

Performance History Audits

1035.1 PURPOSE AND SCOPE

Performance History Audits are collections of data designed to assist supervisors in evaluating the performance of their employees. Performance History Audits can help identify commendable performance as well as early recognition of training needs and other potential issues. While it is understood that the statistical compilation of data may be helpful to supervisors, it cannot account for and must be carefully balanced with the many variables in law enforcement, such as:

- A deputy/detention officer's ability to detect crime or suspicious incidents
- A deputy/detention officer's work ethic
- A deputy/detention officer's work assignment and shift
- A deputy/detention officer's physical abilities, stature, etc.
- Randomness of events

1035.2 RESPONSIBILITIES

Under the authority of the Division Commander, the Professional Standards Unit is responsible for collecting performance indicators and other relevant data to generate and provide a yearly Performance History Audit Report for each deputy/detention officer to the appropriate Division Commander.

The Division Commander will also forward a copy of each Performance History Audit Report to the office of the Sheriff's Counsel for review and retention as attorney work product and confidential personnel information.

1035.3 COMPONENTS OF PERFORMANCE HISTORY AUDITS

Performance History Audits will include the following components:

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

1035.4 PERFORMANCE INDICATORS

Performance indicators represent the categories of employee performance activity that the Sheriff or the authorized designee of the Clay County Sheriff's Office has determined may be relevant data for the generation and analysis of Performance History Audits. Performance indicators may include, but are not limited to the following:

- (a) Frequency and findings of use-of-force incidents

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- (b) Frequency of involvement and conduct during vehicle pursuits
- (c) Frequency and findings of citizen complaints
- (d) Number of commendations, compliments and awards (citizen and Sheriff's Office)
- (e) Claims and civil suits related to the employee's actions or alleged actions
- (f) Canine bite incidents
- (g) Internal Affairs investigations
- (h) Frequency and reasons for District Attorney case rejections
- (i) Intentional or unintentional firearm discharges (regardless of injury)
- (j) Vehicle collisions
- (k) Missed court appearances
- (l) Documented counseling memos

1035.5 COMPILATION OF DATA

The Professional Standards Unit will utilize secure systems and other confidential methods to compile and track information regarding performance indicators for each deputy/detention officer in order to prepare Performance History Audit Reports.

1035.6 EMPLOYEE NOTIFICATION AND RESPONSE

The Professional Standards Unit will notify each deputy/detention officer prior to retaining any performance indicator for entry into a Performance History Audit Report. The affected deputy/detention officer may submit a written comment within 10 days regarding each performance indicator. Any such written comment will be attached to the related performance indicator in such a way as to be readily noticed by supervisors reviewing a Performance History Audit Report.

1035.7 DATA ANALYSIS AND ACTION

Upon receipt, the Division Commander will review each Performance History Audit Report and determine whether it should be provided to a deputy/detention officer's immediate supervisor for further consideration. The deputy/detention officer's immediate supervisor will carefully review the Performance History Audit Report with the deputy/detention 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 deputy /detention officer shall date and sign the Performance History Audit Report and may be provided a copy of the report upon request.

If a supervisor determines that a deputy/detention officer's performance warrants action beyond informal counseling, the supervisor shall advise the Division Commander of such recommendation. If the Division Commander concurs with the recommendation of the supervisor, he/she shall take steps to initiate the appropriate action.

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If discipline or other adverse action is initiated against a deputy/detention officer as a result of a Performance History Audit, the deputy/detention officer shall be entitled to all rights and process set forth in the Personnel Complaints Policy.

1035.8 CONFIDENTIALITY OF DATA

Information, data and copies of material compiled to develop Performance History Audit Reports shall be considered part of the employee's personnel file and will not be subject to discovery or release except as provided by law. Access to the data in the system will be governed under the same process as access to a deputy/detention officer's personnel file as outlined in the Personnel Files Policy.

1035.9 RETENTION AND PURGING

Except as incorporated in separate training or disciplinary records or employee personnel files maintained by the Sheriff's Office Human Resources Coordinator, all performance indicators attached to the Performance History Audit Reports and the Performance History Audit Report itself shall be purged from the Professional Standards Unit and all other locations within the Sheriff's Office one year from the date generated. The Sheriff's Counsel, however, shall retain a copy of Performance History Audit Reports for an additional one-year period as attorney work product.