PINE HILL POLICE DEPARTMENT

GENERAL ORDER

SUBJECT: **EARLY WARNING SYSTEM**	
EFFECTIVE DATE: **4/20/2023**	NUMBER OF PAGES: **7**
ACCREDITATION STANDARDS: 2.2.3	BY THE ORDER OF: CHIEF OF POLICE

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 LEA Data Technologies® software as an Early Warning System (EWS) for maintaining, retrieving, and analyzing information regarding the performance of employees. The system will identify, reward, and promote professionalism, civil rights, integrity, best practices, as well as identify, intervene, and remediate potentially problematic behavior allowing for timely intervention consistent with the risk management procedures promulgated by the New Jersey State Attorney in its Internal Affairs Policies and Procedures. This written directive is in accordance with the New Jersey Attorney General's Law Enforcement Directive No. 2018-3.

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.

1. There are three processes to the early warning system, and they are:

a. Identification Process - The process of identification of an employee who has triggered the requisite number of flags.

b. Review Process - The process of reviewing the data to determine if monitoring of employee is necessary. Not all reviews necessitate the initiation of the monitoring process.

c. Monitoring Process - The process of monitoring behavior based upon the review process warranting further monitoring of the employee.

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 shall include, but are not limited to, the following documented indicators:

1. Motor vehicle stop data;

2. Search and seizure data;

3. Internal complaints, whether initiated by another employee or by a member of the public and regardless of outcome;

4. Civil actions filed, regardless of outcome;

5. 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;

6. Claims of duty-related injury;

7. Arrests of the employee, to include a driving under the influence charge, resisting arrest, or assault on a law enforcement officer;

8. Criminal investigations of or criminal complaints against the employee;

9. Incidents of arrested persons injured;

10. Vehicular pursuits;

11. Vehicular collisions involving the officer that is formally determined to have been the fault of the officer;

12. Cases or arrests by the officer that are rejected or dismissed by a court;

13. Cases in which evidence obtained by an officer is suppressed by a court;

14. Domestic violence investigations in which the employee is an alleged subject;

15. Sexual harassment claims against the employee;

16. A positive drug test by the officer;

17. Insubordination by the employee;

18. Neglect of duty by the employee;

19. Unexcused absence by the employee.

C. Generally, three (3) instances of questionable conduct or performance indicators (as listed in section B, above) within a 12-month period would initiate the Early Warning System process.

D. 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.

E. The Chief of Police may, in his or her discretion, determine that a lower number of performance indicators within a twelve-month period (i.e., one or two performance indicators) will trigger the Early Warning System review process.

II. ADMINISTRATION OF EARLY WARNING SYSTEM

A. The Early Warning System is primarily the responsibility of the Internal Affairs Unit; 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 Internal Affairs Unit shall conduct a manual or computerized audit of its records to determine if an employee has the emergence of a pattern, practices, or trend of inappropriate behavior or misconduct. In addition to the regular data audits conducted by the Internal Affairs Unit, the Internal Affairs Unit Commander shall audit an individual employee's history any time a new complaint is received.

1. Using this information and their experience, members of the Internal Affairs Unit may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the early warning system data audit.

2. If the audit indicates the emergence of a pattern, practices, or trend of inappropriate behavior or misconduct, the Internal Affairs Unit shall consult with the employee’s supervisor.

C. The Internal Affairs Unit and the employee's supervisor shall review the information provided along with any other relevant information from agency 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 and no further action is needed.

2. If the audit reveals that an employee has violated agency rules and regulations or written directives, the supervisor, in consultation with the Internal Affairs Unit, should proceed with an internal investigation and possible disciplinary action.

3. 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 Unit 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 agency 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 the Internal Affairs Unit. 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 Unit shall be formally notified of such efforts. This information shall be documented and appropriate copies forwarded to the Internal Affairs Unit for filing.

C. If the remedial/corrective intervention was training, documentation shall be filed in accordance with the agency's written directive governing training (remedial training).

