

Oakland County Sheriff's Office
General Order # 2.12



SUBJECT: Early Warning System		NUMBER: 2.12
EFFECTIVE DATE: 4/9/2024 REVIEW DATE: Annually		MACP Standard Impact: 2.2.3
REPLACES AND RESCINDS: N/A	DISTRIBUTION: All Personnel	NUMBER OF PAGES: 4

This order replaces and rescinds all previously issued orders, procedures, rules and regulations, notices and/or practices in conflict with this General Order.

I. PURPOSE

The purpose of the personnel early warning system is to identify employees who display behavior and performance decisions that conflict with established policy and training. Remedial actions to provide assistance for these identifiable decisions may include (but are not limited to) training, supervisory counseling and the Employee Assistance Program.

II. POLICY

It is the policy of the Oakland County Sheriff's Office to maintain a personnel early warning system to provide systematic reviews of specific significant events involving agency employees. This system is necessary for the agency to exercise its responsibility to evaluate, identify and assist employees who exhibit signs of performance and/or behavior-related problems by providing non-disciplinary based options. Records of assistance will not be added to an employee's personnel file.

III. DEFINITIONS

- A. Early Warning Targeted Incidents: Identified behaviors or decisions used as indicators to trigger an early warning review pursuant to this policy.
- B. Employee Assistance Program (EAP): A formal program designed to assist in the identification and resolution of concerns or problems (personal or job-related), which may adversely affect an employee's personal or professional well-being or job performance. Concerns addressed may include (but are not limited to) health, marital status, family, financial, substance abuse emotional/stress.
- C. Fitness-for-Duty Examination: A specialized examination of an incumbent employee to determine if that employee is capable of performing their essential job functions.

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IV. PROCEDURES

A. Reporting Requirements

1. Supervisors are responsible for documenting all adverse or superior conduct and behavior of their subordinates. Documentation shall include conduct that is either commendatory or conduct warranting disciplinary action. The documentation will be forwarded through the chain of command to the Office of the Sheriff or designee. **(MACP Standard 2.2.3 c)**
 - a. Documentation may be in the form of a written communication, citizen complaint form, use of force report, pursuit report, incident report, injury report or any other reporting mechanism utilized by the Oakland County Sheriff's Office.
 - b. Commendatory performance is recognized through a positive synopsis entry or the department awards program. All supervisors are encouraged to identify and report superior performance.
2. Documentation or forms containing targeted incidents shall be maintained in the data base by the Training Unit. Search functions of the data base will be limited to authorized command staff. Targeted incidents are reported on forms that include but may not be limited to: (MACP Standard 2.2.3a).
 - a. Department personnel evaluations that reflect unsatisfactory performance or the initiation of a performance improvement plan.
 - b. Internal investigations
 - c. Citizen complaints
 - d. Disciplinary actions
 - e. Use of force incidents
 - f. Motor vehicle pursuits
 - g. Officer injury reports
 - h. Attendance
 - i. Sheriff's Office property loss or damage reports.
 - j. Involvement in lawsuits

B. Early Warning Review

1. Responsibility for Review Initiation
 - a. The Division Captain of an affected employee shall initiate a personnel early warning review through an evaluation of collected materials when a level or frequency of targeted incidents is indicated. In the event the affected employee holds the rank of Lieutenant, the responsibility for the initiation of review shall fall to the affected lieutenant's immediate supervisor.
 - b. Tracking, analysis and reporting of targeted incidents may be made through computerized records management and analysis programs maintained by the Oakland County Sheriff's Office. Any member of the Oakland County Sheriff's Office Special Investigations Unit may, in their capacity with SIU, initiate a personnel early warning review at any time. Upon the initiation of an early warning review by SIU, notification will be made through the affected employee's chain of command.
2. When three of the targeted incidents have occurred involving the same employee within a revolving one-year period, an early warning review will be conducted.
 - a. Supervisors shall, as part of their constant monitoring of their subordinates, notify the employee as soon as practicable that there is a concern about the employee that has, or soon may, cause an early warning review to be initiated. This notification and any justifications for prior actions will be documented and forwarded to the sub-station and division Commander. **(MACP Standard 2.2.3 d)**
 - b. The three targeted incidents threshold does not apply to sick leave usage.

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3. Severity of any singular incidents may trigger a system review even though the threshold stated previously may not have been reached.
 4. Any supervisor may request a review of collected materials (incident reports, body camera video, ext.) for targeted incidents when they reasonably believe that any singular incident or circumstance is indicative of a pattern of adverse behavior.
 5. All reviews shall be maintained in the strictest confidence and shall not be discussed with other employees unless it is necessary in the performance of their duties. Unauthorized disclosure of any aspect of an early warning review may result in disciplinary action.
 6. The review shall be conducted by the sub-station commander and or supervising lieutenant and will include a review of all target incidents related to the employee which initiated the review.
 - a. If no pattern of adverse behavior is identified, the sub-station division Commander will report the findings along with supporting documentation to the Training Division.
 - i. The supervisor of the affected employee will be informed of the results of the review.
 - ii. The supervisor will inform the employee of the review and that no concern was identified and documented in the database.
 - b. If a pattern or concern is identified, the sub-station and division Commander will consider intervention options/course of action and make a written recommendation to the Training Unit command. The Training Unit will determine the appropriateness of the written recommendation and direct if any further action is required, up to and including a Fitness for Duty Evaluation. The employee will be notified of the concern and afforded an opportunity to address the concerns as directed by the Training Unit. The employee's supervisor will continue to monitor the employee's performance after intervention. **(MACP Standard 2.2.3 e)**
 - c. The affected employee's immediate supervisor:
 - i. Ensures intervention has been completed as directed by the Training Unit and reports completion of the intervention through the chain of command back to the Training Unit.
 - ii. Supports employee throughout process.
 - iii. Conducts follow-up when needed.
 - d. Referrals will be made to the Employee Assistance Program pursuant to the General Order related to the Oakland County Employee Assistance Program. **(MACP Standard 2.2.3 f)**
- C. Fitness for Duty Evaluations (MACP Standard 2.2.3 b)
1. The Sheriff or designee may request or order a Fitness for Duty Evaluation on an employee if there is a reasonable and articulable belief, based on objective evidence, that:
 - a. The employee's ability to perform essential job function is impaired by a medical or psychological condition, OR
 - b. The employee poses a direct threat due to a medical or psychological condition.
 2. Criteria for Fitness for Duty Examinations may be based on an early warning system review of the above listed targeted incidents.

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3. Process for Fitness for Duty Evaluation Request
 - a. Division Commander will notify the Sheriff or designee of the reasonable and articulable belief regarding the employee.
 - b. The Sheriff or designee is ultimately responsible for authorizing or ordering further action.
 - c. Fitness for Duty evaluations will be coordinated through the Administrative Services Supervisor and scheduled through County Labor Relations.
 - i. The employee, at the discretion of the Sheriff or designee, may be placed on administrative leave during this process.
 - d. Fitness for Duty referrals or evaluations are not considered to be a disciplinary or punitive matter.



ISSUED BY: Sheriff Michael J. Bouchard