Police in his discretion determines that good cause exists for a delay in a given situation.

II. Early Intervention Initiation **(CALEA 35.1.9.a)**

A. Thresholds and Alerts

- 1. The Chief of Police shall establish thresholds, Attachment B, which will trigger an alert of the Early Intervention System.
- 2. A threshold will be based on a rolling window of the most recent six months, and the occurrence of either of the following within the six month window, as set out in Attachment B:
  - a. A frequency of a type of incident within the six month window, in absolute numbers.
  - b. Being in a predetermined top percentile of established thresholds for the occurrence of a type of incident among an officer's peer group.
- 3. Before notifying a commanding officer of an alert, the Office of Professional Standards (OPS) will review the alert to ensure that it meets the criteria set forth in the established thresholds.

- B. An Early Intervention for an officer can be initiated by one of four ways; refer to Attachment A:
1. The Office of Professional Standards (OPS) based on an alert received from the records management system in which an officer has met or exceeded the thresholds identified in Attachment B.
  2. A first and/or second line supervisor's articulable observations and/or factors identified in Section III.C. If initiated at this level, the commanding officer shall be notified by utilizing PD 343, Early Intervention System Action Plan. **(CALEA 35.1.9.d)**
  3. A commanding officer based on his/her specific and articulable observations, prior disciplinary history, and/or factors identified in Section III.C, including any input from first and second line supervisors.
  4. At a Bureau Chief and/or Chief of Police direction.

III. Command Reviews and Recommendations **(CALEA 35.1.9.b)**

- A. When an alert is initiated by the OPS due to the circumstances outlined in II.B.1, the commanding officer of the OPS shall:
1. Conduct a review of the alert to ensure that the alert notification meets the criteria set forth in the established thresholds prior to notifying the officer's commanding officer of the alert.
  2. Notify the officer's commanding officer of the alert and provide him/her with the nature of the threshold alert.
  3. Provide the officer's commanding officer with a concise summary of the officer's entries in the OPS's records management system, including citizen inquiries and supervisor referrals.
  4. Provide the officer's commanding officer access to the file folders and/or reports for the incidents that triggered the threshold alert.
- B. Upon receipt of the documents outlined above in III.A. the officer's commanding officer shall conduct a command review to determine whether an early intervention is warranted. An early intervention is warranted if the commanding officer identifies a concern with the officer's work performance. An officer shall cooperate fully with his/her commanding officer's command review.

- C. In the review, the commanding officer should consider such factors as:
1. Interviews with the officer, his/her supervisors, and his/her peers.
  2. Performance evaluations.
  3. Frequency of discretionary arrests and summonses.
  4. Leave use.
  5. Discipline history.
  6. Involvement in complaints, citizen inquiries, and supervisor referrals.
  7. Circumstances surrounding uses of force.
  8. Preventable police vehicle accidents.
  9. Extra duty employment.
  10. Comparable job description and duties.
- D. At the conclusion of the command review, the officer's commanding officer shall conduct an analysis of all available information and make a recommendation whether an early intervention is warranted or not warranted for the alerted officer.
1. If the commanding officer recommends that the officer's alerted intervention is not warranted, the commanding officer shall submit a detailed synopsis via interdepartmental memorandum to his/her Bureau Chief via the OPS within thirty (30) days of receiving the documents outlined in III.A. The Bureau Chief shall review the recommendation and either agree/disagree with the findings that an early intervention is or is not warranted.
  2. If the commanding officer and/or Bureau Chief recommends that the officer should participate in an early intervention, the commanding officer shall initiate and prepare the early intervention action plan by utilizing PD Form 343. The early intervention action plan will be conducted in accordance with procedures outlined in Section IV below.
- E. If early intervention on an officer is initiated at the command level, the commanding officer will request from OPS a concise summary of the officer's entries in the OPS records management system, to include citizen inquires, supervisor referrals, and access to any relevant file folders and/or reports to be utilized during the review. During the review and recommendations the commanding officer will follow the procedures as outlined in Section III.C-D above.

