

# NIAGARA FALLS POLICE DEPARTMENT

## GENERAL ORDER

EFFECTIVE DATE: 03/25/2014	SUBJECT: <b>Risk Assessment System (RAS)</b>	Number 123.20
RESCINDS: 12/18/2013		Number of pages 16

I. Purpose:

- A. The purpose of this order is to set forth NFPD policy and procedures for the use of the Risk Assessment System (RAS), formerly known as the Early Warning System (EWS), and related program administration responsibilities.
- B. The RAS is a pro-active, non-disciplinary, early identification, action program designed to identify and positively influence conduct, correct performance-related problems and recognize exemplary performance. By establishing performance standards and providing the requirement for supervisors and commanders to review their subordinate's performance as it relates to these standards, the NFPD is better able to maintain supervisory and managerial accountability, ensure consistent high quality performance standards and guarantee policy compliance throughout the Department.
- C. The application of these strategies is intended to recognize the value and contributions of each member and employee to the NFPD and community and, when identified at an early stage as necessary and appropriate, address issues of concern that may have an adverse impact upon an individual's career, the Department's mission and/or operations.
- D. The program's intent is to hold supervisors and commanders accountable for developing, leading and managing individuals and groups of individuals under their supervision. This is accomplished through recognizing exceptional performance, promoting professional police practices, managing the risk of performance related police misconduct, and regularly monitoring the performance and behavior of individuals who demonstrate patterns of behavior that may indicate that the person or a group is engaging in at-risk behavior or substandard performance.
- E. Equally important, the program is intended to promote greater trust and confidence between the NFPD, its members, and the public.

II. Policy:

- A. The Office of Professional Standards shall monitor and manage the Risk Assessment System.

- B. The Superintendent of Police shall designate a Deputy Superintendent of Police to serve as the RAS Command Officer responsible for program management .
- C. Department personnel shall only access RAS information to the extent necessary for the performance of their duties.
- D. Supervisors and Commanders shall regularly monitor the performance and behavior of individuals and groups of individuals under their supervision and/or command to identify and recognize individuals demonstrating exceptional performance and those individuals who demonstrate patterns of behavior that may indicate that the person or a group is engaging in at-risk behavior or substandard performance.
- E. All RAS data and reports are confidential and not public information. All information maintained in an individual's RAS file shall be considered confidential, and access to this information is restricted to authorized personnel.
- F. The following personnel shall have unlimited (full) access to RAS:
  - 1. Superintendent of Police;
  - 2. Deputy Superintendents of Police;
  - 3. OPS assigned members;
  - 4. Personnel approved in writing by the Superintendent of Police;
- G. Shift/Division Commanders shall have access to RAS for personnel directly under their command.
- H. Supervisory staff may have access to RAS for personnel directly within their chain of command only with the authorization of their Shift/Division Commander and the OPS Commander.
- I. In the event a Lieutenant or Captain requires information for members assigned outside their chain-of-command, the requestor shall contact the OPS Commander, going through their chain-of-command.
- J. In extenuating circumstances, NFPD personnel may be afforded access to their own RAS file at the direction of the Superintendent of Police.
- K. The information contained in RAS will remain in the system for the length of the employee's active career with the Niagara Falls Police Department.
- L. The OPS Commander and each member's Shift/Division Commander shall review all RAS data for accuracy. Errors and the omission of information contained in a RAS record shall be documented and forwarded to the OPS Division for review and correction.

