



Durham Police Department

Memo

To: Chief Kurz
From: Captain Holmstock
CC: Deputy Chief Kelley
Date: January 8, 2020
Re: Early Warning System Annual Evaluation and Yearly Review - 2019

Annual Evaluation:

I conducted an evaluation of the Personnel Early Warning System found in the Performance Evaluation Policy 35.1.1. As a part of the evaluation, I analyzed the overall directive as well as the specific employee actions and behaviors we have listed for review. Additionally, I have evaluated the threshold levels we have set that initiate a review of an employee's actions or behaviors.

(Overall Directive) Our Personnel Early Warning System is included as part of the Performance Evaluation policy and I continue to see no reason for a stand-alone policy as it is entirely appropriate to include the Personnel Early Warning System information in conjunction with the Performance Evaluation policy. The system exists to be used in conjunction with the evaluations in an effort to allow the department to identify problems "before" the real problems begin to arise with an employee.

Our policy includes a listing of the documents or categories to be reviewed as part of the system, and an identification of the "threshold" or "triggers" that would



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prompt the administration to take action. The agency reporting requirements section provides direction for employees and supervisors alike regarding their responsibilities to report such behaviors when identified. The Chief of Police will be the only person to direct a review of a specific employee should the facts and circumstances exist to warrant such a review. Our policy covers remedial training, employee assistance, and counseling options both internally and professionally. When comparing our overall policy with best practice standards, I believe we continue to meet all of the identified requirements.

The policy was most recently updated on November 28, 2018. Based upon information gathered in 2019 for this review and evaluation, there are no further changes recommended or new conclusions developed for discussion regarding our current system.

(Defined Employee Behaviors or Actions) This section addresses two questions:

1. Are the employee's behaviors all inclusive?
2. Are there any behaviors we are not including?

We continue to conduct our evaluations based on performance evaluations; internal affairs/citizen complaints; peer reported acts of misconduct or misbehavior; disciplinary actions; use of force reports; workmen's compensation claims, and on-duty motor vehicle accidents. I believe this is comprehensive and all encompassing.

In 2019, a staff review re-visited the idea of including sick time as a provision to initiate a review. Once again, the argument was made that the policy allows for the ranking officer, based on articulable reasons falling outside the scope of the triggers listed to make a written request to initiate a review. This addition allows flexibility within the policy to address almost any other issue of concern regarding an employee's actions. I can think of no further categories at this time for inclusion.

(Are the threshold levels sufficient?) Each category provides an appropriate time frame that allows the supervisors to keep an eye on the behavior without necessarily prompting an activation recommendation of the system. We are a small department and therefore the supervisor to employee ratio is smaller. I believe it is easier to monitor behaviors and actions related to the identified thresholds that would trigger an initiation of the system. We have not had an activation of our system in the past 11 years.

Annual Review:

There has been no activation of this system during 2019. My evaluation included the following categories, with my findings indicated after each listed category:

- Performance Evaluations:** There were no employee evaluations with the majority of the criteria being rated as, "Some Improvement Needed" or "Not Satisfactory."
- Internal Affairs/Citizen Complaints (regardless of conclusion):** During the 2019 calendar year, we received three citizen complaints. The complaints did not reach the level of an internal affairs investigation. One complaint was determined to be unfounded, one complaint was sustained and the third resulted in the exoneration of the officer. No officer received more than one complaint.
- Peer reported acts of misconduct or misbehavior:** There have been no peer reported acts of misconduct or misbehavior.
- Disciplinary Actions (to include counseling and reprimands):** During the 2019 calendar year, no officer received two or more disciplinary actions.
- Response to Resistance Reports:** During the 2019 calendar year, no officer had five or more Use of Force incidents in any 30 day period.
- Worker's Compensation Claims:** During the 2019 calendar year, no officer had two or more claims in any 30 day period. No days off were used in regards to any claims. The three claims resulted from the following:
- On-Duty Motor Vehicle Accidents:** During the 2019 calendar year, no officer had two or more on-duty motor vehicle accidents.
- In Addition:** There were no combinations of three or more of the above mentioned triggers in any 30 day period during the 2019 calendar year. No ranking officer has requested a review based on outside concerns.

I relied on Jennifer Johnson to provide me with the Worker's Compensation Claims information. Deputy Chief Kelley provided me with the information concerning, Performance Evaluations; Internal Affairs/Citizen Complaints; Peer reported acts of misconduct or misbehavior; Disciplinary Actions and On-Duty Motor Vehicle Accidents. I reviewed the statistical information for our end of year Use of Force reporting. The report is not complete at this time. During the 2019 review, I have evaluated the facts and have drawn several conclusions as to why we have had no need to activate our system. My conclusions mirror those from the last five years of review.

1. **EVALUATIONS:** Our evaluations continue to be fair, job related and comprehensive. Officers are evaluated twice a year, allowing the officers to correct those deficiencies that might show up on an infrequent basis. First line supervisors continue to be provided with specific training related to the evaluation of employee's. First Line supervisors continue to be sent to Roger Williams University for Command Level Training.

2. **COMPLAINTS/DISCIPLINARY ACTION:** The Durham Police Department prides itself on fostering a strong culture of fair and compassionate police work, dignity and respect towards all persons without bias. This has not changed in 2019. Officers make the effort to interact with the public through school programs, community event participation, and other ways that go beyond our simple day to day encounters. When these partnerships are formed and pre-conceived barriers are broken down, it builds trust amongst the community members towards our department. Ongoing roll call training that includes a review of the Law Enforcement Code of Ethics, Mission & Values Statements, and strong first-line leadership, contribute to the professional demeanor that is expected from officers in our department.
3. **USE OF FORCE:** Our on-going training program in all force options, combined with outstanding instructors and an emphasis on risk management, provides our officers with a strong comprehension of related laws. It guides them as to what is expected and what limitations they must abide by. It is clear from our annual Response to Resistance report that our officers continue to use only the amount of force necessary when dealing with a resisting person. Evaluating our force option policies and training methods in order to ensure we are meeting best practice standard should be an on-going effort. Officers continue to attend de-escalation training and I recommend we continue these practices.
4. **WORKER'S COMPENSATION:** Worker's Compensation Claims are minimal in this department. Individual fitness, combined with solid training principals in all Use of Force options helps cut down on the possibility of an officer getting hurt during the performance of his or her job. Although injuries do happen, Durham officers continue to look for ways to get back to work early, rather than stay out of work any longer than needed. I believe we should continue to promote a philosophy of well-being and make our officers aware of all programs that are offered by the Town, New Hampshire Police Academy or from private vendors.
5. **ON-DUTY MVA:** Officers are provided with advanced driver training and simulation exercises through various organizations when available. Officers receive yearly training on road blocks, use of force, pursuits, and laws of arrest.

We should continue our efforts to find training that will engage our officer's abilities to evaluate stressful situations and make informed choices while on patrol.

- HIRING PROCESS: The Durham Police Department did not conduct a hiring process in 2019. Even so, the philosophy of the department will continue to adhere to the adage, "hire the best candidate at all times." I truly believe our hiring process has provided quality candidates that do the job for the right reasons. Post hiring observations continue to play an important role to help ensure that only qualified candidates make it through the probationary employment period. Identifying high character employees ultimately reflects in the overall behavior of everyone in the agency; in turn, the behavior of those employees ultimately influences the categories listed above.

Annual Early Warning System Report Reviewed By:

Deputy Chief Kelley:  Date: 1/11/2020

Chief Kurz:  Date: 1/13/2020