General Order

Houston Police Department

ISSUE DATE:	NO.
June 28, 2022	300-24

REFERENCE: Supersedes all prior conflicting Circulars and Directives, and General Order 300-24, dated April 3, 2017

SUBJECT: EARLY WARNING SYSTEM

POLICY

Supervisors shall monitor employees under their leadership for patterns of inappropriate behavior or performance issues and initiate appropriate intervention in a timely manner. Supervisors shall utilize all available resources including the department's Early Warning System (EWS) to assist employees in remedying inappropriate behavior and/or improving performance. The EWS is intended to provide employees with an opportunity for improvement and is not intended to punish productivity.

The EWS facilitates the early identification of employee behavior or performance issues that may indicate a need for additional education, training, or other corrective action. If an employee is identified and placed in the EWS Program ("Program"), an individually tailored *Plan of Action* gives the employee the necessary remedial education or training necessary to assist the employee in correcting behavioral or performance deficiencies.

The Program creates a structured framework of supervision that emphasizes the active involvement of first-line supervisors in coaching and guiding an employee to ensure that the employee successfully completes the Program requirements. While the supervisor is expected to play an active role in coaching, guiding, and evaluating an employee, the employee has the primary responsibility for successful completion of the Program. Employees placed in the Program are expected to satisfactorily complete all Program requirements and exhibit a continuing desire to be a productive member of the department.

This General Order applies to all employees. Both classified and civilian employees may be placed in the Program.

DEFINITIONS

Case File. All documentation generated related to an employee's involvement with the Program.

Case Study. The report prepared by the Early Warning Unit summarizing the results of the unit's review of an employee's work history and relevant data, containing a preliminary quantitative component and a qualitative component that identifies an employee's strengths and weaknesses.

Early Warning System Chair. The assistant chief over Organizational Development Command.

Early Warning Unit (EWU). The department unit that monitors the department's early warning indicators, manages the EWS and its Program, prepares the *Case Study* and *Plan of Action*, and serves as a liaison to divisions and other department units.

EWS Monthly Report. A report completed by the EWU to document progress in meeting the goals of the *Plan of Action* over the previous month.

EWS Progress Report. A form created by the EWU and filled out by the employee's commander to document progress in meeting the goals of the *Plan of Action* over the previous quarter and make a recommendation regarding continued placement in the Program.

EWS Weekly Report. A form created by the EWU and filled out by the employee's supervisor to document progress in meeting the goals of the *Plan of Action* over the previous week.

Plan of Action. An individually tailored plan, created with input from the employee and their chain of command through the assistant chief, describing the education, training, and other requirements the employee must complete to correct or modify improper behavior and/or performance observed during the *Case Study*, leveraging the employee's strengths and addressing the employee's weaknesses.

1 PROGRAM PLACEMENT

The EWU shall manage the EWS and the Program. The EWU shall coordinate all pertinent reports, correspondence, documentation, and meetings related to the review or placement of an employee in the Program. The EWU shall monitor a participant's progress toward meeting the goals of the *Plan of Action* and shall submit reports to the EWS Chair.

Information compiled in the case file shall not be placed in the employee's personnel file. The case file is confidential and may be released only with written permission from the EWS Chair.

Identification

At the beginning of each month, the EWU shall perform a computerized data scan of Internal Affairs Division (IAD) records to identify any employees who were the target of four or more IAD complaints within a 12-month period (regardless of the outcome) or who received a sustained Category E complaint. Each complaint shall have a unique issue tracking number and may include multiple allegations. Administrative complaints (e.g., missed court, lost property) shall be excluded unless the cases indicate a significant pattern of negative behavior.

The EWU shall identify all employees who meet the above criteria and notify the commander and assistant chief of any such employee. The EWU shall provide a preliminary *Case Study* with this notification. The EWU shall also inform the employee of the employee's identification in writing.

