


<b>STONE HARBOR POLICE DEPARTMENT</b>						
<b>General Order #</b>	<b>Effective Date:</b>		<b>Number of Pages:</b>			
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<b>Title: Early Warning System</b>						
<b>By the Order of:</b>		<b>Supersedes Order #</b>		<b>Revision Date</b>		<b>Page #</b>
Chief Thomas J. Schutta		G.O #12, Section I.				
ACCREDITATION STANDARDS		2.2.3				
<p>Disclaimer – The Written Directives developed by the Stone Harbor Police Department are for internal use only, and do not enlarge an officer’s civil or criminal liability in any way. They should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of Written Directives can only be a basis of a complaint by this Department, and then only in an administrative disciplinary setting.</p>						

**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. 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.
- B. Many different measures of employee performance (actions or behaviors) can be regularly examined for patterns or practices that may indicate potential problems. The 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 investigation incidents of or criminal complaints against an officer;
  4. Any use of force by the officer that is formally determined or adjudicated to have been excessive, unjustified or unreasonable;
  5. Domestic violence investigation in which the officer is the alleged subject;
  6. An arrest of the officer, including a driving under the influence charge;
  7. Sexual harassment claim against the officer;
  8. Vehicular collisions involving officers 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 court. This does not include cases involving routine prosecutorial discretion;
  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;
  15. Vehicle pursuits.

- 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 count as only one performance indicator.

## **II. ADMINISTRATION OF EARLY WARNING SYSTEM**

- A. The early warning system is primarily the responsibility of the Captain and 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 conduct.
- B. The Captain shall conduct a manual or computerized audit of records to determine if any employee has the emergence of a pattern, practices or trend of inappropriate behavior or misconduct. In addition to the regular data audits by the Captain, an audit shall be conducted any time a new complaint is received.
  - 1. Using this information and experience, the Captain may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the early warning system date audit.
- C. If the audit indicates the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, the employee's supervisor shall be consulted.
- D. The Captain and the employee's supervisor 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.
  - 2. If the audit reveals that an employee has violated department rules and regulations or written directives, the Captain 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 Captain shall consult with the internal affairs unit to determine the appropriate course of remedial/corrective action.
- E. At least every six (6) months, the Captain shall audit the agency's tracking system and records to assess the accuracy and efficacy of the tracking system.

### **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 the Captain, and if warranted, the internal affairs unit. The success of this program relies heavily on the first line supervisor's participation and involvement.
- B. If the supervisor has initiated remedial/corrective intervention, the Captain shall be formally notified of such efforts. This information shall be documented and filed with the Captain's internal affairs index.
  - 1. No entry should be made in the employee's personnel file, unless the action results in disciplinary/corrective action.

### **IV. ADMINISTRATORS**

- A. In addition to regular data audits conducted by the Captain, employee's individual history shall be periodically audited. Using this information the Captain maybe able to identify employees who may need remedial/corrective intervention before such is indicated by the early warning system data audit.
- B. Upon initiation of the early warning system the Captain will notify the subject officer in writing. The officer will also be notified in writing following completion of the early warning review process.
- C. When under early warning system monitoring, the Captain and the employee's 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.
- D. Generally, personnel should expect to remain under monitoring and supervision for at least three months when an early warning flag is triggered or until a supervisor concludes that the employee's behavior has been remediated (whichever is longer).

- E. Supervisor/Employee Meeting
  - 1. All supervisor/employee meetings shall be thoroughly documented and forwarded to the Captain. 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 Captain.
  - 3. The Captain will update the Chief of Police on all matters involving the early warning system.
- F. Any statement made by the subject officer in connection with the early warning system review process may not be used against the officer in any disciplinary or other proceeding.

**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 remedial training;
  - 2. Counseling;
  - 3. Intensive supervision;
  - 4. Fitness for duty examination;
  - 5. Employee Assistance Program (EAP) referral;
  - 6. 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. 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 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 final 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 THE COUNTY PROSECUTOR**

- A. Upon initiation of the early warning system review process, the Chief of Police or his/her designee will make a confidential written notification to the Cape May County Prosecutor's Office Professional Standards Unit. This notification will include the name 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 or his/her designee will make a confidential written notification to the Cape May County Prosecutor's Office Professional Standards Unit of the outcome of the early warning system review, including any remedial measures taken on behalf of the subject officer.

**VII. 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, it is the responsibility of the agency who generated the early warning review process to provide the new law enforcement employer with the officer's early warning system review process history to include all documentation.

**VIII. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY**

- A. The Early Warning System policy shall be posted on the Stone Harbor Borough website and be available to the public by request. However, all written reports created or submitted pursuant to the policy that identify specific officers are confidential and not subject to public disclosure.