III: Definitions:

- A. Action Strategy/Referral: Sometimes referred to as "intervention", Action Strategy/Referral refers to a specific disposition following a RAS Activity Review requiring a member potentially at risk to take part in an external or internal corrective plan of action designed to correct identified deficiencies within a pre-determined period of time.
- B. Commander: An officer with the rank of Captain or higher.
- C. Designated Supervisor: A Lieutenant who is the pre-assigned first line supervisor for a specific officer, handling direct oversight, administrative functions, performance evaluations and counseling duties at the direction of the Shift/Division Commander.
  - 1. In the Designated Supervisor's absence, any urgent situation which would normally result in an officer consulting with the Designated Supervisor shall be handled directly by the Shift/Division Commander.
  - 2. All members shall be assigned a Designated Supervisor.
- D. Disposition Meeting: A meeting involving the affected member, Designated Supervisor and Shift/Division Commander following a RAS Activity Review in which Supervisory Monitoring or Action Strategy/Referral is recommended. The affected member will be notified of the specific strategic plan to correct identified deficiencies.
- E. Follow-Up: The process of determining the effectiveness of a strategy for personnel referred for Supervisory Monitoring, and for Supervisors and Commanders to continually assess the need for alternative strategies.
- F. OPS Commander: The Deputy Superintendent of Police responsible for the Office of Professional Standards (OPS) and the Risk Assessment System (RAS).
- G. Performance Dimensions: Law enforcement activities in which members engage in on a regular basis.
- H. RAS Activity Review: A comprehensive documentation of the supervisory assessment of a member's RAS file with the intent of identifying exemplary performance, or patterns of behavior which may put the member potentially at risk.
- I. Risk Assessment System (RAS): RAS is a pro-active, non-disciplinary, early identification, action program designed to identify and positively influence conduct, correct performance-related problems and to recognize exemplary performance.

- J. RAS Thresholds: RAS Thresholds are established to evaluate RAS Performance Dimensions and may be triggered by a single event, a predetermined number of events within a period of time, or determined by supervisory discretion.
- K. Supervisor: An officer with the rank of Lieutenant or higher.
- L. Supervisory Monitoring: Refers to a specific disposition following a RAS Activity Review requiring a member to be provided with goals and expectations, participate in mentoring, and meet regularly with the Designated Supervisor to correct identified deficiencies for a pre-determined period of time.

#### IV. Procedures:

The RAS process is comprised of three (3) components, Identification, Disposition, and Follow-up.

##### A. Identification:

- 1. The OPS Commander shall notify, in writing, the Superintendent of Police and the responsible Shift/Division Commander of an identified member who meets the RAS criteria requiring a RAS Activity Review.

##### B. Disposition:

- 1. The Shift/Division Commander shall review and make a detailed analysis of the individual's RAS data and make a disposition recommendation. The member's Designated Supervisor shall review and also endorse the disposition recommendation or identify changes to same.

##### C. Follow-Up:

- 1. Follow-up is required to determine the effectiveness of an action strategy for personnel referred for Supervisory Monitoring, and for Supervisors and Commanders to continually assess the need for alternative strategies.
- 2. RAS is not a substitute for appropriate discipline for "sustained" acts of discipline as mandated by the Discipline Matrix (see G.O. 116.00, Discipline).

#### V. RAS Data – Performance Dimensions

Performance dimensions categorize the types of activity in which members and employees engage in on a regular basis.

- A. The activity recorded in each of the performance dimensions shall be made available for review and analysis by individuals, supervisors, commanders, the OPS, and other authorized personnel.
- B. Performance dimensions include, but are not limited to:
  - 1. Use of force (all levels),
  - 2. All officer-involved firearm discharges other than those authorized at a firearms training facility, or while engaged in a lawful recreational activity, such as hunting or target practice; or by Crime Scene Unit personnel for the purpose of forensic examination,
  - 3. All vehicle pursuits and on-duty vehicle collisions,
  - 4. All citizen complaints,
  - 5. Arrests involving use of force by the member for disorderly conduct, resisting arrest, obstructing governmental administration, and/or assault on a police officer,
  - 6. Civil suits and/or claims related to employment, or which contain allegations rising to the level of a violation of NFPD Policies and Procedures or Rules and Regulations,
  - 7. In-custody deaths and injuries,
  - 8. Issuance of a court protection or restraining order in which employee is involved,
  - 9. Excessive use of sick time (3 or more within 90 days); or repeated instances of tardiness (2 or more within 90 days); or repeatedly missing assigned court appearances (2 or more within 90 days),
  - 10. An inordinate number of uses of force or complaints when viewed as a proportion of an individual's total arrests and/or compared with other officers performing similar duties.

