

*“Keep Orlando a safe city by reducing crime and maintaining livable neighborhoods.”*

**ORLANDO POLICE DEPARTMENT POLICY AND PROCEDURE**

**2207.4, EARLY INTERVENTION PROGRAM**

EFFECTIVE DATE:	10/23/2023
RESCINDS:	P&P 2207.3
DISTRIBUTION GROUP:	ALL EMPLOYEES
REVIEW RESPONSIBILITY:	INTERNAL AFFAIRS MANAGER
ACCREDITATION STANDARDS:	4, 7, 10, 20
RELATED LAWS:	N/A
RELATED POLICIES:	N/A
CHIEF OF POLICE:	ERIC D. SMITH

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**1. PURPOSE**

The Early Intervention Program has been established to provide a systematic review of these indicators. It is designed to highlight tendencies regarding complaints and use of force incidents that may otherwise be insignificant when examined individually. This system will generate monthly and annual reports listing employees with a predetermined number of such indicators. This data will be disseminated to the appropriate supervisors, who will review each incident and submit a summary of their findings to the Internal Affairs Section.

**2. POLICY**

It is the policy of the Orlando Police Department to provide early intervention to employees who meet established criteria. The Orlando Police Department has a responsibility to its employees and the community to identify and assist employees who show symptoms of job stress or personal problems. Such symptoms may be exhibited in on-the-job performance behavior that results in complaints from citizens or may be indicated in the frequency of use of force incidents. The Orlando Police Department has existing programs available to assist employees, including the Employee

Assistance Program (EAP), and other counseling which is available to employees on a voluntary and policy-mandated basis. In order to enhance these services, the Department has implemented the Early Intervention Program (EIP).

Although no specific and universal set of criteria can determine job stress and/or job performance problems, it is important that certain types of criteria be reviewed. Criteria should include, but not be limited to, supervisory referrals (informal complaints against an employee), use of force incidents, and formal internal investigations.

Each individual use of force incident is reviewed at the time of occurrence by a supervisor. These incidents may appear acceptable by themselves, but a pattern of less-than-optimal job performance may be developing that is more difficult to identify. Several indicators detailed in this program will allow supervisors to examine the totality of each individual's actions and make a more accurate assessment of the incidents.

### 3. DEFINITIONS

N/A

### 4. PROCEDURES

#### 4.1 DISCUSSION

The EIP makes no conclusions or determinations concerning job stress or performance problems. The purpose of the program is to assist supervisory personnel in evaluating and guiding employees to perform at their best level. The EIP is designed to identify possible job stress and/or performance problems and help resolve those problems. It is important to remember that EIP referrals are not part of discipline, evaluations, promotions, or dispositions.

#### 4.2 CRITERIA

To identify possible candidates for the EIP, the following criteria have been established:

##### 4.2.1 THREE-MONTH REPORTING CRITERIA

The Internal Affairs Section will generate a monthly Early Intervention Program report. The report will contain the names of the employees who meet ONE or more of the following criteria during the preceding three-month period:

- a. Received three or more supervisory referrals. Supervisory referrals in which there is no indication that the employee acted improperly will not count towards the early intervention total.
- b. Involved in five or more use of force incidents.
- c. Involved in two or more police shooting incidents.
- d. Was the principal in two or more formal internal investigations. Intervention regarding employee vehicle accidents is currently handled by the Training Unit and will not count towards the Early Intervention total.
- e. Involved in two or more claims, litigations, or lawsuits.

##### 4.2.2 ANNUAL REPORTING CRITERIA

The monthly report will also contain the names of the employees who meet ONE or more of the following criteria during the preceding twelve-month period:

- a. Received six or more supervisory referrals. Supervisory referrals in which there is no indication that the employee acted improperly will not count towards the early intervention total.
- b. Involved in twelve or more use of force incidents.
- c. Involved in two or more police shooting incidents.
- d. Was the principal in four or more formal internal investigations. Intervention regarding employee vehicle accidents is currently handled by the Training Unit and will not count towards the early intervention total.
- e. Involved in two or more claims, litigations, or lawsuits.

Table 1 – Selection Criteria

Type	Occurrences	Timeframe
Supervisory Referrals	3 Times	3 Months
Supervisory Referrals	6 Times	1 Year
Response to Resistance	5 Times	3 Months
Response to Resistance	12 Times	1 Year
Police Shootings	2 Times	3 Months
Police Shootings	2 Times	1 Year
Formal/Internal Investigations	2 Times	3 Months
Formal/Internal Investigations	4 Times	1 Year
Claims, Litigations, or Lawsuits	2 Times	3 Months
Claims, Litigations, or Lawsuits	2 Times	1 Year

If an employee is involved in a single incident, generating multiple selection criteria, only one criterion will be counted towards Early Intervention. (Example: An officer is involved in an incident that generates a use of force and a formal investigation. The incident will be counted towards either the use of force annual and quarterly total or the formal investigation annual and quarterly total, not both.)

