



**OFFICE OF THE COUNTY SHERIFF**  
**Montgomery County, Maryland**  
*Darren M. Popkin, Sheriff*



**GENERAL ORDERS/PERSONNEL PROCEDURES**

<b><u>Subject:</u></b>  <b>Personnel Early Warning System</b>	<b><u>Number:</u></b>  <b>2.17.A</b>	<b><u>Effective Date:</u></b>  <b>11/12/20</b>
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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

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**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**

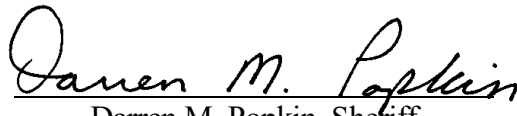
Annually, the Chief Deputy must conduct an evaluation of the Personnel Early Warning System and must submit a written report to the Sheriff. The purpose of this evaluation is to:

- 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