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“INTEGRITY...FAIRNESS...SERVICE”

SPECIAL ORDER # 02-08

October 22, 2008

TO: All Police Department Personnel. To be Announced at Roll Call and a Copy Posted on the Bulletin Board for 30 Days

RE: The Performance Enhancement Process (PEP)

EFFECTIVE: Immediately

BACKGROUND: Early identification of performance issues allows employees to be aware of potential concerns rather than face serious problems later. A performance enhancement process is a systematic means to notify commanders of a potential problem in need of attention. Designed as a resource for supervisors in personnel development and guidance, performance enhancement actively involves supervisors in employee growth and enhancement to ensure quality service. It is also an excellent tool to highlight agency needs in the areas of strategies, training, tactics, equipment, staff, etc. Performance enhancement is not disciplinary action and does not replace current disciplinary procedures.

PURPOSE: This Order updates the procedures for the Performance Enhancement Process (PEP).

RELATIONSHIP TO DEPARTMENTAL VALUES: This process upholds our value of **SERVICE** and supports the Department’s goal to create an organization of highly skilled and diverse professionals capable of providing comprehensive and effective police services.

POLICY: As a professional police agency, the Baltimore County Police Department is responsible to the community and its members for identifying and assisting employees (sworn and non-sworn) exhibiting stress, inadequate performance or other adverse job-related problems. The Performance Enhancement Process (PEP) seeks to identify performance problems and the underlying causes, helping the employee to improve work-related behaviors before policy and procedure violations occur. The process will only include measures intended to improve an employee’s performance. The PEP is not a means to implement discipline and will not include punitive actions.

PEP IDENTIFICATION CRITERIA:

1. Use of force incidents, brutality complaints, misconduct allegations – three or more in a six month period.
2. Firearm discharges – any out-of-policy discharge.
3. Pursuits – two out-of-policy pursuits in a 24-month period.
4. At-fault and/or preventable motor vehicle crashes – three incidents in a 24-month period.
5. Performance Ratings – any member receiving two consecutive performance appraisals with two or more marginal categories per appraisal.

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6. An incident or combination of incidents or situations the commander believes may warrant assistance/intervention/correction. Specify on the Form 37.

PEP CRITERIA TRACKING:

1. Will be performed by the appropriate section commanders as listed below.
2. Identification notifications will:
 - a. Be forwarded to the Personnel Section Commander by the tracking command on a Form 12L if a member reaches an identification benchmark(s).
 - b. Include the member's name, identification number, and a list of the incidents and dates triggering identification.

ACTION PLAN:

1. Is detailed on the Form 37.
2. Is developed jointly by the member, supervisor(s) and commander in consultation with the Personnel Section Commander.
3. Clearly defines the job performance problem/issue(s) to be addressed.
4. Recommends specific diagnostic and/or corrective actions to address the issue and how that action is expected to help. Some of these recommendations may include but are not limited to:
 - a. No action necessary (See item #3 under Duties and Responsibilities).
 - b. Supervisor counseling.
 - c. Field observations.
 - d. Mentoring.
 - e. Training (formal training or on the job).
 - f. Temporary assignment change.
 - g. Referral to the Employee Assistance Program (EAP).
 - h. Fitness for Duty Medical Evaluation.
 - i. The establishment of specific goals and objectives.

NOTE: No specific medical information can be contained in the PEP files. Health care providers will forward any medical documentation directly to the Personnel Section Commander to be maintained in a confidential file separate from other personnel records.

5. Establishes a timetable for completion of the action steps contingent on resource availability and the issue(s) being addressed.
6. Identifies the resource provider(s) for the activities necessary to complete the Action Plan.
7. Clearly defines the desired behaviors/performance and establishes benchmarks to measure the success of the Action Plan, as appropriate.
8. May be included in concurrent Performance Evaluations as objectives or career development activities.
9. Will be reviewed by the employee and supervisor periodically while the Action Plan is active to assess progress.

