

LONG HILL TOWNSHIP POLICE DEPARTMENT POLICY & PROCEDURES



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SUBJECT: EARLY WARNING SYSTEM

BY THE ORDER OF:

Acting Chief of Police Ahmed Naga

ACCREDITATION STANDARDS:

2.2.3

Effective Date:

April 19, 2018

SUPERSEDES ORDER #:

(last revision June 1, 2015)

PURPOSE: The purpose of this written directive is to establish a personnel early warning system.

POLICY: It is the policy of this department to implement and utilize an early warning system for tracking and reviewing incidents of risk and provide timely intervention consistent with Attorney General Guidelines.

PROCEDURE:

I. EARLY WARNING SYSTEM

- A. The Early Warning System is designed to detect patterns and trends before the conduct escalates into more serious problems. As such, employees must understand that the early warning system is not identical to the disciplinary process. Although it is possible that disciplinary action may be taken as the result of evidence that rules and regulations were violated, this is not the sole or even primary intent of the system. The primary intent of an early warning system is to address potential problems through the use of appropriate management and supervisory strategies **before** formal discipline is warranted.
- B. Many different measures of employee performance (actions or behaviors) can be regularly examined for patterns or practices that may indicate potential problems. These performance measures may include, but are not limited to, the following documented indicators:
1. Internal affairs complaints against the officer, whether initiated by another officer or by a member of the public;
 2. Civil actions filed against the officer;
 3. Criminal investigations or criminal complaints against the officer;
 - a. If EW System notification to the officer could jeopardize an ongoing criminal investigation, the County Prosecutor may in his or her discretion permit delayed notification to the officer or delayed initiation of the EW System review process.
 4. Any use of force by the officer that is formally determined or adjudicated (for example, by internal affairs or a grand jury) to have been excessive, unjustified, or unreasonable;
 5. Domestic violence investigations in which the officer is an alleged subject;
 6. An arrest of the officer, including on a driving under the influence charge;
 7. Sexual harassment claims against the officer;
 8. Vehicular collisions involving the officer that are formally determined to have been the fault of the officer;
 9. A positive drug test by the officer;
 10. Cases or arrests by the officer that are rejected or dismissed by a court;
 11. Cases in which evidence obtained by an officer is suppressed by a court;
 12. Insubordination by the officer;
 13. Neglect of duty by the officer;

14. Unexcused absences by the officer or attendance record (identified pattern)
 15. Claims of duty-related injury;
 16. Vehicular pursuits; and
 17. Any other indicators, as determined by the agency's chief executive.
- C. Additionally, combinations of any three (3) separate instances of performance indicators (as listed in Section B, above) within any twelve-month period will trigger the Early Warning System. If one incident triggers multiple performance indicators, that incident shall not be double- or triple-counted, but instead shall count as only one performance indicator.

II. ADMINISTRATION OF EARLY WARNING SYSTEM

- A. The early warning system is primarily the responsibility of the Internal Affairs Officer, but any supervisor may initiate the early warning process based upon his/her own observations. Emphasis should be placed on anticipating employee problems before it results in improper performance or conduct.
- B. The Guardian Tracking system shall be utilized to track and flag all criteria (listed in Section I. B. above) and notify administration for the need for a review in accordance with Section I.
- a. Once an officer has displayed the requisite number of performance indicators necessary to trigger the EW System review process (as set forth in Section II.C, above) assigned supervisory personnel shall initiate remedial action to address the officer's behavior.
- C. The Internal Affairs Officer shall conduct a manual or computerized audit of its records at least every six (6) months to determine if an employee has the emergence of a pattern, practices or trend of inappropriate behavior or misconduct.
- D. If the audit indicates the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, the Internal Affairs Officer shall consult with the employee's supervisor and/or commander.
- E. The Internal Affairs Officer and the employee's supervisor and/or commander shall review the information along with any other relevant information from department records for the purpose of initiating a course of intervention designed to correct/interrupt the emerging pattern, practice or trend.
1. If the audit indicates that the early warning system has returned an incorrect identification or "false positive," that conclusion should be documented.
- F. When an EW System review process is initiated, personnel assigned to oversee the EW System should:
1. formally notify the subject officer, in writing;

