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POLICY

It is the policy of the Douglas County Sheriff's Office (DCSO) to utilize an Early Intervention System (EIS) as a means to recognize and assess employee performance in potential risk incidents as well as positive incidents and intervene where appropriate. The EIS will be used to track and review incidents including sick leave usage (excluding FMLA leave), complaint incidents, use of force incidents, and performance-based incidents. The EIS will also be used to track positive alerts such as positive Personnel Advisories and awards.

DEFINITIONS

Early Intervention System (EIS): System utilized for tracking and reviewing both incidents of risk to the Agency and involved employees as well as positive incidents. Such incidents include sick leave usage, complaint incidents, use of force incidents, and performance based incidents.

PROCEDURE

I. EIS Criteria Reporting Requirements of Conduct and Behavior

- A. Selected criteria for the EIS include those events that have the potential to produce negative results, arouse community attention, result in injury or death, or generate potential liability. (35.1.9a)
- B. EIS criteria includes internal and external complaints, use of force incidents, performance based incidents, and potential sick leave abuse. (35.1.9a)
 - 1. Complaint Incidents (35.1.9a)
 - a. An Alert will be generated anytime an employee is found to have three complaint incidents within a 180-day period. Complaints lodged against employees may include: (35.1.9b)
 - (1) Complaints lodged by one employee against another.
 - (2) Complaints lodged by citizens against Agency employees.
 - (3) Disciplinary actions taken against an employee by his/her Supervisor with or without a formal complaint.
 - (4) Agency disciplinary actions taken against employees.
 - (5) Internal investigations regarding improper actions and/or improper conduct.
 - 2. Use of Force Incidents (35.1.9a)

- a. An Alert will be generated anytime an employee is found to have three use-of-force incidents within a 180-day period. Use of Force incidents include: (35.1.9b)
 - (1) Weaponless control, excluding handcuffing.
 - (2) Intermediate weapons.
 - (3) Less than lethal force weapons.
 - (4) Lethal force.
- 3. Performance Based or Incidents Related to One Another (35.1.9a)
 - a. An Alert will be generated anytime an employee is found to have three performance-based incidents or related incidents within a 180-day period. Performance based incidents and related incidents include, but are not limited to the following: (35.1.9b)
 - (1) Negligent firearm discharges.
 - (2) At fault traffic accidents.
 - (3) Lost or damaged DCSO issued property.
 - (4) Vehicle pursuits, both within and out of policy.
 - (5) Administrative (e.g., Lawsuits and tort claims related to the deputy's employment as a law enforcement officer and which result in a court judgment or settlement).
 - (6) Injured on duty reports.
 - (7) Attendance (e.g., tardiness and unauthorized absence).
- 4. Sick Leave Usage (35.1.9a)
 - a. Sick Leave Per Year
 - (1) An Alert will be generated when an employee has six sick leave incidents in a 365-day period. (35.1.9b)
 - b. Incidents of sick leave flagged by the EIS will include sick leave taken due to illness or non-work related injury excluding FMLA leave and Family Sick Leave.
 - (1) The EIS will NOT be used to track employee's use of FMLA leave or Family Sick Leave usage. Employees' uses of FMLA leave or Family Sick Leave Usage will not be included in the total number of sick leave incidents and will not be factored into the alert system. Employees will not be disciplined for use of FMLA or Family Sick leave.
- 5. Awards/Commendations (35.1.9a)

- a. An Awards/Commendations Alert will be generated when an employee receives any combination of three positive Personnel Advisories by a Supervisor or awards by the Sheriff or Awards Committee in a 180-day period. (35.1.9b)
- 6. Monitored Employee (35.1.9a)
 - a. An Alert will be generated any time a Blue Team Entry is created by or for an employee who has been placed on a monitoring plan as the result of a counseling or disciplinary action. (35.1.9b)
- 7. Provision to Initiate a Review Based on Current Patterns of Collected Material/Combination of Incidents (35.1.9a)
 - a. An Alert will be generated anytime an employee is found to have a total combination of five complaints, use of force and/or performance-based or related incidents within a 180-day period. (35.1.9b)

II. System Access

- A. EIS files/entries are considered confidential. Access to an EIS file/entry is on a need-to-know basis and granted only upon approval by the Sheriff or designee.
 - 1. The Internal Affairs Division serves as the system administrator of the Early Intervention System and will provide reports to Supervisors as requested.
 - 2. The Internal Affairs Division, Administrative Coordinator, Chief Deputies, and Sheriff have access to both Blue Team and IA Pro.
 - 3. The Policy Coordinator will have access to Blue Team/IA Pro for accreditation reporting purposes.
 - 4. Command and Supervisors/Managers may create entries for any employee (e.g., a commendation/award for an employee outside of their chain of command). However, Command and Supervisors/Managers will be limited strictly to viewing incidents of employees assigned to them.
 - 5. Employees are only able to view entries they have created in Blue Team until the entry is transferred to IA Pro as well as entries created about them (the creator of the entry will copy the employee on the entry).
- B. EIS files stored outside of IA Pro for any reason and in any manner to include paper or electronic files that require no intervention plan will be purged two years after the employee's separation of service.