**4.3 PROCEDURE**

The Internal Affairs Section will facilitate the Early Intervention Program with the cooperation of the Training Unit and the affected bureaus. Each month, the Internal Affairs Section will forward the EIP file for each employee meeting the selection criteria to the employee’s supervisor, via BlueTeams.

**4.3.1 INTERNAL AFFAIRS SECTION (IAS) RESPONSIBILITIES**

The Internal Affairs Section (IAS) will coordinate the Early Intervention Program. The reports will be generated on a monthly and annual basis. IAS will have the responsibility to ensure that each affected bureau receives a copy of each EIP candidate’s EIP file.

a. The Internal Affairs Section will identify employees who meet the enumerated criteria as set forth in this procedure and match those names with the following IAS documentation:

1. Supervisory Referrals.
2. Defensive Tactics Forms.
3. Police Shooting Investigations.
4. Public Record Internal Investigations.
5. Previous qualification for EIP, including which month and year.
6. Claims, litigations, or lawsuits.

b. IAS will notify each affected bureau of the employees who meet the criteria for EIP. IAS will then submit to each affected bureau commander the IAS reports for EIP on those employees. IAS will make this notification through the appropriate chain of command, via BlueTeams, for each qualified employee and request a summary from supervisors detailing their recommendations for intervention.

The supervisor will refer to the EIP file and make a timely and accurate summary of the actions of the particular employee and recommendations for intervention. The supervisor’s report will be submitted to the bureau commander through the chain of command, via BlueTeams, for final approval and then routed to the Internal Affairs Section Manager. Each monthly request for summaries made by IAS to each affected bureau will have a **30-day due date**.

The Internal Affairs Section will maintain an EIP file on every employee selected for Early Intervention. This file will be the repository for documented incidents that meet the criteria for EIP consideration. These files will include:

1. Defensive Tactics Forms: Includes any supporting documentation such as Incident Reports, Charging Affidavits, and photos.
2. Supervisory Referrals: Includes the Supervisory Response Form, Supervisory Referral Form, and any other documentation with regard to the inquiry.

Formal internal investigations will be kept in the officers' Internal Affairs Discipline file and will be purged per the current issue of P&P 1604, Discipline.

The EIP files will be maintained by Internal Affairs and will be retained for four years.

### **4.3.2 SUPERVISORY RESPONSIBILITY**

Supervisors are crucial to a successful Early Intervention Program. They work with individual employees on a day-to-day basis and may be the first to observe and document possible problems with job performance or job or personal-related stress.

Such problems may be exhibited through excessive use of sick time, use of unnecessary force, poor safety techniques, over-aggressiveness, or equipment abuse. Although no particular set of criteria can determine job stress and/or performance problems, it is important that certain criteria be routinely reviewed as indicators of behavior patterns.

Based on a supervisor's recommendation, a division commander may authorize an Early Identification Review through the Internal Affairs Section.

- a. Step One – Review and Analyze employee's EIP file:

The employee's immediate supervisor and chain of command should be involved in the analysis of any employee identified as qualifying for EIP. This should be accomplished by reviewing the documentation in the EIP file and the IAS reports.

Facts and documentation on each response to resistance incident, public record Internal Affairs investigation, and supervisory referral should be reviewed, including:

1. Police Incident Reports.
2. Charging Affidavits.
3. Witness Statements.
4. Discussions with other officers involved in the incident.
5. Determine what, if anything, could have been done differently to prevent the complaint.
6. Decide if there are any similarities between incidents.
7. Find out if other possible indicators of stress are present such as an unusual amount of sick leave, tardiness, marital problems, etc.
8. Determine if a trend or pattern of behavior is indicated.
9. The process of analysis should include recognition that there are circumstances when response to resistance is necessary and proper and that false accusations are sometimes made against officers.

The analysis of the facts should include consideration of the totality of the circumstances surrounding each incident and/or complaint, drawing on knowledge of human behavior, Department policies and

procedures, and wisdom gained from years of law enforcement experience. Unit assignment/function and geographic area of responsibility should be taken into consideration.

b. Step Two - Supervisor's Intervention Meeting:

Supervisors are the "early" in early intervention. It is necessary that there be two-way communication between the employee and the supervisor in order to address potentially problematic behavior early and/or recognize outstanding performance.

When informed of an employee meeting EIP criteria, the supervisor shall review the documentation provided by IAS and then prepare for the meeting with the employee, as soon as possible. Supervisors should be prepared to make recommendations to the employee and include referral information when appropriate. The supervisor should schedule the meeting with the employee and review the documentation provided with the employee and discuss any problem areas or performance issues. The Internal Affairs Manager and Supervisor will be available for consultation with the supervisor as needed.

