

Berkeley Police Department General Order Revision Form

SUMMARY OF CHANGES

02/11/2025

G.O. 36 -Personnel Early Warning system

Page 5: Annual Evaluation- added “**A report will be submitted to the Chief of Police annually, by his designee.**”

	BERKELEY POLICE DEPARTMENT GENERAL ORDER	GENERAL ORDER: 36
PERSONNEL EARLY WARNING SYSTEM		
ISSUE DATE:	EFFECTIVE DATE:	DISTRIBUTION: ALL PERSONNEL
AMENDED:		RESCINDS: ALL PREVIOUS VERSIONS
ACCREDITATION STANDARDS: CALEA 35.1.9		NUMBER OF PAGES: 5

PURPOSE: The purpose of this directive is to establish an early warning and intervention system designed to examine certain events and help to identify patterns that may alert supervisors and commanders of employees experiencing performance and/or stress-related problems. The system is designed to assist Department employees in their efforts to perform their duties in an effective, efficient, and professional manner, as well as ensure employee accountability.

POLICY: It is the policy of the Berkeley Police Department to attempt to identify, evaluate, and assist Department employees, sworn and civilian, who appear to exhibit signs of performance and/or stress-related problems requiring intervention. All information obtained through the Personnel Early Warning System shall be maintained discreetly and confidentially.

DEFINITIONS:

Early Warning System (EWS) – a system that uses predetermined criteria and thresholds to identify personnel for evaluation and possible intervention and correction.

First Level Supervisors – Immediate supervisors responsible for initiating the Personnel Early Warning System by completing Personnel Early Warning System Incident Reports. Depending on the employee involved, a first-level supervisor may be a sergeant, a Commander, or a civilian supervisor.

Second Level Supervisors – Supervisors responsible for reviewing Personnel Early Warning System Incident Reports and/or maintenance of the system. Second-level supervisors will be of a commander rank.

Respondent – Order of Protection: A person served with and/or having an order of protection filed against them.

APPENDICES:

- A. Personnel Early Warning System Incident Report – Form A
- B. Personnel Early Warning System Incident Report – Form B – Use Of Force Review Report
- C. Personnel Early Warning System Incident Report – Form C – Vehicle Pursuit Review Report

PROCEDURES:

IDENTIFICATION UNDER EARLY WARNING GUIDELINES [CALEA 35.1.9 a]

- A. The Patrol Commander shall initiate a Personnel Early Warning review through an evaluation of collected materials when a level or frequency of targeted incidents are indicated through monthly Personnel Early Warning System reports or through periodic audits of employees by first line supervisors. These materials include but are not limited to:
1. Department performance evaluations;
 2. Internal Affair Investigations;
 3. Citizen complaints;
 4. Disciplinary action;
 5. Use of Force incidents;
 6. Motor vehicle pursuits;
 7. Supervisory and employee reports such as workmen's compensation claims, counseling meetings, and traffic accidents.
 8. Supervisor Field Audits
- B. Incidents targeted in the Personnel Early Warning System include:
1. Negative Annual Performance Reports
 2. Officer Injury Reports
 3. Vehicle Accidents
 4. Allegations of Misconduct – both Internal and Citizen Complaints
 5. Pursuits
 6. Use of Force Incidents
 7. Worker's Compensation Claims
 8. Internal Affairs Investigations
 9. Disciplinary Action (oral, written reprimand or suspension)
 10. Civil Litigation
- C. First level supervisors who become aware of an employee being responsible for one or more of the incidents outlined in sections B (through review of a case report or other means) shall complete a Personnel Early Warning System Incident Report (Appendices A, B and C). [CALEA 35.1.9 d]
- D. Any occurrence of four of any of these categories within a rolling 180 day period triggers an Early Warning flag requiring that a supervisor reviews the employee's recent issues and work performance. This review will be documented and the supervisor, in agreement with the Division Commander, will take the appropriate action. The documented review will describe what action, if any, was taken and why.

REPORTING REQUIREMENTS [CALEA 35.1.9 b, d]

- A. The Personnel Early Warning System utilizes three different forms. In most cases only one of the three forms will be required. Depending on the nature of the incident(s), the reporting first level supervisor must choose and complete the proper form(s). The proper forms required to document the different types of incidents are explained in sections B, C and D below.
- B. The following incidents must be documented on the Personnel Early Warning System Incident Report Form A:
1. All formal complaints lodged against an employee;