C. Use of RAS Data:

A member's RAS file is an electronic file in which the member's activity is accessible through a secure universal system.

- 1. Supervisors, Commanders, and other authorized personnel shall take into account relevant and appropriate RAS information when reviewing and considering any of the following personnel actions to include, but not limited to:

- a. Conducting RAS Activity Reviews;
- b. Commendations or award recommendations;
- c. Promotions;
- d. Transfers;
- e. Special assignments;
- f. Annual Personnel Performance Reviews;
- g. Periodic statistical summaries.

2. OPS personnel with authorized access to RAS data shall not co-mingle RAS data with disciplinary internal affairs functions. RAS is always a non-disciplinary tool, although reference to the same activities or events may appear in both systems.

## VI. RAS Thresholds:

- A. RAS Thresholds are established to evaluate RAS Dimensions and shall be triggered by a single event, predetermined number of events within a period of time, or an observation by a superior officer of unusual activity or behavior on the part of an officer not specifically recorded as a performance dimension, which may warrant a review.
  - 1. Any three events recorded about a member within a 90-day period for RAS Performance Dimensions (Section IV, B, 1-10), shall trigger a RAS Review.
  - 2. Single Event Thresholds
    - a. A single event threshold is an event that, due to either its criticality or infrequency, requires an immediate supervisory and command review, such as:
      - i. A Level III use of force incident;
      - ii. An in-custody death;
      - iii. An accidental death resulting from a response by a member's performance of duty (e.g. vehicle collision during a pursuit resulting in death);

- iv. An unintentional firearm discharge by a member;
- v. Criminal charges filed against a member;
- vi. An Order of Protection or Restraining Order filed against a member;
- vii. A previously terminated member returning to work through arbitration, court or civil service proceedings;
- viii. A member demoted in rank due to misconduct; or
- ix. A member serving a 10-day or more suspension.
- x. Supervisor observation: an observation by a superior officer of recent unusual activity or behavior on the part of an officer not specifically recorded as a performance dimension, which may warrant a review.

- B. When a member has exceeded the established RAS Threshold, the OPS Commander shall notify the member's Shift/Division Commander and the Superintendent of Police.
- C. When a member has exceeded the established RAS threshold, the Designated Supervisor shall conduct an Activity Review and complete a RAS Activity Review and Report.

VII. RAS Activity Review and Report

The RAS Activity Review and Report is a comprehensive documentation of the supervisory assessment of a member's RAS file with the intent of identifying exemplary performance, patterns of at-risk behavior, or substandard performance.

- A. Whenever the Designated Supervisor is notified or discovers that a subordinate has met the single event RAS threshold, the supervisor shall:
  1. Notify the affected member, the member's Shift/Division Commander and the OPS Commander within 24 hours via NFPD e-mail or written memorandum.
  2. Review all performance dimensions in the member's RAS file and prepare a RAS Activity Review and Report within 5 business days of first being notified or discovering the threshold was met. The report shall be forwarded to the Shift/Division Commander. The RAS Activity Review and Report shall include the following:
    - a. Identify which threshold was met;

- b. Review and analyze all RAS performance dimensions;
- c. Review the member's relevant performance history for the previous 12 months;
- d. Document whether or not a pattern of exceptional performance, at-risk behavior, or performance deficiency exists or has been demonstrated;
- e. Recommend one of the following dispositions:
  - i. No action;
  - ii. Recognition for commendation or award;
  - iii. Supervisory monitoring; or
  - iv. Action Strategy (identify specific strategy).
- f. Explain the reason(s) for the recommendation.