IV. Early Intervention Action Plan (CALEA 35.1.9.b/e/f)

- A. When an early intervention action plan is initiated, the commanding officer shall analyze the officer's behavior in order to establish:
  - 1. Specific performance issues to be corrected.
  - 2. Possible causes of the performance issues.
  - 3. An action plan to address the identified performance issues, and measurements of improved progress, to include a timeline for action plan completion.
- B. The commanding officer shall ensure the officer who is the subject of the Early Intervention Action Plan has the opportunity to assist in the development of the action plan recommendations. The action plan may consist of, but not limited to, options such as counseling, monitoring, training, progress reports and/or referral to the Employee Assistance Program.
- C. Within forty-five (45) days of receiving the documents outlined in Section III.A (OPS Alert) and/or Section III.E (Command Level), the commanding officer shall submit to his/her Bureau Chief via the OPS, the detailed Early Intervention Action Plan via PD Form 343.
- D. The Bureau Chief shall review the proposed action plan submitted by the commanding officer, and either approve or disapprove the action plan. The original action plan shall then be forwarded to the originating command via the OPS.

V. Documentation and Dissemination (CALEA 35.14.9.b)

- A. The commanding officer shall ensure the officer's progress is documented throughout the implementation of the action plan, at a minimum quarterly basis. Any updated action plan documentation/reporting shall be forwarded to the OPS for proper entry in the Records Management System.
- B. At the conclusion of the timeline set forth in the action plan, the commanding officer shall evaluate the effectiveness of the action plan by documenting the results on PD 344 Early Intervention System Assessment Report, and make a recommendation to the Bureau Chief to either:
  - 1. End the officer's participation in the Early Intervention System due to sustained and continued progress.
  - 2. Conduct another analysis and create a new or modified action plan due to the officer's lack of progress.

- C. When the Bureau Chief approves a commanding officer's recommendation to end an officer's participation in the Early Intervention System, the PD 344, Assessment Report shall then be forwarded to the originating command via the OPS.
- D. The commanding officer of the OPS will conduct a documented annual evaluation of the Early Intervention System and submit the evaluation to the Chief of Police no later than Jan 31<sup>st</sup> for the previous year. **(CALEA 35.1.9.c)**

Definitions:

- 1. Action Plan: A plan of action is a strategy using options such as counseling, monitoring, and training, timelines, progress reports and/or the Employee Assistance Program intended to reduce or eliminate identified behaviors and/or work performance issues.
- 2. Alert: An alert is a notice prompted by the records management system that indicates that an officer has exceeded an established threshold for the frequency of a type of incident.
- 3. Peer Group: A peer group is a group of officers with similar job descriptions who work in geographically similar areas.