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DUTIES AND RESPONSIBILITIES:

Precinct/Section Commanders

1. Are accountable for ensuring the PEP is completed. Specific duties may be delegated as appropriate.
2. Monitor performance ratings and initiate the PEP if criteria is met.
3. Complete the Performance Enhancement Criteria Review, Additional History, and Performance Problem/Issue sections of the Form 37 if a member's performance indicates a need for further assessment and any time a PEP Early Identification Notice is received. Contact the Personnel Section for performance or history information as needed.
NOTE: Upon receipt of an Early Identification Notice, all PEP identification criteria and history shall be reviewed. After review, if the criteria for PEP are not met, the supervisor should write "No Action Necessary" in the Comments Regarding Performance Intervention Activities section. The Form 37 shall be forwarded to the Personnel Section along with a copy of the Early Identification Notice.
4. Contact the Personnel Section, Training Section, Internal Affairs Division, Legal Section or other available resources for guidance regarding PEP, as necessary.
5. Meet with the member and the member's supervisor(s) to review the performance and history information on the Form 37 and develop the Action Plan.
6. Document the Action Plan on the Form 37 and forward the original and all related documents to the Personnel Section Commander.
7. Monitor activities to ensure Action Plan objectives are completed within the designated timeline.
8. Evaluate the member's performance to ensure that the identified issues are resolved.
9. Submit a final report via Form 12L to the Personnel Section Commander for inclusion in the PEP file. The report shall include:
 - a. All dates and actions taken by the member.
 - b. Results of all monitoring/observations, etc.
 - c. Explanation of any changes to the Action Plan, including the timetable.
 - d. A brief summary of the member's efforts to improve and an analysis of the PEP's overall effectiveness.
 - e. Recommendations for future monitoring or observations, if necessary.
 - f. Any other comments or information the commander or supervisor considers relevant to the member's performance enhancement efforts and activities.
10. Forward copies of all PEP related documents to the member's Division Commander. A second copy is to be retained in the member's command level personnel file for monitoring and follow-up purposes.

Shift/Unit Commanders

1. Coordinate with an employee's supervisor to ensure PEP duties and responsibilities are carried out.
2. Continually monitor employee performance and take action when necessary.

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3. Maintain documentation regarding employee performance to be used in the appraisal process.
4. When an employee is identified by the PEP, meet with the Commander to review and evaluate all aspects of the employee's performance and recommend components for the Action Plan.
5. After an Action Plan is developed, monitor employee performance and ensure that all parts of the plan are implemented.
6. Provide frequent feedback to both the employee and commander about the employee's performance and progress in completing the Action Plan objectives.
7. Make recommendations to conclude or modify the Action Plan based on the employee's performance.

First Line Supervisors

1. Work with the employee to follow PEP as directed by the Shift/Unit Commander.
2. Provide regular updates and documentation on employee performance to the Shift/Unit Commander.

Division Commanders

1. Review the Action Plan.
2. Monitor and follow-up with commanders to ensure the Action Plan is carried out within the specified time period.

Personnel Section

1. Is the central collection point for all PEP forms and information.
2. Issues PEP criteria notifications to commanders after identification by the tracking command.
3. Acts as a resource for commanders in defining issues, developing the Action Plan, and monitoring and evaluating activities and performance.
4. Acts as a liaison with EAP staff.
5. Assists in the identification of resources, training programs, available funding, etc.
6. Tracks member's departmental training history for commander's reference when developing and monitoring Action Plans.
7. Ensures the quality of assessments and performance development, and the consistency and fairness of the process.
8. Conducts a documented annual evaluation of the PEP Program to include:
 - a. Number of employees in the program.
 - b. The identification criteria used to initiate the program for employees.
 - c. Results of PEP for employees (successful vs. not successful).
 - d. Recommendations for change, if any.

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9. Forwards the annual evaluation to the Planning and Research Section upon approval by the Administrative Services Division Commander.

Safety Officer

1. Maintains and monitors data on at-fault and/or preventable motor vehicle crashes.
2. Forwards information on at-fault and/or preventable crashes to the Personnel Section Commander when a member reaches the identification criteria threshold.

Training Section

1. Defines, identifies and acquires or implements training programs for the PEP.

Internal Affairs Division

1. Monitors use of force incidents, brutality complaints, allegations of misconduct, firearms discharges and out-of-policy pursuits.
2. Consults with commanders regarding a member's disciplinary history.
3. Notifies the Personnel Section Commander of any member that reaches the PEP identification criteria threshold.

Legal Section

1. Consults with commanders regarding an appropriate course(s) of action.

Planning & Research Section

1. Prepares necessary policy or procedure changes identified by the PEP and/or the annual program evaluation.

IMPLEMENTATION: This Order supercedes Special Order 01-04. A copy of this Order will be distributed to all members of the Department.

By Order of the Chief,

James W. Johnson
Chief of Police