2. conference with the subject officer and appropriate supervisory personnel;
 3. develop and administer a remedial program including the appropriate remedial/corrective actions listed below;
 4. continue to monitor the subject officer for at least three months, or until the supervisor concludes that the officer's behavior has been remediated (whichever is longer);
 5. document and report findings to the appropriate supervisory personnel and, if warranted, the internal affairs unit. Any statement made by the subject officer in connection with the EW System review process may not be used against the subject officer in any disciplinary or other proceeding.
- G. If the audit reveals that an employee has violated department rules and regulations or written directives, the supervisor in consultation with the Internal Affairs Officer should proceed with an Internal Affairs investigation and possible disciplinary action.
- H. If the audit reveals that the employee has engaged in conduct, which indicates a lack of understanding or inability to comply with accepted procedures, the supervisor shall consult with the Internal Affairs Officer to determine the appropriate course of remedial/corrective intervention.

III. SUPERVISORS

- A. An employee's first line supervisor is usually the first member of the department to encounter and document specific incidents that affect an employee. It is essential for the supervisor to speak with the employee, document these incidents and report findings to their commander and if warranted, the Internal Affairs Officer. The success of this program relies heavily on the first line supervisor's participation and involvement.
- B. If a supervisor has initiated remedial/corrective intervention, the Internal Affairs Officer shall be formally notified of such efforts. This information shall be documented and appropriate copies forwarded to the Internal Affairs Section for filing.
1. No entry should be made in the employee's personnel file, unless the action results in disciplinary/corrective action.
- C. If the remedial/corrective intervention was training, documentation shall be filed in accordance with the department's written directive governing training (remedial training).
- D. Supervisors shall forward all documentation as required by department written directives established to assist in a comprehensive audit. This data shall minimally include, but is not limited to: use of force reports, vehicle pursuit reports, and attendance records.

V. REMEDIAL/CORRECTIVE INTERVENTION

- A. Supervisory or command personnel may initiate remedial/corrective intervention to correct behavior. Remedial/corrective intervention may include, but is not limited to:
 - 1. Training;
 - 2. Retraining;
 - 3. Counseling;
 - 4. Intensive supervision;
 - 5. Fitness for duty examination;
 - 6. Employee Assistance Program, when warranted, if available;
 - 7. Peer counseling.
 - 8. Any other appropriate remedial or corrective action (disciplinary action)
- B. Internal disciplinary action, remedial/corrective intervention, and fitness for duty examinations are not mutually exclusive and should be jointly pursued if and when appropriate.
- C. When remedial/corrective intervention has been undertaken, the Chief of Police or designee shall ensure that such actions are documented in writing. No entry should be made in the employee's personnel file, unless the action results in a sustained investigation. If the remedial/corrective intervention is a training program, attendance and successful completion of that program should be noted in the employee's training record.
- D. All reports shall be forwarded to the Chief of Police or designee for review. These reports have the same confidential status as Internal Affairs documents and are subject to the same disclosure and retention regulations and guidelines.

VI. NOTIFICATIONS

- A. Notification to Subsequent Law Enforcement Employer
 - 1. If any officer who is or has been subject to an EW System review process applies to or accepts employment at a different law enforcement agency than the one where he or she underwent the EW System review process, it is the responsibility of the prior or current employing law enforcement agency to notify the subsequent employing law enforcement agency of the officer's EW System review process history and outcomes. Upon request, the prior or current employing agency shall share the officer's EW System review process files with the subsequent employing agency.

B. Notification to County Prosecutor

1. Upon initiation of the EW System review process, the agency's chief executive or a designee shall make a confidential written notification to the County Prosecutor or his/her designee of the identity of the subject officer, the nature of the triggering performance indicators, and the planned remedial program. Upon completion of the EW System review process, the agency's chief executive shall make a confidential written notification to the County Prosecutor or his/her designee of the outcome of the EW System review, including any remedial measures taken on behalf of the subject officer.