

# Performance History Audits

## 1029.1 PURPOSE AND SCOPE

This policy provides guidance for the use of performance history audits, also referred to as the Personnel Early Intervention System (PEMS). Performance history audits can help identify commendable performance as well as provide early recognition of training needs and other potential issues. This policy addresses the responsibilities, performance indicators and components of the audit, and handling of collected data.

## 1029.2 POLICY

The University of Maryland, Baltimore Police Department collects data to assist supervisors with evaluating the performance of their employees. While it is understood that the statistical compilation of data may be helpful to supervisors, the Department recognizes that it cannot account for, and must carefully balance such data with the many variables in law enforcement, such as:

- Ability to detect crime
- Work ethic
- Assignment and shift
- Physical abilities (ability to perform the job-related physical tasks)
- Randomness of events

## 1029.3 RESPONSIBILITIES

Under the authority of the Support Services Bureau Commander, the Investigation Division is responsible for collecting performance indicators and other relevant data. The data will be compiled to generate monthly performance history audit reports that will be provided to members holding the rank of lieutenant and above. The Investigation Division will utilize confidential methods to compile and track information regarding performance indicators for each officer during each month in order to prepare the report. Though generated monthly, each report should contain data from a one-year time period.

## 1029.4 COMPONENTS OF PERFORMANCE HISTORY AUDITS

Performance history audits should include the following components:

- Performance indicators
- Data analysis
- Employee review
- Follow-up monitoring

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### 1029.4.1 PERFORMANCE INDICATORS

Performance indicators represent the categories of employee performance activity that the Chief of Police or authorized designee has determined may be relevant data for the generation and analysis of performance history audits. These indicators may include, but are not limited to, the frequency and/or number of:

- (a) Performance evaluations
- (b) Use of force incidents.
- (c) Involvement and conduct during vehicle pursuits.
- (d) Personnel complaints, including the findings.
- (e) Work attendance/leave records (e.g. after three occurrences of sick leave usage, an employee will appear on the occurrence list as an early warning)
- (f) Claims and civil suits related to the employee's actions or alleged actions.
- (g) Personnel investigations.
- (h) Intentional or accidental firearm discharges (regardless of injury).
- (i) Preventable agency vehicle collisions.
- (j) Missed court appearances.
- (k) Documented counseling.
- (l) Sick leave usage.

### 1029.4.2 THRESHOLD OR TRIGGER LEVEL

Within a twelve (12) month period, three (3) or more instances of any of the previous listed performance indicators or any instance of a poor performance evaluation may trigger a performance audit. However, this section shall not be construed to restrict an administrative review for any single instance of any indicator.

### 1029.4.3 DATA ANALYSIS

Members holding the rank of lieutenant and above will review each performance history audit report and determine whether it should be provided to the officer's supervisor for further consideration. A plan should be developed to incorporate intervention action that may include:

- (a) Formal counseling and monitoring
- (b) Remedial training
- (c) Reassignment
- (d) EAP referral
- (e) Referral to the contracted psychological assessment service
- (f) Disciplinary action

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#### **1029.4.4 EMPLOYEE REVIEW**

Upon receipt of a performance history audit report, the supervisor will carefully review the report with the officer to assess any potential trends or other issues that may warrant informal counseling, additional training or a recommendation for other action, including discipline. The officer shall date and sign the report and should be provided with a copy of it.

If a supervisor determines that an officer's performance warrants action beyond informal counseling, the supervisor shall, through the chain of command via memorandum, advise the respective Bureau Commander of such recommendation. If the Bureau Commander concurs with the recommendation of the supervisor, he/she shall take steps to initiate the appropriate action.

If discipline or other adverse action is initiated against an officer as a result of a performance history audit, the officer shall be entitled to all rights and processes set forth in the Personnel Complaints Policy 1010.

#### **1029.4.5 FOLLOW-UP MONITORING**

Depending upon the results of each performance history audit, a determination should be made by the respective member's Lieutenant, after discussion with the officer's supervisor, about the need, type and duration of any follow-up. Performance indicators and data analysis will generally provide the basis upon which such decisions should be made.

#### **1029.5 CONFIDENTIALITY OF DATA**

Information, data and copies of material compiled to develop performance history audit reports shall be considered confidential as part of the employee's personnel file and will not be subject to discovery or release except as provided by law. Access to performance history audit reports will be governed under the same process as access to an officer's personnel file, as outlined in the Personnel Records Policy 1013.

Access to the underlying data will be governed by the process for access to the original records (such as police reports).

##### **1029.5.1 STATE REQUIREMENTS**

Officers shall be provided the opportunity to review, sign, receive a copy of and comment in writing on adverse material before the Department places adverse material into the officer's personnel file (Md. Code PS § 3-104).

#### **1029.6 RETENTION**

Performance history audit reports and associated records shall be retained in accordance with the established records retention schedule.

#### **1029.7 ANNUAL EVALUATION OF THE PERFORMANCE HISTORY AUDITS**

The Investigation Division Supervisor or designee will ensure that a review and evaluation of the performance history audits is conducted on an annual basis to determine its effectiveness. The information will be evaluated and used to revise the system. If changes need to be made to the system, the Investigation Division Supervisor will forward a memorandum to the Chief of Police

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through the chain of command detailing the problem, the proposed course of action and the follow-up plan