HADDON TOWNSHIP POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE

EARLY WARNING SYSTEM	
EFFECTIVE DATE: July 15, 2021	NUMBER OF PAGES: 6
ACCREDITATION STANDARDS: 2.2.3	BY THE ORDER OF: Chief Tim Hak

PURPOSE: The purpose of this written directive is to establish an Early Warning System.

POLICY: It is the policy of this department to implement and utilize an Early Warning System 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 Attorney General's Law Enforcement Directive No. 2018-3. *This written directive shall apply to civilian employees of the police department, where applicable.*

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 discipline. 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 poor performance through the use of appropriate management and supervisory strategies before 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. Internal affairs complaints against the employee, whether initiated by another employee or by a member of the public;

2. Civil actions filed against an officer;

3. Criminal investigations or complaints made against the employee;

4. Any use of force by an 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 employee is an alleged subject;

6. An arrest of the employee, including a driving under the influence charge;

7. Sexual harassment claims against the employee;

8. Vehicular collisions involving an 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 employee;

13. Neglect of duty by the employee;

14. Unexcused absences or sick time abuse; and

15. Any other indicators, as determined by the agency's Chief of Police.

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 identification process.

1. The Chief of Police may at 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.

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. Early Warning Review

1. The early warning review process is primarily the responsibility of the Internal Affairs Liaison within Haddon Township Police Department, but any supervisor may initiate the early warning review process based upon his/her own observations. Emphasis should be placed on anticipating employee problems before it results in improper performance or conduct.

2. The Internal Affairs Unit shall be alerted by the Early Warning System if an employee has the emergence of a pattern, practices or trend of inappropriate behavior or misconduct.

3. If the Early Warning System indicates the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, the Internal Affairs Unit Supervisor shall consult with the employee's supervisor and/or Division Commander.

4. The Internal Affairs Unit Supervisor and the employee's supervisor and/or Division Commander shall review the information provided by the Internal Affairs Unit 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.

a. If the Early Warning System has returned an incorrect identification or "false positive," that conclusion should be documented.

b. If the Early Warning System reveals that an employee may have engaged in misconduct in violation of the department rules and regulations or written directives, an internal investigation will be initiated.

c. If the Early Warning System reveals that the employee has engaged in conduct, which indicates a performance deficiency or lack of understanding or inability to comply with accepted procedures, the supervisor shall consult with the Internal Affairs Unit Supervisor to determine the appropriate course of remedial/corrective intervention.

F. At least every six (6) months, internal affair's personnel shall audit the agency's tracking system and records to assess the accuracy and efficacy of the tracking system.

G. Supervisors

1. 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 Liaison within Haddon Township Police Department. The success of this program relies heavily on the first line supervisor's participation and involvement.

2. If a supervisor has initiated remedial/corrective intervention, Internal Affairs shall be formally notified of such efforts through documentation in the Early Warning System. The incident narrative placed in the Early Warning System may serve as adequate documentation.

H. Command Personnel

1. The Division Commander(s) shall periodically review an individual employee's history. Using this information and his/her experience, the Division Commander may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the Early Warning System.

2. When under <u>early warning system monitoring</u>, the Internal Affairs Supervisor shall meet with the employee and supervisor to discuss the situation in depth to accomplish the following and thoroughly document the substance of these meetings in the Early Warning System.

a. Identify problems or potential problems;

b. Determine short and long-term goals for improvement;

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

d. Advise of the monitoring process and the repercussions of future sustained transgressions.

3. Generally, personnel should expect to remain under intensive monitoring and supervision for at least three (3) months when an early warning flag is triggered or until the supervisor concludes that the employee's behavior has been remediated (whichever is longer).

4. Employee Performance Review Meetings

a. All employee performance review meetings shall be thoroughly documented in the Early Warning System, which will be forwarded to the Chief of Police and the Internal Affairs Supervisor. The affected employee and supervisor shall meet on a regular basis, minimally monthly, to discuss progress towards the agreed upon goals and objectives.

I. Any statement made by the officer in connection with the early warning system review process may not be used against them in any disciplinary or other proceeding.

J. Remedial/Corrective Intervention

1. Supervisory or command personnel may initiate remedial/corrective intervention to correct behavior. Remedial/corrective intervention may include, but is not limited to:

a. Training;

b. Retraining;

c. Counseling;

d. Intensive supervision;

e. Fitness for duty examination;

f. Employee Assistance Program (EAP) referral, when warranted;

g. Any other appropriate remedial or corrective action.

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2. Internal disciplinary action, remedial/corrective intervention, and fitness for duty examinations are not mutually exclusive and should be jointly pursued if and when appropriate.

II. 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 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. Upon request, the prior or current employing agency shall share the officer's Early Warning System review process files with the subsequent employing agency.

III. 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's Office Special Prosecution Unit. The notice shall include the identity of the subject officer, the nature of the triggering performance indicators, and the planned remedial program. Upon completion of the Early Warning System review process, the Chief of Police shall make a confidential written notification to the 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.

IV. 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. Early Warning System data is confidential and shall not be disclosed to the public or any unauthorized department employee. Early Warning System data will not be disclosed to any person not authorized by law or regulation to have access to such information, except governmental representatives acting in connection with their official duties.

C. All documentation in the Early Warning System will be retained in accordance with the New Jersey Administrative Code and applicable retention schedule.