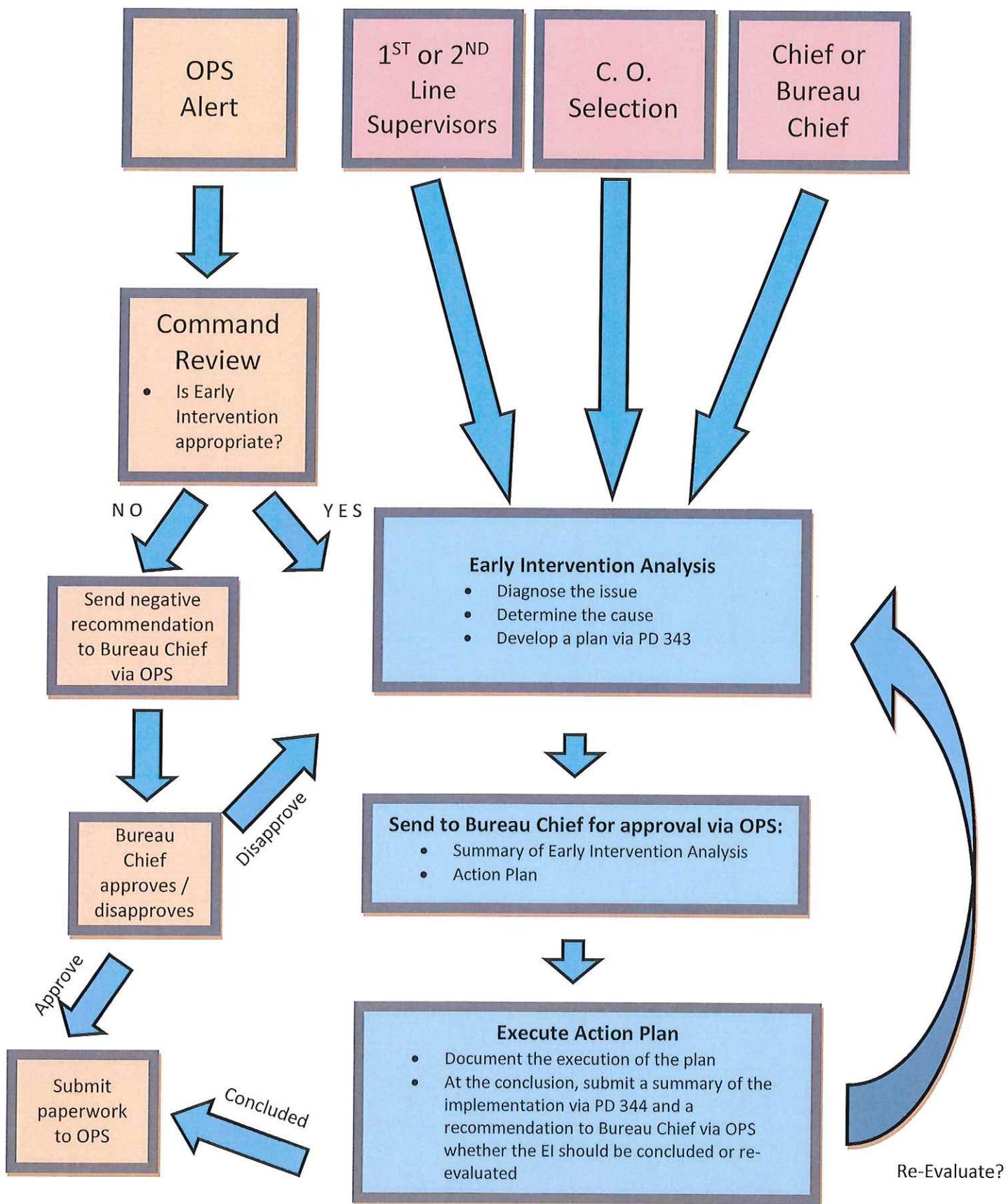
Related Documents:

- 1. G.O. ADM-210: Internal Complaints
- 2. G.O. ADM-220: Disciplinary Procedures
- 3. PD 343, Early Intervention System Action Plan
- 4. PD 344, Early Intervention System Assessment Report

Attachments:

- A. Early Intervention System Flow Chart
- B. Early Intervention System: Thresholds for Alerts
- C. Early Intervention System: Peer Groups

## Early Intervention System Flow Chart



## Early Intervention System

### Alert Thresholds

| <b>Incident</b>  | <b>Top Percent of Peer Group</b> | <b>Instances per 6 Months</b> |
|--|----------------------------------|-------------------------------|
| Substantiated Alcohol Violation involving an employee's consumption of alcohol |                                  | 1                             |
| Civil Rights Violation Complaint (other than use of force)*                    |                                  | 2                             |
| Criminal Conduct Complaints  |                                  | 2                             |
| Excessive Force Complaints   |                                  | 2                             |
| Hostile Work Environment Complaint   |                                  | 2                             |
| Missing Court Complaints   |                                  | 2                             |
| Preventable Police Car Accident  |                                  | 2                             |
| Sexual Harassment Complaint  |                                  | 2                             |
| Supervisory Referrals  |                                  | 2                             |
| Use of Force Special Incidents listed as Involved Officer                      | 10%                              |                               |
| Citizen Complaints   | 10%                              |                               |
| Administrative Investigations  | 10%                              |                               |
| Firearms Discharges (requiring a Special Incident Report)                      |                                  | 2                             |

**NOTE:** A single occurrence of an incident will not trigger a percentile-based alert. All thresholds are based on a rolling window of the most recent 6 months.

\* Includes all complaints alleging violation of any rights secured by the Federal or State constitutions of laws such as unlawful searches, unlawful arrests, and suppression of free speech.

