

RELEASE: Revisions to the Performance Enhancement Process (PEP) Eligibility Criteria.

EFFECTIVE: 6/10/2024

This message is being distributed to advise Department members that Chief Robert O. McCullough has approved revisions to the PEP Eligibility Criteria contained in Administrative Manual, Article 7, Section 8.2, Performance Enhancement Process (PEP).

These changes have been made at the request of the Internal Affairs Division (IAD) to ensure that the PEP Eligibility Criteria accurately reflect the Department's revised complaint reporting process, which now documents items that were previously handled as command-level inquiries as minor complaints. The IAD believes this change will reduce the number of members unnecessarily flagged for PEP eligibility, while ensuring those in need of the PEP process will still be identified.

A copy of the revised Administrative Manual section is attached to this message. The attached policy supersedes the section currently contained in the Department's Administrative Manual (i.e., General Order 2023-01). The revised policy will be placed into the Administrative Manual in a future General Order.

The Form 37, PEP Early Identification Notice, has also been revised to reflect the new PEP Eligibility Criteria. The revised Form 37 has been placed on the PDnet. Effective immediately, members shall discontinue use of Forms 37 dated prior to 06/2024.

Commanders: Please complete a Form 159, Order/Directive Verification Form, for each member in your command and attach one printed copy of this message and the attached document. Members will sign the Form 159 stating that they received a copy of this message and the attached document, which is located in their Department e-mail account. A copy of this message and the attached document will also be posted on the Department's Intranet site.

Please contact the Strategic Planning Team with any questions at x2260.

This message has been reviewed and approved by Captain Joseph W. Donohue (#3844).

7-8.2 PERFORMANCE ENHANCEMENT PROCESS (PEP)

GENERAL

- The Performance Enhancement Process (PEP) is a non-punitive early intervention system used to identify and assist members who exhibit potential job-related performance issues (e.g., use of excessive force or unnecessary force, preventable vehicle crashes, citizen complaints, etc.).
NOTE: The PEP is not disciplinary in nature, and is not intended to replace Department disciplinary procedures. It does not prevent the investigation or imposition of discipline for any particular complaint.
- All information and documentation related to the PEP is confidential and will be maintained as personnel records.
- A PEP Early Identification Notice (i.e., the top portion of a Form 37, Performance Enhancement Process (PEP) Early Identification Notice and Performance Review) will be initiated by the identifying command when one or more of the eligibility criteria thresholds are reached.
- The PEP will not be implemented when it is determined that an eligible member:
 1. Does not exhibit potential job-related performance issues, or
 2. Exhibits job-related performance issues that cannot be addressed by the PEP.

PERFORMANCE ENHANCEMENT PROCESS ELIGIBILITY CRITERIA THRESHOLD

- Use of force incidents requiring a Use of Force Packet – three or more in a six-month period.
NOTE: Uses of force that do not require a Use of Force Packet and are investigated solely at the command level are not included in the above count.
- Administrative complaints – three or more in a six-month period.
- Community complaints – four or more in a six-month period.
- Any combination of Use of force incidents requiring a Use of Force Packet, administrative complaints, and community complaints – five or more in a six-month period.
- Criminal allegations – any criminal allegation against a member.
EXCEPTION: Minor traffic violations.
- Firearm discharges – any out-of-policy discharge.
- Motor vehicle pursuits – two out-of-policy pursuits in a 24-month period.
- Departmental motor vehicle crashes – three at fault and/or preventable crashes in a 24-month period.
- Performance ratings – two consecutive:
 1. Performance appraisals with two or more “marginal” categories per appraisal, for non-probationary sworn members;
 2. Progress reports with two or more “unsatisfactory” categories per appraisal for probationary sworn members; or
 3. Performance evaluations with two or more “unsuccessful” categories, for non-sworn staff members.
- Any other incident or combination of incidents or situations that the member’s commander believes warrants performance review and intervention.

ELIGIBILITY TRACKING

- Conducted by the:
 1. Internal Affairs Division (IAD), for use of force incidents requiring a Use of Force Packet, misconduct complaints (i.e., administrative and community complaints), criminal allegations, and firearm discharges.
 2. Operations Bureau Administrative Staff, for pursuits.

3. Safety Officer, for departmental motor vehicle crashes.
 4. Precinct/section commander, for performance ratings, and other incidents/situations warranting the initiation of the PEP.
- Members will be monitored for six months for additional triggering incidents once an eligibility criteria threshold has been met.

PEP EARLY IDENTIFICATION NOTICE

- Documented by the identifying command via the “PEP Early Identification Notice” portion of a Form 37.
- Completed by the identifying command when one or more eligibility criteria thresholds are met.
NOTE: An additional PEP Early Identification Notice will be issued each time a monitored member is involved in an additional incident.
- Sent by the identifying command to:
 1. The Police Human Resources Section (PHRS) - original.
 2. The Member’s precinct/section commander - first copy.
NOTE: An electronic copy will be sent via e-mail for completion of a performance review.
 3. Retained by the initiating command - second copy.
 4. The member’s division commander, or if the member does not have a division commander, the executive officer of the member’s bureau - third copy.
 5. To the IAD - fourth copy.**NOTE:** See Form 37 for distribution.
- Includes:
 1. The name and identification number of the eligible member.
 2. A description of the incidents triggering the eligibility.
NOTE: The description will include all relevant incident dates, central complaint numbers, etc.
 3. An Early Identification Number (EIN).
NOTE: The EIN will be generated by the IAD. The EIN will be provided to the member’s commander, for inclusion on the Form 37 and Form 37A, when the PEP Early Identification Notice is not initiated by the IAD.

PERFORMANCE REVIEW

- Initiated by the identified member’s shift/unit commander via completion of the “Performance Review” portion of the Form 37 upon receipt of a PEP Early Identification Notice by the precinct/section commander.
- Contains:
 1. A narrative summary of the incidents triggering eligibility for the PEP;
 2. The member’s performance history (e.g., assignments, awards, sick occurrences, etc.);
 3. Recommendations regarding PEP implementation; and
NOTE: Recommendations will be made by the identified member’s precinct/section commander, the member’s division commander, or if the member does not have a division commander, the executive officer of the member’s bureau, and the Commander of the PHRS.
 4. A determination by the Bureau Chief of the Professional Standards Bureau (PSB) regarding whether PEP will be implemented for the identified member.
- Will not contain specific medical information.
NOTE: Specific relevant medical information/documentation from a health care provider must be forwarded directly to the PHRS to be filed separately from personnel records.

ACTION PLAN

- Developed jointly by the member, the member's supervisor(s), and the member's precinct/section commander, in consultation with the member's division commander, or if the member does not have a division commander, the executive officer of the member's bureau, the Commander of the PHRS, and the Bureau Chief of the PSB for members meeting the eligibility criteria threshold, when a determination is made that the PEP will be implemented.
- Will be documented on a Form 37A, Performance Enhancement Process Action Plan.
EXCEPTION: Specific relevant medical information/documentation from a health care provider must be documented separately and forwarded directly to the PHRS to be filed separately from personnel records.
- May include remedial action such as:
 1. Supervisor counseling.
 2. Field observations.
 3. Mentoring.
 4. Formal or on the job training.
 5. Reassignments (i.e., permanent or temporary)
 6. Referral to the Employee Assistance Program (EAP).
 7. Fitness-for-Duty evaluation.
 8. Behavioral interventions.
 9. The establishment of specific goals and objectives.**NOTE:** List is not all-inclusive.
- Establishes a timetable for completion of the action steps contingent on resource availability and the issue(s) being addressed.
- Identifies the resource provider(s) for the activities necessary to complete the action plan.
- Clearly defines the desired behaviors/performance and establishes benchmarks to measure the success of the action plan, as appropriate.
- May be included in concurrent performance ratings as objectives or career development activities.
- Is reviewed by the member and supervisors periodically while the action plan is active to assess progress.

PRECINCT/SECTION COMMANDERS

- Ensure that the PEP is completed, when it is implemented for a member of their command.
NOTE: Specific duties may be delegated, as appropriate.
- Monitor performance ratings of members within their command, and initiate a PEP Early Identification Notice when eligibility criteria threshold are met.
NOTE: See Form 37 for distribution.
- Ensure the "Performance Review" portion of the Form 37 is completed within five days of receipt of a PEP Early Identification Notice.
EXCEPTION: An extension to the five days may be granted by the Bureau Chief of the PSB, when additional time is required to gather appropriate documentation required for completion of the performance review.
- Review the incidents triggering eligibility and the member's history to determine whether the PEP should be recommended.
NOTE: The Form 37 will be forwarded to the member's division commander, or if the member does not have a division commander, the executive officer of the member's bureau, once the performance review is completed and a recommendation has been made. Precinct/section commanders will remain in contact with their commander, the PHRS, and the Bureau Chief of the PSB to ensure that a determination regarding PEP implementation is returned to the command within 10 days.

- Meet with the member and the member's supervisor(s), within 10 days of receipt of notification that the Bureau Chief of the PSB has determined the PEP will be implemented to develop an action plan.
NOTE: This will be done in consultation with the member's division commander, or if the member does not have a division commander, the executive officer of the member's bureau, and the PHRS.
- Will not discuss with the member any details of the specific incidents that triggered the PEP Early Identification Notice.
- Will not allow the member to comment on any details of the specific incidents that triggered the PEP Early Identification Notice.
- Only discuss with the member relevant policies and procedures related to the types of incidents that triggered the PEP Early Identification Notice.
- Document the action plan on the Form 37A and forward to the PHRS within 30 days of receipt of a PEP Early Identification Notice.
- Monitor activities to ensure action plan objectives are completed within the designated timeline.
- Evaluate the member's performance to ensure that the identified issues are resolved.
- If a PEP is implemented, submit a final report via a Form 12L within 90 days, when possible, through their chain of command to the Commander of the PHRS, for inclusion in the PEP file, including:
 1. All actions taken by the member, including the date the action was taken.
 2. Results of all monitoring, observations, etc.
 3. Explanation of any changes to the action plan, including the timetable.
 4. A brief summary of the member's efforts to improve and an analysis of the overall effectiveness of the PEP.
 5. Recommendations for future monitoring or observations, if necessary.
 6. Any other comments or information the commander or supervisor considers relevant to the member's performance enhancement efforts and activities.
- Forward copies of all PEP-related documents to the PEP-eligible member's division commander, or if the member does not have a division commander, the executive officer of the member's bureau, with a second copy retained in the member's command level personnel folder.
- Contact the PHRS for performance or history information, as needed.
- Contact the PHRS, the Training Section, the IAD, the Legal Section, or other available resources for guidance regarding the PEP, as needed.

SHIFT/UNIT COMMANDERS

- Continually monitor member performance and take action when necessary.
- Maintain documentation regarding member performance to be used in the appraisal process.
- Meet with the precinct/section commander to:
 1. Complete the "Performance Review" portion of the Form 37, when a PEP Early Identification Notice has been received.
 2. Develop an action plan on a Form 37A, when a determination has been made that the PEP will be implemented.
- Monitor the member's performance and ensure that all parts of the action plan are implemented.
- Coordinate with the member's supervisor to ensure PEP duties and responsibilities are carried out.

- Provide regular updates and documentation to both the member and the precinct/section commander about the member's performance and progress in completing the action plan objectives.
- Make recommendations to conclude or modify the action plan based on the member's performance.

SUPERVISORS

- Work with the member to follow the PEP, as directed by the shift/unit commander.
- Provide regular updates and documentation on the member's performance and progress.

DIVISION COMMANDERS

- Review the incidents triggering eligibility and the member's history to determine whether the PEP should be recommended.

NOTE: The Form 37 will be forwarded to the PHRS. Division commanders will remain in contact with the precinct/section commander, the PHRS, and the Bureau Chief of the PSB to ensure that a determination regarding PEP implementation is returned to the command within 10 days.

- Review action plans developed for members of their command.
- Monitor and follow-up with commanders to ensure action plans are carried out with the specified time period.

NOTE: The tasks will be performed by the executive officer of the member's bureau, when the member does not have a division commander.

POLICE HUMAN RESOURCES SECTION

- Serves as the central collection point for all PEP forms and information.
 - Tracks all Forms 37 and ensures that responses from commands are received within the required time frames.
 - Acts as a resource for commanders in defining issues, developing action plans, and monitoring and evaluating activities and performance.
 - Ensures the quality of assessments and performance development and the consistency and fairness of the process.
 - Conducts a documented annual evaluation of the PEP program, including:
 1. Number of members in the program.
 2. Identification criteria used to initiate the program for members.
 3. Results of PEP (i.e., successful or unsuccessful).
 4. Recommendation for program changes, when applicable.
 - Commander makes a recommendation on PEP implementation upon receipt of a Form 37 containing a completed performance review and recommendations from the member's precinct/section commander and division commander or executive officer.
- NOTE:** The PHRS will remain in contact with the precinct/section commander, division commander/executive officer, and the Bureau Chief of the PSB to ensure that a determination regarding PEP implementation is returned to the member's command within 10 days.
- Reviews action plans developed for members.
 - Monitors and follows up with commanders to ensure action plans are carried out within the specified time period.

- Notifies the following when a member completes the PEP:
 1. The entity initiating the PEP Early Identification Notice (e.g., the Operations Bureau Administrative Staff, the Safety Officer, the appropriate precinct/section commander, etc.).
 2. The IAD.

BUREAU CHIEF OF THE PROFESSIONAL STANDARDS BUREAU

- Oversees the PEP program.
- May grant additional time for the completion of a performance review, upon request, when additional time is required to gather appropriate documentation required for completion.
- Makes the final determination regarding whether the PEP will be implemented for an eligible member.

NOTE: The Bureau Chief of the PSB will remain in contact with the precinct/section commander, division commander/executive officer, and the PHRS to ensure that a determination regarding PEP implementation is returned to the member's command within 10 days. See Form 37 for required distribution.

OPERATIONS BUREAU ADMINISTRATIVE STAFF

- Monitors out-of-policy pursuits, to identify members who have met the PEP eligibility criteria.
- Initiates a PEP Early Identification Notice when a member reaches the PEP eligibility criteria for out-of-policy pursuits.

NOTE: See Form 37 for distribution.

SAFETY OFFICER

- Monitors the number of at fault and/or preventable departmental motor vehicle crashes, to identify members who have met the PEP eligibility criteria.
- Initiate a PEP Early Identification Notice when a member reaches the PEP eligibility criteria for at fault and/or preventable departmental motor vehicle crashes.

NOTE: See Form 37 for distribution.

INTERNAL AFFAIRS DIVISION

- Monitors use of force incidents requiring a Use of Force Packet, community complaints, administrative complaints, criminal allegations, and firearms discharges, to identify members who have met the PEP eligibility criteria.
- Initiates a PEP Early Identification Notice when a member reaches the PEP eligibility criteria for use of force incidents requiring a Use of Force Packet, community complaints, administrative complaints, criminal allegations, and firearms discharges.

NOTE: See Form 37 for distribution.

- Consults with commanders regarding a member's disciplinary history.
- Maintains a record of members' participation in PEP.

NOTE: An EIN will be provided by the IAD (i.e., by placing it on PEP Early Identification Notices generated by the IAD, and by providing it to the member's commander, for PEP Early Identification Notices not generated by the IAD) for placement on each PEP Early Identification Notice that is generated.

TRAINING SECTION

- Defines, identifies, and acquires or implements training programs for the PEP, as needed.
- Tracks member's departmental training history for commander's reference when developing and monitoring action plans, as needed.