



Michelle LaJoye-Young
SHERIFF

Bryan Muir
UNDERSHERIFF

Kent County Sheriff's Office Policy and Procedure

Subject: Employee Intervention/Early Intervention System	General Order: 2 . 2 . 3
Effective Date: 09/20/2022 Revision Date: 02/29/2024	Distribution: All Personnel

I. PURPOSE

This policy establishes an Early Intervention System (EIS), augmented by the Axon Standards, to identify employees with potential conduct or performance issues and uncover systemic training deficiencies and areas for improvement, ensuring a comprehensive approach to upholding professional standards.

II. POLICY

KCSO is committed to utilizing the EIS, complemented by Axon Standards, to proactively manage individual personnel incidents and identify and rectify broader systemic training and policy gaps. This initiative involves the collective participation of all ranks within the KCSO, underscoring a collaborative culture focused on heightened accountability, ongoing professional development, and service delivery.

III. DEFINITIONS

- A. **Critical Warning:** Critical warnings indicate a more severe or recurrent issue that requires prompt action to mitigate risks, uphold professional standards, and ensure the safety and well-being of the deputy, colleagues, and the public.
- B. **Warning:** Serves as a preliminary indicator that there may be emerging patterns of behavior or performance that require attention and possible intervention to prevent escalation.

IV. PROCEDURES

- A. Responsibilities of Supervisors and Command Staff
 - 1. All supervisors are entrusted with overseeing the daily performance and conduct of KCSO personnel under their supervision, ensuring alignment

with the department's established standards, training, and policies.

- a. First-line supervisors must be attuned to every team member's specific needs and issues, ensuring a tailored approach to supervision and support is provided.
 - First-line supervisors shall report any concerns regarding personnel's performance, issues, policy violations, or situations that might escalate into severe conduct or performance problems to their Divisional Commanders or their designee.
- i. Supervisors shall use Axon Standards to comprehensively document supervisory concerns.

B. EIS System Parameters

1. Automated Warning

The EIS is configured to automatically send an email identifying a "warning" to the Professional Standards Unit when there are three or more report entries within a year. These entries can be related to citizen complaints, vehicle pursuits, foot pursuits, employee injuries, or use of force incidents. This automated alert ensures timely notification and response to emerging patterns of behavior or incidents that may warrant attention.

2. Automated Critical Warning

A more urgent "critical warning" is automatically emailed to the Professional Standards Unit if the system records five or more entries related to citizen complaints, vehicle pursuits, foot pursuits, employee injuries, or use of force incidents within a year. This critical alert underscores the necessity for immediate review and intervention to address and mitigate potential issues, ensuring adherence to professional standards and protocols.

C. Fitness for Duty Evaluations

1. The Office of the Sheriff may request or order an evaluation of the employee's fitness for duty if there is a reasonable and articulable belief, based on objective evidence, that either:
 - a. The employee's ability to perform essential job functions is impaired by a medical or psychological condition; or,

- b. The employee poses a direct threat to themselves or others due to a medical or psychological condition.
 2. Criteria for an evaluation for fitness for duty may be based on early warning system review stemming from an Automated Warning or Critical Automated Warning.
 3. Process for Requesting a Fitness for Duty Evaluation
 - a. Divisional Commanders or Professional Standards personnel will notify the Office of the Sheriff through the chain of command of the reasonable and articulable belief regarding the employee.
 - b. The Office of the Sheriff or their designee is ultimately responsible for authorizing and ordering further action.
 - The employee may be placed on administrative leave during this process.
 - Fitness for duty evaluations are not considered to be a disciplinary action.
- D. Responsibilities of Professional Standards
 1. The Professional Standards Unit is responsible for communicating emerging performance and conduct issues to Divisional Commanders.
 2. Divisional Commanders or their designee are responsible for any additional investigation into the EIS warning triggers and reporting the findings to the Professional Standards Unit for appropriate resolution.
 - a. If, after considering all circumstances, it is determined that intervention is unnecessary, there is no requirement to notify the employee.
 - b. The Divisional Commander or their designee shall annotate all EIS warning notifications. These notes should include whether the employee was contacted, the rationale for not proceeding with intervention, any corrective action taken, and any additional relevant information that supports the decision against intervention.
 3. The Sheriff or their designee, in consultation with Professional Standards and the involved Divisional Commander, assesses and decides on the necessity of intervention with all critical warnings.

- a. Activating a critical warning necessitates informing the impacted employee, regardless of whether additional action is necessary.
- b. Professional Standards shall annotate all EIS critical warning notifications. These notes should include the date and time the employee was notified, the rationale for not proceeding with intervention, any corrective action taken, and any additional relevant information that supports the decision against intervention.
- c. If changes to training or policies are necessary, the Sheriff or their designee will collaborate with the relevant Divisional Commander(s) to facilitate the modifications.

E. Intervention and Follow-up

1. Collaborative Strategy Development

This encompasses coordinating with relevant entities to formulate customized intervention approaches that cater precisely to the individual challenges of each employee while also aligning with the broader operational goals of the department.

2. Problem-Solving Approach

Intervention strategies should embody a collaborative problem-solving methodology. The affected employee, once informed, should have an opportunity for input, along with contributions from the bargaining unit, supervisors, and other county and external resources. This inclusive approach ensures a multifaceted perspective in devising effective strategies.

3. Employee Participation

The nature of an employee's involvement in the intervention can be either voluntary or mandatory. The determination is based on an assessment of what is most conducive to yielding positive and constructive outcomes.

4. Types of Interventions

Interventions can span various forms, depending on the assessed needs and concerns. They may include, but are not limited to:

- a. Formulation of a performance improvement plan.

- b. Undergoing psychological testing and/or counseling.
- c. Participation in remedial training programs.
- d. Enrollment in substance abuse treatment programs.
- e. Engagement in other-suited programs as evaluated.
- f. Changes to training protocols or strategies.
- g. Changes to Departmental directives.

F. Post-Intervention Monitoring

Following the completion of the intervention, the employee's conduct and performance will be under stringent observation for a designated period. If initial concerns persist, supervisors have the prerogative to recommend the continuation or adjustment of the intervention program, contingent upon the Sheriff's or their designee's approval, ensuring ongoing support and improvement.

G. Employee Assistance

1. Internal Support

The department is equipped to provide support for any employee needing to address issues or challenges they are facing. We have a dedicated team of agency members specially trained in peer support, offering a safe, confidential space for discussions and assistance.

2. External Support

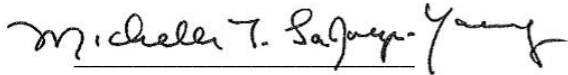
In addition to internal support, the county extends a **2.2.1 - Employee Assistance Program (EAP)** available to all staff, facilitated through Encompass. This program is accessible for voluntary and involuntary referrals, ensuring that employees have access to professional and comprehensive support resources whenever needed, underscoring our commitment to the well-being of our staff.

V. CANCELLATIONS

2.2.3 – Employee Intervention/Early Warning System (09/20/2022)

2.2.3 – Employee Intervention/Early Warning System (10/24/2023)

Authorized by:

A handwritten signature in black ink, reading "Michelle T. LaJoye-Young".

Michelle LaJoye-Young, Sheriff

Index as:

Standard 2.2.3

Application: This directive constitutes department policy and is not intended to enlarge the employer's or employee's civil or criminal liability in any way. It shall not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third-party claims insofar as the employer's or employee's legal duty as imposed by law.

KENT COUNTY SHERIFF'S OFFICE