



# MOONACHIE POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE		EARLY WARNING SYSTEM G1.13	
DATE (s)	AUTHORS ID #	AUTHORITY	
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## G1.13.1 POLICY:

It is the policy of the Moonachie Police 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 (Internal Affairs).

## G1.13.2 PURPOSE:

This policy is intended to assist police supervisors and administrators in identifying officers and other employees whose performance warrants review and, where appropriate intervention in circumstances that may have negative consequences for employee, fellow employees, this agency and/or the general public.

## G1.13.3 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 **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. Motor vehicle stop data;
  2. Search and seizure data;

3. Internal affairs complaints, whether initiated by another officer or by a member of the public, 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 for resisting arrest;
8. Arrests for assault on a law enforcement officer;
9. Criminal investigations or complaints made against the employee;
10. Vehicular pursuits;
11. Vehicular collisions involving the officer that are formally determined to have been the fault of the officer;
12. Cases rejected or dismissed by the prosecutor or a court;
13. Evidence suppressed by the court;
14. Sick leave; above department average;
15. Consistently rude, negative, critical or argumentative attitude.
16. Domestic violence investigations in which the officer is an alleged subject;
17. An arrest of the officer, including on a driving under the influence charge;
18. Sexual harassment claims against the officer;
19. A positive drug test by the officer;
20. Insubordination by the officer;
21. Neglect of duty by the officer;
22. Unexcused absences by the officer.
23. Any other indicators, as determined by the Chief of Police.

- C. Generally, three instances of questionable conduct or flag indicators within any twelve 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.

## **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. In addition to the regular data audits by internal affairs, the internal affairs supervisor shall audit an individual employee's history anytime 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. Once an officer has displayed the requisite number of performance indicators necessary to trigger the EW System review process assigned supervisory personnel shall initiate remedial action to address the officer's behavior.

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. (If EW System notification to the officer could jeopardize an ongoing criminal investigation, notification to the officer or initiation of the EW System review process may be delayed after consulting with the County Prosecutor.)

- D. The internal affairs supervisor and the employee's supervisor and/or division 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 division 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 regarding 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. Division Commanders;**

- A. In addition to the regular data audits conducted by internal affairs, the division commanders 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 division 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 six (6) 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 designee through the chain of command.
3. An additional six 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. Remedial/corrective intervention may include, but is not limited to;

1. Training or re-training;
2. Counseling;
3. Intensive supervision;
4. Fitness-for-duty examination;
5. Employee assistance program, when warranted, if available;
6. Peer counseling; and
7. Any other appropriate remedial or corrective 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 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 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**

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, it is the responsibility of this agency to notify the subsequent employing law enforcement agency of the officer's EW System review process history and outcomes. Upon request this agency shall share the officer's EW System review process files with the subsequent employing agency.

#### **VII. Notification to County Prosecutor**

Upon initiation of the EW System review process, the Chief of Police 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 Chief of Police 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. Public Accessibility and Confidentiality**

This policy shall be made available to the public upon request and shall be posted on the agency's website.

All written reports created or submitted pursuant to this Directive that identify specific officers are confidential and are not subject to public disclosure.