III. Responsibility for Entries (35.1.9d)

- A. Employees are responsible for submitting the entries listed below in Blue Team unless they are incapacitated. If the employee is incapacitated the employee's Supervisor or designee will make the entry into Blue Team.
 - 1. Sick leave incidents (see the DCSO "Sick Leave/FMLA" policy).
 - 2. Use of force incidents.

3. Negligent firearm discharges.
 4. At fault traffic accidents.
 5. Lost or damaged DCSO issued property.
 6. Vehicle pursuits, both within and out of policy.
 7. Administrative entries (e.g., Lawsuits and tort claims related to the deputy's employment as a law enforcement officer and which result in a court judgment or settlement).
 8. Injured on duty reports.
- B. Supervisors are responsible for entering: (35.1.9f)
1. Attendance related entries other than Sick Leave (e.g., tardiness, unauthorized absences, etc.).
 2. Counseling/Training as coaching (see the DCSO "Disciplinary System" policy).
 3. Punitive discipline (see the DCSO "Disciplinary System" policy).
 4. Positive performance events.
 5. Any entries that an employee is unable to enter due to being incapacitated.
- C. The Internal Affairs Division, Administrative Coordinator, and Line Supervisors are responsible for entering law suits, tort claims, Citizen and Internal Complaints into the EIS system that have not yet been entered for any reason.
- D. All members may enter awards/commendation recommendations in Blue Team. Awards/commendation recommendations will be routed through the recognized employee's chain of command. (35.1.9f)
1. The author can send their recommendation for an award/commendation to the employee recommended for commendation to provide additional information. The employee will send the information to the original author who will forward it on as applicable.
 2. If the employee's Supervisor determines that the identified employee has performed in an exemplary manner and that the employee's performance merits commendation, the Supervisor and/or Command Officer will forward the appropriate documentation to the Awards Committee via their chain of command within Blue Team.
- E. Supervisors will provide instruction on how to make entries into the Blue Team system to their direct subordinates. (35.1.9f)
- F. Employees will be copied on all entries made regarding them in Blue Team to ensure that the employee is properly notified.
- G. If an entry error occurs, employees will contact Internal Affairs Division to have the entry deleted so they may re-enter it correctly.

IV. Command/Supervisor Responsibilities (35.1.9f)

- A. It is the duty of line supervisors to directly monitor, on a daily basis, the performance and behavior of employees under their direction and make entries to the EIS system as noted in Section III above.
- B. Supervisory employees will be familiar with authorized actions and alternatives they may take in response to employees exhibiting behavioral problems, with or without information provided through the EIS.
- C. Supervisors are responsible for ensuring that employees are making entries into Blue Team as required in Section III above.

V. EIS Phase One: Identification

- A. The first phase of the EIS is the identification of a potential problem.
- B. The EIS will generate an Alert that identifies employees who have met the criteria listed in Section I of this policy.
- C. The employee's Supervisor will be notified that an Alert was generated for the employee. The review of identified employees will be based on current patterns of collected materials.
- D. This identification of an employee requires the Supervisor to review the Alert to determine and recommend whether intervention is appropriate.

NOTE: Identification by the EIS criteria does not necessarily require mandatory supervisory intervention.

- 1. If needed, the Supervisor may discuss the EIS Alert with Command and review the employee's most recent personnel evaluation to determine if any significant deviations exist from the employee's prior performance behaviors.
- 2. Based on the available information, the Supervisor and any other Command members participating in the evaluation will determine whether any mitigating or aggravating circumstances exist regarding the EIS identification.
 - a. For example, a Deputy's use of force incidents may be compared to the number of the Deputy's arrests during the same time period. A high ratio of use of force incidents to arrests could indicate a problem while a low ratio may show otherwise.
- C. If it is determined that an intervention with the identified employee is not necessary, the Supervisor will outline the specific reason(s) for the findings and enter it into the Alert in the EIS system.
 - 1. The entry will be forwarded directly by the Supervisor to the Internal Affairs division to be maintained in IA Pro.

NOTE: When no intervention is required, the Alert does not need to be forwarded beyond the employee's immediate Supervisor within the employee's chain of command for review. (35.1.9c)

