



OFFICE OF THE COUNTY SHERIFF  
Montgomery County, Maryland  
Darren M. Popkin, Sheriff



GENERAL ORDERS/PERSONNEL PROCEDURES

<u>Subject:</u>	<u>Number:</u>	<u>Effective Date:</u>
Personnel Early Warning System	2.17.A	07/16/12

Policy: It is the policy of the Sheriff's Office to maintain a Personnel Early Warning System which identifies, at the earliest stage, any employee who may require some type of corrective action in order to prevent an escalating pattern of misconduct.

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**I. System Description**

A. The Personnel Early Warning System is initiated when certain types of incidents occur and involves an evaluation of collected materials and interviews to determine if an escalating pattern of misconduct is occurring. If it is determined that an escalating pattern of misconduct is occurring, a plan is developed to correct such behavior. Collected materials include, but are not limited to:

- (1) Performance Evaluations
- (2) Supervisory Files
- (3) Use of Force Reports
- (4) Internal Affairs Records
- (5) Incident Reports

**II. Requests to Initiate Personnel Early Warning System (35.1.15.a)**

A. Supervisors are accountable for the performance of employees under their direct control and must take immediate and appropriate corrective action when necessary. This action must be consistent with Sheriff's Office policies and procedures, state and local laws, and any collective bargaining agreements. **(35.1.15.d)**

B. Section Lieutenants, Sergeants and Civilian Employees with Supervisory Responsibilities

Section Lieutenants, Sergeants and civilian employees with supervisory responsibilities must make a written request to the Chief Deputy, via the chain of command, that the Personnel Early Warning System be initiated in any of the following circumstances: **(35.1.15.b, 35.1.15.d)**

- (1) An employee has received more than one (1) Supervisor's Documentation Form (MCSO #90), involving non-disciplinary corrective counseling or training for the same or similar occurrences within the past six (6) months.
- (2) The supervisor has observed a significant reduction in an employee's work performance.
- (3) Based on an employee's conduct or performance, it is the opinion of the supervisor that the employee is unable to adequately or safely perform all the essential job functions required by the employee's position.

C. Division Captains

Division Captains must make a written request to the Chief Deputy that the Personnel Early Warning System be initiated in any of the following circumstances: **(35.1.15, b, 35.1.15.d)**

- (1) In any of the circumstances enumerated for a Section Lieutenant, Sergeant or civilian employees with supervisory responsibility for an employee directly supervised by the Captain.
- (2) It is the opinion of the Section Lieutenant or Division Captain that a deputy's use of force, as documented on the Use of Force Report (MCSO #2) was inappropriate or was contrary to Sheriff's Office policy.

D. If the Chief Deputy grants the request, the Chief Deputy must assign a Division Captain to initiate a Personnel Early Warning System inquiry.

III. Division Captain's Responsibilities

A. The Division Captain must conduct interviews of the employee's current and past supervisors and review collected materials and records to determine if an escalating pattern of misconduct is occurring. During this inquiry Division Captains must refrain from interviewing the subject employee until the Sheriff and Chief Deputy determine a course of action.

- B. The Division Captain must document their findings and recommendations for corrective action, if appropriate, in memorandum form to the Chief Deputy within two (2) weeks of the assignment. Recommendations may include the following:
- (1) A recommendation for remedial action - For the purpose of this directive remedial action includes: **(35.1.15.e)**
    - (a) Additional supervisory counseling. **(35.1.15.f)**
    - (b) Requiring the employee to attend a training class, seminar, workshop or course.
    - (c) Voluntary participation in counseling conducted by the Employee Assistance Program or Sheriff's Office Chaplain. **(35.1.15.f)**
  - (2) A recommendation that a disciplinary investigation be initiated.
  - (3) A recommendation that no action be taken.
- C. If it is determined by the Sheriff and Chief Deputy that any course of action, other than a disciplinary investigation, will be utilized the Division Captain must meet with and discuss the course of action with the subject employee. This discussion must be documented on Supervisor's Documentation Form (MCSO #90) in accordance with General Orders/Personnel Procedures 2.05, Supervisor's Documentation Form. Any disciplinary investigations must be in accordance with General Orders/Personnel Procedures 2.03, Disciplinary Action or General Orders/Personnel Procedures 2.04, Disciplinary Action for Civilian Employees.
- D. The Division Captain has follow-up responsibility as outlined in section V. of this directive.

#### **IV. Review by Sheriff and Chief Deputy**

The Chief Deputy in consultation with the Sheriff must review the Division Captain's findings and recommendations. The Sheriff may implement the recommendations or elect another course of action. The Chief Deputy must notify the Division Captain of the decision.

#### **V. Follow-up Inquiry**

- A. Within sixty (60) days of implementation of the corrective action the Division Captain must re-interview the employee's supervisor and re-examine collected materials and records to determine if there has been improvement in the employee's conduct.
- B. The Division Captain must document their findings and any additional recommendations in memorandum form to the Chief Deputy.

**VI. Annual Evaluation (35.1.15.c)**

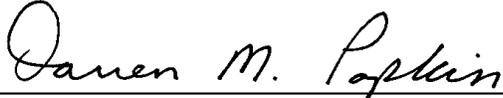
Annually, the Chief Deputy must conduct an evaluation of the Personnel Early Warning System and must submit a written report to the Sheriff. The purpose of this evaluation is to:

- A. Determine the effectiveness of the system.
- B. Determine the need for modifications or enhancements to the system.
- C. Ensure the system meets the needs of the office.
- D. Identify any additional resources or programs that may be beneficial to employees.

**VII. CALEA Standards**

35.1.15.a, 35.1.15.b, 35.1.15.c, 35.1.15.d, 35.1.15.e, 35.1.15.f

AUTHORITY:

  
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Darren M. Popkin, Sheriff  
07/16/2012