## Early Intervention System: Peer Groups

| <b>Group</b>  |
|---|
| First Patrol Division   |
| Second Patrol Division  |
| Third Patrol Division   |
| Vice and Narcotics Division   |
| Detective Division  |
| Administrative Services Bureau, OPS, PIO,<br>EOD, CIU, Harbor Patrol & Crime Prevention |
| Traffic Unit  |
| Special Operations Team   |
| K9  |

## NORFOLK POLICE DEPARTMENT EARLY INTERVENTION SYSTEM ACTION PLAN

|  |                      |                      |
|--|----------------------|----------------------|
| Employee: (Rank, Name, EMPL ID)  | Division/Unit:       | EIS File Number:     |
| Supervisor: (Rank, Name, EMPL ID)  | Division/Unit:       | Report Date:         |
| <p>This Action Plan is designed to assist the employee, determine the root cause of the concern, and to assist in the development of a non-punitive, proactive, and collaborative plan to improve their performance.</p> <p>Proposed Action Plan:</p> <ul style="list-style-type: none"> <li>a) Coaching and/or mentoring <span style="float: right;"><input type="checkbox"/></span></li> <li>b) Referral to Employee Assistance Program <span style="float: right;"><input type="checkbox"/></span></li> <li>c) Supplemental Training <span style="float: right;"><input type="checkbox"/></span></li> <li>d) Recommend Reassignment <span style="float: right;"><input type="checkbox"/></span></li> <li>e) Other: <span style="float: right;"><input type="checkbox"/></span></li> </ul> |                      |                      |
| <p>Action Plan Details: Summary of the goals of the Action Plan, anticipated completion dates (if applicable), and method of measuring results.</p><br><br><br>  |                      |                      |
| Supervisor Developing Action Plan:   | Division/Unit:       | Date:                |
| <i>Signature</i> _____   | <i>EMPL ID</i> _____ |                      |
| <p>I acknowledge that I have had the opportunity to assist in the development of this Action Plan, and I further agree to undertake the steps agreed to in this Plan:</p>  |                      |                      |
| Employee:  | Division/Unit:       | Date:                |
| <i>Signature</i> _____   | <i>EMPL ID</i> _____ |                      |
| <p>I have reviewed this Action Plan and agree <input type="checkbox"/> / disagree <input type="checkbox"/> with the recommendations. An assessment report shall be provided to me at the conclusion of the timeline.</p> <p>Comments:</p><br><br>  |                      |                      |
| Commanding Officer:  | Division:            | Date:                |
| <i>Signature</i> _____   | <i>EMPL ID</i> _____ |                      |
| <p>I have reviewed this Action Plan and agree <input type="checkbox"/> / disagree <input type="checkbox"/> with the recommendations. An assessment report shall be provided to me at the conclusion of the timeline.</p> <p>Comments:</p><br><br>  |                      |                      |
| Bureau Chief:  |                      | Date:                |
| <i>Signature</i> _____   |                      | <i>EMPL ID</i> _____ |

# NORFOLK POLICE DEPARTMENT EARLY INTERVENTION SYSTEM ASSESSMENT REPORT

|   |                |   |
|---|----------------|---|
| Employee: (Rank, Name, EMPL ID)   | Division/Unit: | EIS File Number:                                  |
| Supervisor: (Rank, Name, EMPL ID)   | Division/Unit: | Report Date:                                      |
| <p>This Assessment Report is a review of the result of the Early Intervention System Action Plan. Please provide a synopsis of the steps taken by the employee and the result of those steps. If further action is required, please provide the plan of action in the space provided.</p> |                |   |
| Results Summary:  |                |   |
| Successfully Concluded: <input type="checkbox"/>  |                | Further Action Required: <input type="checkbox"/> |
| Additional Recommended Action: Summary, anticipated completion dates (if applicable), and method of measuring results.  |                |   |
| Supervisor Conducting Review:   | Division/Unit: | Date:   |
| <i>Signature</i>  | <i>EMPL ID</i> |   |
| Employee Acknowledgement (Comments):  |                |   |
| Employee:   | Division/Unit: | Date:   |
| <i>Signature</i>  | <i>EMPL ID</i> |   |
| I have reviewed the recommendations in this Assessment Report and agree <input type="checkbox"/> / disagree <input type="checkbox"/> with the determination.  |                |   |
| Comments:   |                |   |
| Commanding Officer:   | Division:      | Date:   |
| <i>Signature</i>  | <i>EMPL ID</i> |   |
| I have reviewed the recommendations in this Assessment Report and agree <input type="checkbox"/> / disagree <input type="checkbox"/> with the determination.  |                |   |
| Comments:   |                |   |
| Bureau Chief:   |                | Date:   |
| <i>Signature</i>  | <i>EMPL ID</i> |   |