Purpose: 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.

Contents:

I. System Description

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:

A. Performance Evaluations;
B. Supervisory files;
C. Use of Force Reports;
D. Office of Professional Responsibility records;
E. Incident Reports (MCSO9).

II. Requests to Initiate Personnel Early Warning System

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.
B. Section supervisors, sergeants and non-sworn employees with supervisory responsibilities must make a written request to the Chief Deputy, via the chain of command, requesting that the Personnel Early Warning System be initiated. These requests are appropriate in any of the following circumstances:

1. An employee has received more than one (1) Supervisor's Documentation Form (MCSO90), 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 commanders must make a written request to the Chief Deputy that the Personnel Early Warning System be initiated in any of the following circumstances:

1. In any of the circumstances enumerated for a section supervisor, sergeant, or non-sworn employee with supervisory responsibility. These requests would be appropriate for an employee that is directly supervised by a captain.

2. When it is the opinion of the section supervisor or division commander that a deputy's use of force, as documented on the Use of Force Report (MCSO2) 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 commander to initiate a Personnel Early Warning System inquiry.

III. Division Commander's Responsibilities

A. The division commander 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 commanders must refrain from interviewing the subject employee until the Sheriff and Chief Deputy determine a course of action.

B. The division commander must document their findings and recommendations for corrective action, if appropriate, in a memorandum to the Chief Deputy. This memorandum must be completed 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:

   a. Additional supervisory counseling.
   b. Requiring the employee to attend a training class, seminar, or course.
   c. Voluntary participation in counseling conducted by the Employee Assistance Program or private practitioner.
(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 or their designee that remedial action is necessary, the division commander must meet with the employee and discuss the course of action. This discussion must be documented on Supervisor's Documentation Form (MCSO90)

IV. Review by Sheriff and Chief Deputy

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

B. If it is determined by the Sheriff or their designee that an internal investigation is necessary, the division commander will submit a copy of their completed memorandum to the Office of Professional Responsibility.

V. Follow-up Inquiry

A. Within sixty (60) days of implementation of the corrective action the division commander 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 commander must document their findings and any additional recommendations in a memorandum to the Chief Deputy.

VI. Annual Evaluation

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. Cancellation

This directive cancels and replaces General Orders Personnel Procedures 2.17.A, Personnel Early Warning System, Effective Date: 07/17/95.

AUTHORITY:

Darren M. Popkin, Sheriff

11/12/2020