



GENERAL ORDER

**DURHAM POLICE DEPARTMENT
DURHAM, NC**

NUMBER:

1050 R-1

PROFESSIONAL EXCELLENCE PROGRAM

Effective Date: 04/28/2004

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POLICY STATEMENT

The law enforcement profession and the community demand that members maintain the highest ethical standards and integrity possible. The responsibility for maintaining the integrity and professional standards of the Durham Police Department is vested in all members of the Department. An integral strategy in achieving and maintaining these standards will be the continuous development of personal and organizational integrity through the Professional Excellence Program.

Many actions taken by members of the Department require that an administrative review be conducted to ensure compliance with organizational standards. An essential element of an effective integrity management system is the early identification of conduct that does not meet these standards.

PURPOSE OF THE PROGRAM

The purpose of the Professional Excellence Program is to provide the Department with a procedure to identify and monitor patterns of certain actions taken by Department members. These actions are those that require administrative reports and investigations, which are reviewed to ensure compliance by members with Departmental policy. In addition to these reports and investigations, observations of member behavior, which are made by supervisors, may also be used to invoke actions by the Professional Excellence Program.

It is recognized that no program or system can guarantee identification of every employee who needs special assistance. The Professional Excellence Program offers a non-disciplinary avenue to address any problems or deficiencies that may be found as early as possible, realizing that the affected member may not be aware of the problem or deficiency.

A comprehensive review of members' actions, as required through this program, will ensure that members maintain the highest professional and ethical standards essential to the functioning of the Department. The Professional Excellence Program is a method to serve the members of the Department in a proactive manner, assisting them in the maintenance of the high level of appropriate conduct and performance that both each member and the Department expects. Actions described herein that may be taken by the Department are intended to be positive measures to achieve this goal.

The Professional Excellence Program is divided into three (3) distinct areas:

- Employee Identification
- Employee Analysis and Review

- Participation and Plan of Action

EMPLOYEE IDENTIFICATION PROCESS

The Professional Excellence Program employee identification process is dependent upon recognition of program candidates through the following three (3) methods:

- **Data Scanning by the Professional Standards Internal Affairs Section:** Under this process, employee statistical activity data is reviewed each month for mandatory program analysis referral indicators. Division or District Commanding Officers will be notified if an employee under their command has been identified.
- **Supervisory Assessment:** Any supervisor who identifies negative behavior patterns in an employee should request a Professional Excellence Program analysis through the chain of command.
- **Chief of Police:** At the direction of the Chief of Police, or his designee, an employee can be included in the Professional Excellence Program.

BEHAVIORAL ALERT INDICATORS

The following performance data, although not all-inclusive, may indicate a candidate employee for the Professional Excellence Program.

- Excessive absenteeism
- A significant reduction in work performance
- Sudden unusual behavior
- Indications of substance abuse
- Supervisory problems (i.e. previous attempts through performance review and discipline have had little, if any, effect on resolving the undesired behavior.)
- Unexplained racial disparity in an officer's traffic stop data

MANDATORY PROGRAM REFERRAL

The following are examples, although not all inclusive, which require mandatory referral to the Professional Excellence Program for the completion of an Employee Analysis Report:

- Four (4) or more Use of Force Reports within a three (3) month period.
- Six (6) or more Use of Force Reports within a twelve (12) month period.
- Three (3) or more Vehicle Pursuit Reports within a three (3) month period.
- Six (6) or more Vehicle Pursuit Reports within a twelve (12) month period.
- Two (2) or more complaints of misconduct within a three (3) month period.
- Four (4) or more complaints of misconduct within a twelve (12) month period.
- Five (5) or more of any combination of the selected Professional Excellence Program criteria within a three (3) month period.

- Ten (10) or more of any combination of the selected Professional Excellence Program criteria within a twelve (12) month period.
- Any discernible pattern of repeated similar complaints, regardless of finding, against an employee.
- Sustained complaint of excessive Use of Force.
- Evidence of substance abuse (i.e. odor of alcohol, sudden change in behavior, etc.).

EMPLOYEE ANALYSIS AND REVIEW

When an employee has been identified through the Employee Identification Process, an Employee Analysis Report will be completed. An Internal Affairs Investigator will be assigned to prepare an Employee Analysis Report of the employee's career history with the Department. Once completed, copies of the report will be forwarded to the affected employee's chain of command. If the identification is determined by supervisory review rather than data analysis, the appropriate supervisor should forward a memorandum to the Professional Standards Commander through the affected employee's chain of command that the employee has been identified for review.