3. The Shift/Division Commander shall forward the RAS Activity Review and Report to the OPS Commander. The original shall be forwarded to and filed with OPS with a copy retained by the Shift/Division Commander.
4. The OPS Commander shall notify and provide the Superintendent of Police with a copy of the RAS Activity Review and Report.
5. Refer the member for RAS Action when the detailed review and analysis of the RAS data reveals that the identified member may be engaging in behavior potentially putting the member at risk.
6. Refer the member for recognition when the detailed review and analysis of the RAS data reveals that the identified member should be recognized for exceptional performance.
7. Direct the involved member to attend a mandatory RAS Disposition Meeting if Supervisory Monitoring or an Action Strategy is recommended.

B. The identified member's Designated Supervisor shall conduct the Activity Review, with input from the member's supervisory officers.

## VIII. Disposition Determinations

### A. No Action

When the RAS Activity Review and Report reflects no at-risk or exceptional behavior, a recommendation for "No Action" shall be documented in the report. No additional monitoring is required.

**B. Recognition for a Commendation or Award**

A member identified as exhibiting exceptional performance may be recognized for a commendation or award.

1. If a disposition for recognition is recommended, the Designated Supervisor shall prepare a Form 16 documenting the recognition and send the documentation through appropriate channels to the Shift/Division Commander, Personnel Office, OPS and the Superintendent of Police.

**C. Supervisory Monitoring**

A Shift/Division Commander and Designated Supervisor recommending Supervisory Monitoring shall:

1. Conduct a RAS Disposition Meeting to provide the affected member with goals and expectations, and/or directions to address the issue(s) of concern. The meeting shall discuss the appropriate Supervisory Monitoring plan;
2. Provide mentoring;
3. Observe performance for a minimum of six (6) months; and
4. Conduct three (3) documented, mandatory follow-up meetings with the member's Designated Supervisor,
  - a. The first within one week after one (1) month of monitoring;
  - b. The second within one week after three (3) months of monitoring; and
  - c. The third within one week after six (6) months of monitoring.
- d. A memorandum of each meeting shall be provided to OPS for the officers OPS file.

**D. RAS Action Strategy**

When a member has been identified as exhibiting potential at-risk behavior or substandard performance, the Designated Supervisor shall develop and

implement an appropriate strategy to address the area(s) of concern, such as;

1. Conduct a RAS Disposition Meeting to provide the affected member with goals and expectations, and/or directions to address the issue(s) of concern. The meeting shall discuss the appropriate strategic action plan;
2. Provide mentoring;
3. Observe performance for a minimum of one (1) year; and
4. Conduct four (4) documented, mandatory follow-up meetings with the member's immediate supervisor,
  - a. The first within one week after three (3) months of intervention;
  - b. The second within one week after six (6) months of intervention;
  - c. The third within one week after nine (9) months of intervention; and;
  - d. The fourth within one week after one (1) year of intervention.
- e. A memorandum of each meeting shall be provided to OPS for the officers OPS file.

## IX. Recognition, Supervisory Monitoring, and Action/Referral Strategies

A. Recognition, supervisory monitoring, and action/referral strategies may include but are not limited to:

1. A nomination for an award, commendation, or other recognition;
2. Supervisory Monitoring;
3. Mentoring;
4. Additional training specifically tailored to the performance requiring intercession;
5. Chaplain referral (voluntary only);
6. Referral to a professional counselor;
7. Referral to the Employee Assistance Program (EAP);

8. Administrative reassignment to other duties;
9. Administrative transfer (temporary) as a
  - a. Compassionate accommodation; or
  - b. To facilitate improved performance.
10. Referral for Fitness for Duty evaluation (for physical or psychological performance-related issues that cannot be addressed by existing Departmental resources);
11. Substance abuse rehabilitation;
12. Consultation/Training with the District Attorney's Office to review courtroom testimony techniques.