The notified commander shall review the *Case Study* and conduct an inquiry regarding the employee's performance. This inquiry shall include the employee's assignment, productivity, attendance records, extra employment records, use of force history, training records, crash history, or any other factor the commander deems appropriate.

Upon the conclusion of the review of the employee's performance, the commander shall make a written recommendation to the EWU, via the commander's assistant chief and the EWS Chair. This recommendation shall include justification and one of the following recommendations:

a. Recommended for placement

b. Not recommended for placement

Direct Recommendation

The Chief of Police may directly place an employee in the Program at any time.

As the identification process may not capture all behavioral or performance deficiencies, commanders should directly refer employees under their command for possible placement in the Program when one or more of the following indicants reveal a pattern of inappropriate behavior or performance:

a. Low performance levels, unsatisfactory attendance, tardiness, or slow response times.

b. Disregard for policies or procedures.

c. Citizen injuries or deaths.

d. Misconduct, racial profiling, or disciplinary action.

e. Excessive or unnecessary uses of force or pursuits.

f. Extra employment violations or complaints.

g. Citizen or employee complaints.

h. Vehicle crashes or loss/damage of City property.

i. Any other factors the employee's supervisor or the department believes need attention.

When making a direct referral, the commander shall request a preliminary *Case Study* from EWU for the employee, conduct an inquiry, and make a written recommendation to the EWS Chair as if identified via the monthly data scan of IAD records.

The Administrative Disciplinary Committee or Administrative Personnel Committee may make a recommendation in writing to the EWU to begin a *Case Study* regarding any employee. This recommendation shall contain written evidence supporting the referral. Upon receipt of the recommendation, the EWU shall proceed as if identified via the monthly data scan of IAD records.

Placement Decision

If the employee's commander and assistant chief recommend placement, the EWU shall supplement the preliminary *Case Study* with qualitative information, including, but not limited to, interviews with the employee's chain of command and/or the employee, review of an officer's body worn camera videos, or any other information deemed appropriate by the EWU caseworker.

Upon receipt of the recommendation and the *Case Study* by the EWU, EWS Chair shall decide whether to place the employee in the Program. The EWS Chair shall notify the employee in writing of the employee's placement or non-placement in the Program. All generated correspondence shall be added to the case file regardless of placement or non-placement.

2 PROGRAM PROCEDURES

If placed in the Program, an employee shall remain in the Program for at least one quarter (three calendar months). The employee shall remain in the Program for subsequent quarters if the employee does not successfully complete the Program.

The EWU, in coordination with the employee's chain of command through the assistant chief, shall prepare a *Plan of Action*. The *Plan of Action* shall address specific problems to be corrected and may mandate the participant's successful completion of specified training. The *Plan of Action* may include any component the EWS Chair deems necessary, including, but not limited to, assignment to a field trainer or referral to Psychological Services or the Peer Support Unit.

Upon placement in the Program, the EWU shall schedule a meeting at the employee's division to establish Program expectations and rules and to deliver and review the *Plan of Action*. The employee, the EWU caseworker, and the employee's chain of command through the commander shall attend the meeting; the employee's assistant chief and the EWS Chair may attend. The EWU caseworker shall take notes and include them in the case file.

The employee's supervisor and shift commander shall monitor the employee's performance for compliance with the *Plan of Action* and report the employee's progress to the commander. The EWS Chair may modify the *Plan of Action* at any point during the employee's participation in the Program.

Restrictions

Upon placement in the Program, the Risk Management Division shall cancel the employee's current extra employment permits. The employee may submit the permits for renewal to their commander, who should approve the permits unless the extra employment is not in the officer's or the department's best interest or was a factor in the employee's behavioral or performance deficiencies. Employees may work certain overtime programs with the approval of their division commander.

Voluntary transfers shall not be approved for employees in the Program. The EWS Chair may recommend a temporary change of assignment or an involuntary transfer if it is necessary to accomplish the goals of the *Plan of Action*. The employee's commander may reassign the employee within the division. The commander may assign the employee to any training program the commander deems necessary to accomplish the goals of the *Plan of Action*.