VI. EIS Phase Two: Intervention

- A. If it is determined that an intervention may be necessary, the following procedures will be followed and completed within ten working days of the initial notification by the EIS system:
1. The identified employee's Supervisor and Manager will meet with the employee.
 - a. The meeting will be in accordance with the DCSO "Disciplinary System" policy.
 - b. The meeting will be conducted in private and in a non-threatening manner.
 2. The DCSO has an obligation to provide the appropriate assistance to employees who may be experiencing adverse job related performance problems. If it is determined that an intervention is necessary after meeting with the employee, the Supervisor will adhere to the following procedures:
 - a. The Supervisor will obtain input from the Supervisor's Command Officers/Manager for the specifics of the proposed plan. The Supervisor may conclude or recommend any of the following intervention plans:
 - (1) Field monitoring and training by the Supervisor or other designee within the division. (35.1.9g)
 - (2) Remedial training through the Training Unit. (35.1.9g)
 - (3) Remedial training through outside agencies. (35.1.9g)
 - (4) Refer the employee to the Employee Assistance Program. (35.1.9h)
 - (5) Refer the employee to an agency-authorized mental-health professional. (35.1.9h)
 - (6) Reassignment or transfer.
 - b. The Supervisor will record the plan in the Summary section of the Blue Team entry including the meeting with the employee, the recommended plan of intervention, and justification for the recommendation, if necessary.
 - c. The entry will be forwarded through the chain of command to the Sheriff or designee. (35.1.9c)
 - (1) Each level within the chain of command will indicate whether they approve with the recommended intervention plan as it is forwarded through Blue Team.
 - (2) If the respective Chief and Sheriff or Chief/Sheriff's designee approve of the plan, the Supervisor will implement the plan.
 - (3) The identified employee will be copied on the Blue Team entry to ensure that they have an opportunity to review the plan.
 - (4) The employee may enter a comment in the Blue Team entry noting the employee's disagreement and the employee's personal comments.

- d. Upon final approval of the intervention plan, the employee will follow the intervention plan to completion and the Blue Team entry will be forwarded to the Internal Affairs Division for entry into IA Pro.
- E. In the event that a Supervisor, Lieutenant/Manager or Bureau Captain is identified by the EIS, and the Sheriff or designee deems that review and possible intervention is necessary, the next higher person in the chain of command will determine what action is necessary.

VII. EIS Phase Three: Post-Intervention Monitoring

- A. The employee's progress will be monitored by the employee's immediate and second level of supervision and reported via Blue Team as a General IA Entry to the Internal Affairs Division, through the chain of command, at intervals prescribed at the onset of the intervention plan (i.e. every 15 or 30 days).
 - 1. The entry will include information on the employee's compliance or non-compliance, to include evidence of completion.
 - 2. The Internal Affairs Division will ensure that the report is assigned to the correct IA number in IA Pro.
- B. If the employee is transferred or bids out of the division/bureau during the period when the intervention plan is being conducted, the employee's new Supervisor of that division/ bureau will assume responsibility of the intervention plan until it is completed.
 - 1. The previous Supervisor will inform the employee's new Supervisor on the specifics of the intervention plan and assist with the transition.
- C. If an employee is transferred or bids out of the division/bureau within 365 days after the completion of an intervention plan, the previous Supervisor will inform the new Supervisor of the circumstances for and results of the intervention plan.

VIII. EIS Review Committee

- A. A committee appointed by the Sheriff and comprised of a variety of DCSO employees, will conduct a documented annual review of the EIS. The committee will evaluate policy and procedure and will attempt to identify improvements including alternative remedial actions.
- B. Committee Configuration
 - 1. The committee will consist of employees selected every two years in January as follows:
 - a. The Lieutenant assigned to the Internal Affairs Division will chair the committee.
 - b. The Policy Coordinator will be a standing member of the committee.
 - c. Each Bureau Captain will appoint one employee from the respective Bureau and the Administrative Chief Deputy will appoint one employee from the Administration Corps.
 - (1) Employees transferred to another bureau/section during the two-year period will remain on the committee until a new committee is selected.
 - d. The FOP Executive Board will appoint one employee from the FOP.

- e. Volunteers are encouraged to notify the Internal Affairs Division Lieutenant of their interest in participating on the committee by submitting an inter-bureau. The Internal Affairs Division will forward the list of volunteers to the Sheriff or Sheriff's designee.
- C. The EIS Committee will meet at least annually. The Chairperson may authorize additional meetings at the Chairperson's discretion. The Chairperson will notify committee employees of the date, time, and location of the meeting.
- D. The Internal Affairs Division will prepare and provide the Committee with an EIS statistical report that details the number of employee identifications, the specific identification criteria in descending order (most to least), and any other information deemed necessary by the Chair to conduct the annual review.
 - 1. Individual names of identified employees will not be included in the report.
 - 2. The report will include the identifications from the previous calendar year.
- E. Employees who have been identified by the EIS and completed an approved intervention plan are encouraged to forward a report to the committee outlining any suggestions, and their justification, for changes to the EIS.
- F. The Committee Chair will complete an annual evaluation of the system based on the Committee's findings and recommendations, if any (see section IX below).

IX. Annual Evaluation (35.1.9e)

- A. The Internal Affairs Division will complete an annual evaluation of the EIS System.
- B. This evaluation will be based on the EIS Review Committee's findings and recommendations, if any.
- C. The report will be forwarded to the Administration Chief Deputy and Sheriff for review, and to the CALEA Coordinator for proof of compliance.

X. Training

- A. All new employees will receive training on the EIS System as part of new hire training.
- B. All newly promoted Supervisors will receive training on EIS System supervisory responsibilities.

REFERENCES

I. Previous DCSO Orders

- A. Previous DCSO General Orders include: #19-2023, #17-2021, #66-2020, #10-2019, #16-2018, #7-2016 and #18-2009.

II. Accreditation Standards

- A. Applicable CALEA Accreditation Standards include: 35.1.9

III. Review Schedule

A. Annual.