B. Since RAS is a non-disciplinary process, strategic action/referral may be applied in any circumstance for which it is warranted. The objective of RAS is to either recognize exemplary performance or improve substandard performance in any of the measured performance dimensions.

C. With the exception of a voluntary chaplain referral, participation in and/or completion of the specified strategy by the referred member is mandatory. Personnel refusing to participate in or complete a mandatory strategy may be subject to the disciplinary process.

D. The primary responsibility for the administration of any strategic action/referral shall rest with the member and the member's Designated Supervisor.

E. Personnel Transfers

1. Personnel who have been identified by the RAS Threshold Report and recommended and approved for strategic action/referral may still be eligible for transfer to another unit or duty assignment.
2. Personnel transfers, due to unsatisfactory progress after strategic action/referral, may include a transfer to another assignment or another Division.
3. A compassionate accommodation for a RAS related transfer should only be made when it has been determined through the RAS strategic action process that such a transfer, which may include an assignment with little or no public contact, is in the best interest of the member, the Department, the community, and shall facilitate the correction of a performance deficiency. (Example: A member is in the process of going through a divorce and has encountered childcare

issues that have apparently contributed to chronic tardiness. Reassignment to duties with more accommodating work hours or schedule to alleviate the chronic tardiness until the member is able to make more permanent childcare arrangements.)

4. The Shift/Division Commander of a transferring member or employee, on assigned Supervisory Monitoring or Strategic Action, shall provide the new Shift/Division Commander with all RAS documentation and supporting material.
  - a. The Deputy Superintendent/OPS shall review all personnel transfers and ensure that the proper file transfer takes place between Commanders.
  - b. The receiving Commander shall sign a NFPD Property Receipt and a copy shall be given to the former Commander and the Deputy Superintendent of Police/OPS.

X. RAS Disposition Meetings:

- A. A member who is identified as requiring supervisory monitoring or Strategic Action shall attend a RAS Disposition Meeting with his/her Designated Supervisor and Shift/Division Commander.
- B. Shift/Division Commander Responsibilities:
  1. The affected member's Shift/Division Commander shall schedule a RAS Disposition Meeting to be held within 5 business days of initial determination; and
  2. Shall ensure a supervisory monitoring plan is developed, if appropriate; or
  3. Shall ensure an action strategy is developed to address any identified pattern of at-risk behavior or substandard performance.
- C. The purpose of the RAS Disposition Meeting is to discuss the following issues with the involved personnel:
  1. An identified pattern of at-risk behavior or substandard performance;
  2. The implementation of recommended strategic action/referral and/or supervisory monitoring strategies.
- D. The RAS Disposition Meeting shall include a discussion of the following:
  1. A review of the contents of the RAS Activity Review and Report;

2. The member's relevant performance and personnel history;
3. A recommendation for non-disciplinary strategies;
4. Establish a timeline for strategies and follow-up meetings; and
5. The start date for Supervisory Monitoring, if recommended, which shall commence immediately following the RAS Disposition Meeting.
6. The start date for strategic action/referral, which shall commence as soon as practical following the approval of the Superintendent of Police.

E. The Shift/Division Commander shall be responsible for documenting the commencement and completion of each strategy on a RAS Strategy Confirmation Report within seven (7) days of the start of each individual strategy.

This documentation shall be forwarded to the Deputy Superintendent/OPS, with a copy to the Superintendent of Police.