Employees are restricted to a total of ten days of scheduled personal leave per quarter while in the Program, unless otherwise approved by the commander. To avoid any forfeiture of personal day (PD) hours, a classified employee in the Program shall follow the procedures set forth in the current Meet and Confer Agreement or other department policy. All other leave requests shall be for family, medical, or other emergencies as approved by the commander.

Reports, Documentation, and Meetings

During the Program, the employee's immediate supervisor shall meet at least once per week with the employee. At these meetings, the employee's performance shall be reviewed and discussed. At the end of each week, the employee's supervisor shall complete an *EWS Weekly Report* and submit it to the shift commander. The shift commander shall electronically forward the report and

any work product (e.g., work cards, reports) generated by the employee during the week to the EWU for inclusion in the case file.

The EWU caseworker shall meet at least once per month with the employee, the employee's immediate supervisor, and the employee's shift commander to review the *EWS Monthly Report* and document progress in meeting the goals of the *Plan of Action* over the previous month. If the situation warrants, additional meetings may be appropriate.

At the end of each quarter after placement, the employee's commander shall evaluate the employee's performance and complete an *EWS Progress Report*, including a recommendation to the EWS Chair whether or not the employee has satisfied the requirements of the *Plan of Action*. The commander shall submit the *EWS Progress Report* to the EWU, via the commander's assistant chief and the EWS Chair.

Program Completion

After the end of each quarter after placement, the EWS Chair shall decide whether the employee has successfully completed the Program. The criteria for successful completion of the Program include compliance with department policies and procedures, completion of all elements outlined in the *Plan of Action*, and compliance with productivity standards. Until the EWS Chair makes a determination, the employee shall continue to follow the *Plan of Action* and abide by the restrictions of the Program. The EWS Chair may recommend involuntary transfer of the employee as a condition for completion of the Program. The EWS Chair shall notify the employee in writing of continued placement in or completion of the Program.

If an employee becomes eligible for promotion while on the Program, the employee's commander shall complete an *EWS Progress Report* and submit it to the EWU, via the commander's assistant chief and the EWS Chair. The EWS Chair shall make a recommendation to the Chief of Police on whether the employee should remain on the Program. The Chief of Police shall determine whether the employee remains eligible for promotion based on the employee's progress in the Program. If the Chief of Police determines the employee is ineligible for promotion, the employee shall remain in the Program. If the Chief of Police permits the employee to be promoted, the employee shall be released from the Program.

If the EWS Chair retains an employee in the Program after two full quarters, the EWS Chair may recommend to the Chief of Police that the employee be indefinitely suspended.

If the employee consistently fails to meet the goals of the *Plan of Action*, the EWS Chair may, at any time, recommend in writing to the Chief of Police that the participant be indefinitely suspended for failure to progress.

End-of-Program Meeting

When the employee successfully completes the Program or is recommended for indefinite suspension to the Chief of Police, the EWU shall conduct an End-of-Program Assessment and prepare an overview of the employee's performance in the Program.

The EWS Chair shall convene a meeting to assess the employee's progress with the employee (unless indefinite suspension has been recommended), the employee's chain of command to the assistant chief, and the EWU caseworker.

At six and twelve months after an employee successfully completes the Program, the EWU shall conduct a Post-Intervention Analysis to determine if the intervention was effective. Upon completion of the End-of-Program Assessment and/or Post-Intervention Analysis, the EWU shall complete the case file and shall maintain the case file indefinitely.

3 EMPLOYEE MISCONDUCT

The EWS is intended to be a non-disciplinary process. Participation in the EWS Program does not mitigate or replace disciplinary action. Ongoing or future complaints shall be handled through the normal process.

4 REPEAT PLACEMENT

If an employee who has previously successfully completed the Program is recommended by their commander for possible placement in the Program, the EWS Chair may forward the recommendation to the Chief of Police for further review by the Office of Legal Services for possible indefinite suspension.

Troy Finner
Chief of Police