The Employee Analysis Report will include a review of numerous factors involved in the employee's total history with the Department. This analysis will include, but will not be limited to:

- Assignments (ascertain if unusual movement has occurred)
- All complaints
- All disciplinary actions
- Motor vehicle accidents
- On-duty injuries
- Commendations
- Supervisor interviews (within the past five (5) years)
- Productivity levels prior to and during the identified problem period
- Performance appraisals
- Use of force synopsis
- Vehicle pursuits
- Absentee history
- Reported financial hardship

Upon completion of the analysis report, the Internal Affairs Investigator will forward the report to the Commander of the Professional Standards Division, who upon receipt, will review the report and within ten (10) business days, will convene a meeting of the following personnel to establish a Professional Excellence Program Review Group.

- Bureau Commander of the affected member
- Division or District Commander of the affected member
- Division or District Executive Officer (Lt.) of the affected member
- Commanding Officer, Professional Standards Division

- The affected member's current supervisor
- Internal Affairs Investigator

At least three (3) of the five (5) group members must be present for a quorum.

If the employee's chain of command determines that there is insufficient need to convene a Professional Excellence Program Review Group, the employee's Bureau Commanding Officer will be responsible for ensuring a memorandum is prepared and forwarded to the Commander of the Professional Standards Division documenting this decision. If the Commander of the Professional Standards Division concurs with this request, the Professional Excellence Program Review Group meeting will be cancelled and the memorandum will serve as closure for that review. If the Commander of the Professional Standards Division and the affected Bureau Commander disagree as to the need of meeting, the Chief of Police will make the decision.

In situations in which Professional Excellence Program Review Group is convened, it shall provide input into a Plan of Action to be developed by the affected member's chain of command. The Internal Affairs Section will document the names of the members of the Review Group present for the meeting and their decision.

PARTICIPATION AND PLAN OF ACTION

The plan should be flexible to permit modification if necessary. Significant progress may dictate a relaxation of the plan while continued problems may require implementation of additional measures. The Plan of Action, when determined, will be forwarded in writing to the Chief of Police for approval. Upon approval, the plan becomes a direct order from the Chief of Police to the affected member and to all supervisors in the member's chain of command. The original Plan of Action will then be forwarded to the Internal Affairs Section to be filed.

The Plan of Action will include, but not be limited to:

- A statement advising the member that he or she is assigned to the Professional Excellence Program, and that participation in this program is mandatory for a minimum period of six (6) months.
- A synopsis of the behaviors identified that are affecting the performance of the required duties as a member.
- Notice that participation in this program will not mitigate any other disciplinary action resulting from his or her employment (future complaints will be processed as normal). Should further negative action occur during the program, necessary disciplinary action will be taken.
- Specific actions required of the employee, the employee's immediate supervisor, and Division Commanding Officer during the program.

Recommendations stemming from the Plan of Action may include but are not limited to the following:

- Retraining of the member in the affected area of concern or unacceptable behavior.
- Referral to the Department's Psychological Assessment Program.
- Referral to a Peer Support Team.
- Suspension of Secondary Police Employment privileges.
- Transfer from their present assignment to another position.
- Assignment of a mentor.

All Plans of Action are in effect for a period of six (6) months from the date of approval by the Chief of Police. The affected employee's immediate supervisor will closely monitor the employee's progress and on at least a monthly basis, the employee and the employee's immediate supervisor will meet to discuss the employee's progress. Following this meeting, the supervisor will prepare a monthly status report regarding the employee's progress, in memorandum format, directed to the Division Commanding Officer. The employee will sign and date the original report to indicate that the information contained in the status report was discussed with him. The employee's signature, however, does not indicate that the employee necessarily agrees with the information contained in the report. A copy of the report will be given to the employee and the original report will be submitted to the Division Commander, who in turn, will forward the report through the chain of command to be filed in the Internal Affairs Section.

At the end of the six (6) month period, the immediate supervisor of the member will complete a final progress report with a final recommendation and forward it through the chain of command to be filed in the Internal Affairs Section. The recommendation may be a declaration of successful completion, extension of the program, referral for additional assistance or any other action deemed necessary by the Review Group.

If the recommendation is a declaration of successful completion of the program and concurred with by the chain of command, no further action is necessary. If the recommendation is not a declaration of successful completion of the program, an assessment meeting will be held with the member, his chain of command, and remaining members of the Professional Excellence Program Review Group. The Chief of Police will have the responsibility of reviewing the final progress report and recommendation prepared by the member's immediate supervisor and will make all final decisions.

ANNUAL EVALUATION

The professional Standards Division Commander shall conduct an annual evaluation of the Professional Excellence Program. This report shall be submitted to the Chief of Police. The evaluation will include, at a minimum:

- Statistical data about Professional Excellence Program activity during the past year;
- An assessment of the overall effectiveness of the Professional Excellence Program;
- Any recommendations for additions, subtractions, or changes in program reporting criteria;
- Any recommendations for changes to program policies; and
- A recommendation for or against the continuation of the program.



Jose L. Lopez, Sr.
Chief of Police