XI. Follow-Up:

- A. Personnel who meet the RAS criteria for at-risk or substandard performance shall be monitored by his/her supervisor and Shift/Division Commander for a minimum of 12 months unless released from the program early by the Superintendent of Police. Persons under Supervisory Monitoring or Strategic Action/Referral may also be extended upon the recommendation of the member's Shift/Division Commander, OPS Commander, or the Superintendent of Police.
  1. Dispositions of No Action or Recognition for exceptional performance do not require follow-up meetings.
- B. Personnel subject to RAS Strategic Action or Supervisory Monitoring for minor, easily correctable performance deficiencies may be recommended for dismissal from RAS oversight upon the written recommendation from the member's Shift/Division Commander and approval of the Superintendent of Police, after:
  1. A three (3)-month follow-up meeting; or
  2. At any time thereafter, as justified by reviews of the member's performance.
- C. The Designated Supervisor shall ensure all RAS-related actions, strategies implemented, topics and issues discussed as a result of a RAS Activity

Review and Report are documented and a report is filed with the Shift/Division Commander and OPS within five business days.

- D. When it has been determined a strategy has not been effective or did not result in the desired outcome, the Shift/Division Commander and the Designated Supervisor shall confer with the OPS Commander to develop alternative strategies.
- E. When additional time beyond one (1) year is needed to implement strategies, RAS Action Strategies may be extended in three (3) month increments at the discretion of the Superintendent of Police. The OPS Commander shall advise the member's Shift/Division Commander, who will inform the member through the Designated Supervisor.
- F. When RAS Action Strategies are extended beyond the one (1) year review period, additional review meetings involving the member, the Designated Supervisor, and Shift/Division Commander shall take place no less frequently than every three (3) months.
- G. Upon dismissal from RAS oversight, each member shall be offered an opportunity to provide feedback regarding the RAS program to the OPS Commander, either in writing or by requesting a meeting, to discuss strengths and weaknesses of the program, and to recommend possible future changes to the program.

## XII. OPS Commander/Deputy Superintendent of Police

- A. The OPS Commander shall:
  - 1. Manage the daily operations of the Risk Assessment System;
  - 2. Review all RAS Activity Review and Reports for completeness;
  - 3. Ensure that any erroneous or missing data is corrected;
  - 4. Prepare and forward a notification to the Superintendent of Police and the relevant supervisory Shift/Division Commander whenever a member has met the RAS threshold criteria;
  - 5. Provide reports and access, relevant to the RAS program, upon request, pursuant to NFPD policies and procedures.
  - 6. Maintain confidential RAS-related files;
  - 7. Monitor the scheduling and frequency of RAS Follow-up Meetings;

8. Monitor Strategic Action and Supervisory Monitoring strategies;
9. Retain all RAS data files, reports, and other documents for a minimum of five (5) years.

### XIII. OPS Personnel/RAS Records Manager

- A. An RAS Records Manager is an officer responsible for the accuracy and completeness of data maintained in the databases used to populate RAS.
- B. Responsibilities of the RAS Records Manager shall include:
  1. Conducting an assessment of the accuracy and completeness of the RAS database to ensure:
    - a. Data is entered correctly and in a timely manner;
    - b. Source documents are accurate and complete upon receipt; and,
    - c. Assess and resolve issues that affect data integrity.
  2. Identifying discrepancies and taking corrective action within 10 business days, when practical. After 10 days, unresolved discrepancies shall be reported in writing through the chain-of-command and a copy to the OPS Commander.
  3. Responding to all RAS data discrepancy notifications within 15 calendar days of receipt:
    - a. Review and make corrections, as necessary;
    - b. Document the findings and action taken; and
    - c. Forward to the requesting supervisor and the OPS Commander.
- C. Monthly and annual analysis of the Risk Assessment Database by RAS Manager shall seek to identify trends in NFPD use of force, including Electronic Controlled Weapon use.
  1. OPS shall categorize RAS data by individual officer, shift or unit, and send this data to the RAS Manager who will analyze use of force data by individual officer, shift or unit and by type of force used, to identify any trends.
  2. Based on this analysis, the RAS Manager shall make recommendations to supervisors and submit a report to the

Superintendent of Police describing actions to enable or encourage officers to modify or improve performance and/or prevent potential misconduct and inappropriate uses of force, including additional training, monitoring counseling, reassignment, and transfer of officers.