

RINGWOOD BOROUGH POLICE DEPARTMENT

POLICY AND PROCEDURE

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SUBJECT: EARLY WARNING SYSTEM POLICY				
EFFECTIVE DATE: May, 2018	JOSEPH J. WALKER CHIEF OF POLICE			
CROSS REFERENCE #	RINGWOOD BOROUGH POLICE DEPARTMENT			

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 of or criminal complaints against the officer;
 - 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;
- C. Generally, three (3) instances of questionable conduct or flag indicators within the same twelve (12) month period would initiate the early warning system process. 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. 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 EW 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 their own

observations. Emphasis should be placed on anticipating employee problems before it results in improper performance or conduct.

- B. Internal affairs shall conduct a manual or computerized audit of its records at least every six months to determine if an employee has the emergence of a pattern, practices or trend of inappropriate behavior or misconduct and for accuracy and efficacy of the tracking system. In addition to the regular data audits by internal affairs, the internal affairs supervisor shall audit an individual employee's history any time a new complaint is received.
 - 1. Using this information and their experience, internal affairs investigators may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the early warning system data audit.
- C. If the audit indicates the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, the internal affairs investigator shall consult with the employee's supervisor and/or commander.
- D. The internal affairs supervisor and the employee's supervisor and/or commander shall review the information provided by internal affairs 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.
 - 2. If the audit reveals that an employee has violated department 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 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 supervisor. 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.
 - 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: use of force reports, vehicle pursuit reports, and attendance records.

IV. COMMANDER

- A. In addition to the regular data audits conducted by internal affairs, the commander shall periodically audit an individual employee's history. Using this information and their experience, the commander may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the early warning system data audit.
- B. When under early warning system monitoring, the employee's commander and supervisor shall meet with the employee to discuss the situation in depth to:
 - 1. Identify problems or potential problems;
 - 2. Determine short and long-term goals for improvement;
 - 3. Come to a consensus commitment on a plan for long-term improved performance;
 - 4. Advise of the monitoring process and the repercussions of future sustained transgressions.
- C. Generally, personnel should expect to remain under intensive monitoring and supervision for three (3) months when an early warning flag is triggered.
- D. Supervisor/Employee Meeting
 - 1. All supervisor/employee meetings shall be thoroughly documented, which will be forwarded to the Chief of Police or his 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. An additional six (6) months of documented monitoring is required following removal from the early warning system. Monthly monitoring reports from the direct supervisor are required.

V. REMEDIAL/CORRECTIVE INTERVENTION

- A. Supervisory or command personnel may initiate remedial/corrective intervention to correct behavior.

- B. 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. Remedial/corrective intervention may include, but is not limited to the following:
 - 1. Training or Retraining;
 - 2. Counseling; Intensive supervision;
 - 3. Fitness for duty examination;
 - 4. Employee Assistance Program, when warranted, if available;
 - 5. Peer counseling.
- C. Internal disciplinary action, remedial/corrective intervention, and fitness for duty examinations are not mutually exclusive and should be jointly pursued if and when appropriate.
- D. When remedial/corrective intervention has been undertaken, the Chief of Police 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.
- E. 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.

VI. Notification to Subsequent Law Enforcement Employer

- A. 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.

VII. Notification to County Prosecutor

- A. 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.

VIII. Annual Report to Attorney General

- A. By January 31st of each year, each County Prosecutor shall submit a report to the Attorney General, through the Division of Criminal Justice's Prosecutors' Supervision and Training Bureau. This summary shall include a statement indicating those agencies under the County Prosecutor's supervision that are in compliance with this Directive and those that are not.

IV. Public Accessibility and Confidentiality

- A. All EW System policies adopted by law enforcement agencies shall be made available to the public upon request and shall be posted on the agency's website.