At the conclusion of the meeting, the supervisor shall prepare a brief note outlining the date, time of the meeting, and a summary of the outcome (e.g. *Discussed use of force with employee and determined that there were no problems and the employee has an understanding of all necessary legal elements.*) This note will be used to prepare his or her Supervisory Early Intervention Response Report.

When dealing with employees who were selected for EI as a result of open, formal internal investigations, supervisors must balance the issues of Garrity and intervention when discussing EI issues with the employee. Supervisors are directed not to discuss the specifics of the open, formal investigations. Instead, the well-being of the employee should be discussed, including any general observations or indicators.

The supervisor should inform the officer that the details of the IA case(s) will not be discussed and that the nature of the informal meeting is to offer any advice or information about intervention issues.

c. Step Three – Section Commander Meeting:

Following the Supervisor's Intervention Meeting, the supervisor will schedule a meeting with his or her section commander to discuss the outcome of the meeting with the employee, the findings concerning each incident, and any recommendations for additional intervention. A consensus will be reached concerning what, if any, intervention steps should be taken.

d. Step Four – Early Intervention Supervisor's Report:

The supervisor will complete an Early Intervention Supervisor's Report (Attachment A), detailing his or her findings concerning the officer's EI file, the employee's response, and his or her recommendations. Recommendations may include the following:

1. Assessment that no problem or pattern of behavior exists.
  2. Dispositions may include a need for remediation or training.
- The employee may need refresher training in human relations skills, defensive tactics, cultural diversity, driving, certain Department policies and procedures, etc.
  - Supervisors should consult with the Training Unit to determine the availability of classes.

3. Referral to the Employee Assistance Program (EAP) for counseling or referral assistance. The employee may need personal or family counseling, financial and money management counseling, and/or drug or alcohol counseling/treatment.

4. Attend stress awareness courses. Consideration should be given to physical fitness testing, weight management counseling, and enrollment in a physical exercise program.

During the course of the Supervisor's Intervention Meeting, personal information about an officer may come to light. This personal information should only be referred to as "non-work related issues" on the Supervisor's Response Form.

e. Step Five - Follow-up:

Internal Affairs will initiate follow-up notices three months after the initial intervention and forward the notices to the supervisor. Early intervention cases where the supervisor found that no problem or pattern of behavior could be discerned will not require follow-up. The supervisor will document whether recommendations were implemented and whether the intervention was effective.

**4.3.3 CHAIN OF COMMAND'S RESPONSIBILITIES-FINAL REVIEW**

The report, with the recommendations, will be completed by the employee's supervisor, in BlueTeams, within 30 days and forwarded back to IAS via the chain of command. Each member of the chain of command will review the supervisor's report and may amend the recommendations by attaching an addendum. The supervisor's report with any amended recommendations will then be sent to the Professional Standards Division Commander. The Professional Standards Division Commander will review the report and recommendations and can also make recommendations of their own by attaching an addendum. If members of an employee's chain of command or the Professional Standards Division Commander vary in their recommendations, the bureau commander will take into consideration the varying views and may conduct a recommendations meeting. The bureau commander will determine the final recommendations. The original reports will be maintained at IAS.

- a. The employee should be fully informed of the recommendations made by his or her chain of command and the Professional Standards Division Commander.
- b. A copy of the report will be retained in the employee's EIP file for four years.

The Training Section Commander will review all Early Intervention files to determine if a training need exists within a specific area of the agency or Department-wide. Additionally, the Training Section Commander shall review all Early Intervention recommendations to ensure that all recommendations for training are available, appropriate, and consistent.

**4.4 IMPLEMENTATION OF RECOMMENDATIONS**

- a. Participation by Departmental employees in counseling and/or training may be voluntary or mandatory.
  - 1. The bureau commander will make a determination as to whether the referral will be mandatory or suggested.
  - 2. Mandatory attendance shall be considered on-duty time, and the officer's schedule will be adjusted accordingly.
- b. Training and counseling as a result of this program are not considered punitive or to be a disciplinary action.

**4.5 MONITORING**

Supervisors will monitor the performance of employees for a minimum of one year following intervention.

Supervisors shall utilize the EIPro dashboard once every 30 days to review their employees and identify any areas of concern. Within two weeks of taking command of a new assignment, Supervisors shall review their employees via the

EIPro dashboard. If you are unable to meet this deadline you must document the reason why in an email to your Lieutenant.

**4.6 PUBLIC RECORDS**

Records concerning the Early Intervention Program are generally considered public record and will be released in accordance with current Florida laws. Confidential or exempt information within an EIP file will maintain its protected status.

**4.7 ANNUAL EVALUATION**

The Early Intervention Program will be evaluated annually by the Internal Affairs Manager for effectiveness and appropriate changes in the policy and the program will be made.

<b>5. FORMS AND APPENDICES</b>
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**ATTACHMENT A-Early Intervention Supervisor's Report**