D. Supervisors shall forward all documentation as required by agency written directives established to assist in a comprehensive audit. This data shall minimally include: use of force reports, vehicle pursuit reports, and attendance records.

IV. COMMAND PERSONNEL

A. In addition to the regular data audits conducted by the Internal Affairs Unit, agency command personnel shall periodically audit an individual employee's history.

B. Using this information and their experience, the command personnel may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the early warning system data audit.

V. EARLY INTERVENTION MONITORING

A. When it has been determined that an officer has displayed the requisite number of performance indicators necessary to trigger the Early Warning System review process (as set forth in Section II., above) assigned supervisory personnel shall initiate remedial action to address the officer's behavior.

B. When an Early Warning System review process is initiated, personnel assigned to oversee the Early Warning System should:

1. Formally notify the subject officer in writing;

2. Conference with the subject officer and appropriate supervisory personnel;

3. Identify problems or potential problems;

4. Determine short and long-term goals of improvement;

5. Come to a consensus commitment on a plan for long-term improved performance;

6. Advise of the monitoring process and the repercussions of future sustained transgressions;

7. Develop and administer a remedial program, including the appropriate remedial/corrective actions listed below;

8. Continue to monitor the subject officer for at least three (3) months, or until the supervisor concludes that the officer's behavior has been remediated (whichever is longer);

9. Document and report findings to the appropriate supervisory personnel and, if warranted, the Internal Affairs Unit.

C. Supervisor/Employee Meeting

1. All supervisor/employee meetings shall be thoroughly documented, which will be forwarded to the Chief of Police or his/her designee. The affected employee and supervisor shall meet on a regular basis, minimally monthly, to discuss progress towards the agreed upon goals and objectives.

2. All regular monthly progress/status reports shall be submitted to the Chief of Police or his/her designee through the chain of command.

3. Additional monitoring may be required following removal from the early warning system.

D. Any statement made by the subject officer in connection with the Early Warning System review process may not be used against the subject officer in any disciplinary or other proceeding.

E. Generally, personnel should expect to remain under monitoring and supervision for three (3) months when an early warning flag is triggered.

VI. 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. EAP, or other Professional counseling, when warranted, if available;

7. Peer counseling.

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. No entry should be made in the employee's personnel file, unless the action results in disciplinary/corrective action.

D. When remedial/corrective intervention has been undertaken, the Chief of Police or his/her designee shall ensure that such actions are documented in writing. 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.

E. All reports shall be forwarded to the Chief of Police or his/her 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.

F. This General Order and the Early Warning System, in general, are focused on corrective actions aimed at remediating officer behavior and providing assistance to the officer. This General Order and the Early Warning System do not address disciplinary actions that might be warranted against an officer. Such disciplinary actions, to include the decision to suspend, terminate, or, if applicable, charge an officer with criminal conduct, remain within the purview of the agency's internal affairs guidelines and applicable law, separate from and independent of the Early Warning System.

VI. NOTIFICATION TO SUBSEQUENT LAW ENFORCEMENT EMPLOYER

A. If any officer who is or has been subject to an Early Warning System review process applies to or accepts employment at a different law enforcement agency other than the one where he or she underwent the Early Warning 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 Early Warning System review process history and outcomes.

B. Upon request, this agency shall share the officer's Early Warning System review process files with the subsequent employing agency.

VII. NOTIFICATION TO COUNTY PROSECUTOR

A. Upon initiation of the Early Warning System review process, the Chief of Police or a designee shall make a confidential written notification to the Camden 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.

B. Upon completion of the Early Warning System review process, the Chief of Police or his/her designee shall make a confidential written notification to the Camden County Prosecutor or his/her designee of the outcome of the Early Warning System review, including any remedial measures taken on behalf of the subject officer.

X. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY

A. The Early Warning System policy shall be made available to the public upon request and shall be posted on the agency website.

B. All reports have the same confidential status as Internal Affairs documents and are subject to the same disclosure and retention regulations and guidelines.

C. All reports shall be forwarded to the Chief of Police 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.