2. Disciplinary actions taken by a supervisor against an employee without formal complaints. This includes documented oral reprimands and corrective action;
 3. Significant change in 12-month performance evaluation;
 4. Being named as a respondent in an order of protection;
 5. When an employee is at fault in a traffic crash while driving a Department vehicle.
 6. Any use of force causing or likely to cause death or great bodily harm. For the purposes of this Order, causing death or great bodily harm does not include using a firearm, or any other means, to kill a dangerous animal if the animal poses a threat to the officer or to others, or as a humanitarian measure when the animal is seriously injured.
 - a. Incidents involving use of force causing or likely to cause death or great bodily harm do not require a first level supervisor to complete a Use of Force Review Report (Form B) because all incidents of this nature are automatically reviewed by the Chief of Police – See General Order 2016-09 – Use of Force for additional information.
- C. The following incidents must be documented on the Personnel Early Warning System Incident Report Form B - Use of Force Review Report:
1. Tactical use of any weaponless (empty-handed) physical control technique against any person that causes an injury requiring treatment at a medical facility;
 2. Tactical use of a TASER®, chemical control spray (OC), expandable baton, firearm or any other weapon (not causing or likely to cause death or great bodily harm) against any person.
- D. Incidents involving vehicle pursuits, as defined in General Order #38 – Vehicle Pursuits, must be documented with Personnel Early Warning System Incident Report Form C – Vehicle Pursuit Review Report.
- E. When proper documentation of an incident requires more information and/or space than is available on form A, B or C, the reviewing commander or supervisor will also complete an Officer's or Civilian Employee's Report detailing the additional information and submit it with the other required documents.
- F. Once the required report(s) is/are completed, the commander or supervisor shall retain a copy (copies) and forward the originals, along with a copy (copies) of any applicable case report(s), to the affected employee's Commander.
- G. All reviews shall be maintained in the strictest confidence and shall not be discussed with other employees unless it is necessary for completion of the review. All employees made aware of a review shall be informed that unauthorized disclosure of any aspect of the review may

COMMANDER REVIEW (Second Level Supervisor) [CALEA 35.1.9 d]

- A. The Commander (second level supervisor) responsible for the employee named in the Personnel Early Warning System Incident Report shall review all of the documents forwarded to him/her, sign the Personnel Early Warning System Incident Report form(s) in the appropriate place(s) and forward all of the documents to the Chief of Police.

- B. The Chief of Police shall review all of the documents forwarded to him/her, sign the forms in the appropriate place(s) and place them in the respective employee's file.
- C. Outside of the required action taken by the supervisor if an employee triggers the EWS by totaling 4 occurrences within 180 days, the Chief of Police will also review the Personnel Early Warning System files each month. If, during the monthly review, the Chief believes an employee has an inordinate number of reported incidents or incidents of increasing severity in their file, he or she will create a report. Included in the report will be a list of the total incidents and a brief outline and/or description of the incidents. The Chief's report will be forwarded to the affected employee's Commander for review.
 - 1. After review of the report from the Chief, the Commander and Chief will meet to determine whether intervention is warranted.
 - 2. If no intervention is necessary, the report will be filed in the employee's Personnel Early Warning System file. No further action will be taken based on that report.
 - 3. If intervention is to be taken, the Chief will meet, as soon as possible, with the involved employee, the employee's Commander and the employee's immediate supervisor to devise a corrective plan of action for the employee.
 - a. The Commander shall complete a report of the meeting and any plan of action devised and submit the report to the Chief of Police.

CORRECTIVE PLANS OF ACTION [CALEA 35.1.9 e, f]

- A. Corrective plans of action will be flexible enough to permit easy modification when necessary.
- B. A corrective plan of action may include but is not limited to:
 - 1. A review of the behaviors identified that are adversely affecting the performance of the employee;
 - 2. Specific actions required by the employee, their supervisor or other involved parties;
 - 3. Notice that participation is mandatory.
- C. Recommendations of the Commander may include, but are not limited to, these corrective remedial actions:
 - 1. Supervisory counseling;
 - 2. Peer support and counseling;
 - 3. Referral to the City of Berkeley's healthcare provider;
 - 4. Training.
- D. The employee's supervisor will review and discuss the plan of action with the affected employee.
- E. The employee's supervisor will closely monitor the employee's performance for a period of six (6) months following the beginning of the corrective action plan and submit a report to the employee's Commander and the Chief of Police.
- F. Significant progress or continued problems may dictate modification of the plan or additional measures.

ANNUAL EVALUATION [CALEA 35.1.9 c]

- A. A report will be submitted to the Chief of Police, annually, by his designee, with an overall assessment of the Personnel Early Warning System. The report should include an evaluation of the system's significance and effectiveness and detail any recommended changes.

DRAFTED BY: Captain Evelio Valdespino	DATE:
REVIEWED BY: Colonel Art Jackson	DATE:
APPROVED BY: Berkeley City Council	DATE: