

GENERAL ORDERS
CHAPTER 103
STANDARDS OF CONDUCT

Effective date: 04/25/19

Revision date: 03/27/19

Rescinds: GO 103.9 (04/21/08)

New Materials Underscored

Accreditation Standards: 35.1.9

G.O. 103.9
PERSONNEL ASSISTANCE PROGRAM

I. PURPOSE

To provide guidelines and procedures for the Maui Police Department's Personnel Assistance Program. The Personnel Assistance Program could assist in identifying employees with potential problems that can be addressed through remedial actions.

II. PROCEDURE

It is the policy of the Maui Police Department to provide counseling, remedial training, guidance and intervention to employees who may be having problems on the job. The department should not be faced with investigating an employee for a serious case of misconduct only to find there was an escalating pattern of less serious behavior which could have been abated through intervention.

III. PROCEDURES

A. Internal Affairs will be responsible for administering the Personnel Assistance Program and generating those reports necessary for intervention as set forth by this directive.

B. Selection: The following criteria shall be used when generating an Early Assistance Report for intervention as part of the department's Personnel Assistance Program.

1. Citizen and Internal Complaints

a. Three or more citizen and/or internal complaints against an employee within a twelve month period whether sustained or not.

(1) A complaint made through the Maui Police Commission shall be considered a citizen complaint.

2. Use of Force Incidents

a. Ten (10) or more use of force incidents within a twelve month period which results in injury to the arrested person.

3. High Speed Pursuits
 - a. Six (6) or more high-speed pursuits within a twelve-month period in which the employee initiated the pursuit.
 4. Civil Litigation
 - a. Three (3) or more instances within a twelve-month period in which an employee is named in a civil litigation.
 5. Firearms Discharge
 - a. Three (3) or more incidents within a twelve-month period in which an officer discharged a weapon whether justified or not.
 6. Combination of events
 - a. Ten (10) or more incidents in any combination involving the above events within a twelve-month period.
- C. Intervention: The following procedures will be used once an employee is identified through the Internal Affairs database based on the above criteria.
1. The Early Assistance Reports will consist of a brief summary of the complaints and incidents involving the employee. This report will not render any conclusions nor make any determinations about the involved employee. It is designed to aid the employee's immediate supervisor in evaluating and guiding the employee.

Internal Affairs shall check all Early Assistance Reports to ensure that the incidents which triggered the report have met the established criteria.
 2. Early Assistance Reports will be directed to the employee's Lieutenant or civilian supervisor through the chain of command. Another supervisor may be assigned if any conflict or issues exist that may jeopardize or affect the intervention process.
 3. The Lieutenant or assigned supervisor will discuss the report with the affected employee and seek his or her comments. The employee's immediate supervisor should be involved in the interview process. Part of the reason for the interview is to determine any underlying factors that may be causing the employee's behavior. The Lieutenant or assigned supervisor will prepare a written report of his or her finding. This report shall be submitted via channels to the Chief of Police by the due date set by Internal Affairs, which will be 15 calendar days from when the Early Assistance Report was sent.

4. The Lieutenant or assigned supervisor will meet with his or her commander to discuss the findings in the written report and determine if remedial actions are necessary.

If it is determined by the commander that no further action is necessary, the commander shall indicate his or her findings on the written report, and the incident count shall be reset and a new count started for subsequent incidents falling within the selection criteria.

If it is determined that further action is warranted, one of the following shall be done depending on the magnitude of the behavior as determined by the commander.

- a. The employee can be counseled about his or her behavior.
 - b. The employee can be referred to enhancement or remedial training courses appropriate to the behavior.
 - c. The employee can be referred to a Police Chaplain of his or her choosing.
 - d. The employee can also be referred to the County of Maui's Employee Assistance Program which provides professional counseling and assistance.
5. Any intervention and request for training will be documented and forwarded through the chain of command to the Chief of Police for review.

D. Post Intervention Monitoring

1. Following intervention, the employee shall for a period of six months be monitored by his or her Lieutenant and immediate supervisor for any further questionable behavior.
2. Should an event occur that raises concern, the Lieutenant and immediate supervisor shall report the event to his commander for a re-evaluation of the intervention taken.
3. If an employee is being monitored because of three complaints received within a one year period and one or more of the complaints against the employee is either unfounded or the employee is exonerated by the Administrative Review Board, the employee shall be removed from Post Intervention Monitoring.

Internal Affairs shall be responsible for notifying the employee's commander and the Early Assistance Report generated on the employee shall be removed from departmental records.

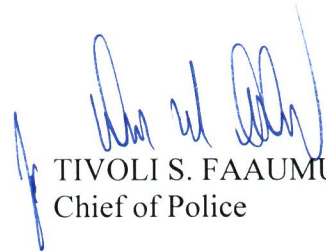
IV. RECORDS AND FILES

Records and files generated by the Personnel Assistance Program process will be maintained separately from the employee's personnel file.

A. Internal Affairs shall maintain these records and files for a period of one (1) year.

V. EVALUATION OF THE SYSTEM

Internal Affairs will conduct an annual evaluation of the Personnel Assistance Program intervention and submit a written report to the Chief of Police.



TIVOLI S. FAAUMU
Chief of Police