


## SOP #177 Early Warning System

<b>MIDDLE TOWNSHIP POLICE DEPARTMENT</b>			
<i>Standard Operating Procedure</i>			
SOP #177	# OF PAGES: 6		
<b>SUBJECT: EARLY WARNING SYSTEM</b>			
<b>EFFECTIVE DATE:</b> June 14 <sup>th</sup> , 2018	<b>ACCREDITATION STANDARDS:</b> 2.2.3	<b>REVISION DATE</b>	<b>PAGE #</b>
<b>BY THE ORDER OF:</b> Police Chief Christopher Leusner		Aug. 9, 2013	2 (sec. A1, h-m)
		Jun. 14 <sup>th</sup> , 2018	1-6
<b>SUPERCEDES ORDER #:</b> SOP #177 issued August 9 <sup>th</sup> , 2013			

### I. PURPOSE

To establish and maintain an Early Warning System to aid in the identification of Department members who may benefit from agency intervention.

### II. POLICY

It is the policy of this agency to offer appropriate intervention where it is evident that behavior or medical/psychological problems exist and are likely to undermine or adversely affect the achievement of agency goals. The goal is to help keep an employee productive. The Early Warning Process is not discipline. The ultimate responsibility for notification and monitoring of employee conduct under this early warning policy is the Captain overseeing internal affairs.

### III. PROCEDURE

#### A. Member Identification

1. Identification of a member for review under this early warning policy will be initiated once an employee has a record of three separate instances of performance indicators within a twelve-month period. If one incident triggers multiple performance indicators, that incident shall not be double-

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or triple-counted, but instead shall count as only one performance indicator.

### **2. Performance Indicators**

- a. Internal affairs complaints against the employee, whether initiated by another employee or by a member of the public;
- b. Civil actions filed against the employee;
- c. Criminal investigations of or criminal complaints against the officer;
- d. Any use of force by the officer that is formally determined or adjudicated (for example, by internal affairs or grand jury) to have been excessive, unjustified, or unreasonable;
- e. Domestic violence investigations in which the employee is an alleged subject;
- f. An arrest of the employee, including driving under the influence;
- g. Sexual harassment claims against the employee;
- h. Vehicular collisions involving the officer that are formally determined to have been the fault of the officer;
- i. A positive drug test by the employee;
- j. Cases or arrests by the officer that are rejected or dismissed by a court;
- k. Cases in which evidence obtained by an officer is suppressed by a court;
- l. Insubordination by the employee;
- m. Neglect of duty by the employee;
- n. Unexcused absences by the employee.

### **3. Tracking of Performance Indicators**

- a. Tracking of performance indicators will be completed in the Guardian system under the Early Warning Flag.
- b. Performance indicators will be entered into the Guardian system by the Captain with the exception of sick time which will be entered by the Squad Sergeant or OIC at the time of the employee calling out sick.
- c. At least every six months the Captain shall audit the Department's tracking system (Guardian) and records to assess the accuracy and efficacy of the tracking system.

## **B. Supervisors' Responsibilities**

1. First and second level supervisors will familiarize themselves with their subordinates and routinely observe their demeanor, appearance and conduct.
2. Supervisors will remain alert for indications of behavioral changes or stressors that may affect a Department member's performance.

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3. Supervisors will receive periodic training on recognizing potential problems or concerns and referring Department members for assistance.
4. When supervisors perceive or determine that a Department member has problems or is causing problems, they will assess the situation and take appropriate action in accordance with this policy and other policies and procedures of the Middle Township Police Department, including referral to Employee Care, informal counseling by a supervisor, and other remedial action.
5. When requested to perform a review based on early warning indicators, supervisors will make their recommendations in writing and submit them to the Captain through the chain of command.

### **C. Employee Behavior Review**

1. Upon receiving an Early Warning Flag in the Guardian system, the Captain will review the indicators causing the flag and complete an Employee Behavior Review to be used in the process.
2. An Employee Behavior Review is a review and/or summary of pertinent information concerning the member's conduct. It will include, but is not limited to, a report that contains an analysis of the following:
  - a. Assignments during the stipulated problem period (period of time during which the conditions(s) that triggered the employee review occurred) and immediately prior to, if applicable, including any detached duty assignments (MCU, SCU, SRO, etc.).
  - b. Complaints (all on record).
    - 1) Internal Affairs complaints.
    - 2) Equal Employment Opportunity complaints.
    - 3) Service complaints.
    - 4) Performance deficiencies.
  - c. Disciplinary actions.
  - d. Vehicle accidents, on-duty related; this category may be expanded to off-duty accidents if any trend is suspected or the possibility of alcohol or drug use comes into question.
  - e. Review of available information in Risk Management tort claims.
  - f. Commendations, letters of appreciation and awards.
  - g. Interviews with prior and present supervisors to include comments on productivity levels prior to and during the stipulated problem period.
  - h. Review of sick time usage.
  - i. Review of overtime worked prior to and during the stipulated problem period.

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3. The Employee Behavior Review is intended to be a detailed review of a member's entire employment history with the agency. While the above specified areas must be reviewed, all information discovered by the investigator which may prove helpful in the overall evaluation must be included in the report.

### **D. Remedial/Corrective Action**

1. Once an employee has displayed the set number of performance indicators necessary to trigger the early warning review process the Captain of Internal Affairs will initiate remedial action to address the officer's behavior and will complete the following:
  - a. Formally notify the subject employee in writing
  - b. Conference with the subject employee and appropriate supervisory personnel
  - c. Develop and administer a remedial program
    - 1) Training or re-training
    - 2) Counseling
    - 3) Intensive supervision
    - 4) Fitness for duty examination
    - 5) Employee Assistance Program (EAP) referral
    - 6) Any other appropriate remedial or corrective action
  - d. Continue to monitor the subject employee for at least three months or until the supervisor concludes the officer's behavior has been remediated (whichever is longer)
  - e. Document and report findings to internal affairs unit

### **E. Documentation**

1. The captain, or his designee, will prepare a written report of the meeting and, where applicable, the intervention taken.
2. The report will be combined with the Employee Behavior Review report and kept in the Captain's administrative file in accordance with the Agency's Records Retention Schedule.
3. If a report contains medical information, it must be sent to the Personnel Division, where it will be kept in the Confidential File in accordance with the Agency Record Retention Schedule.
4. All involved parties will attempt to complete the documentation phase within 60 days. If there is an implementation strategy, the strategy can take as long as necessary.
5. The Captain is responsible to ensure that the review is completed. He shall also notify the Chief of Police of the review findings in writing.

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6. If an 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.

### **F. Notification to the Cape May County Prosecutor's Office and Reporting Requirements**

1. The Chief of Police or a designee shall notify the Cape May County Prosecutor's Office immediately upon the receipt of any allegation involving criminal wrongdoing by a law enforcement officer that may lead to charges of an indictable nature.
2. The Attorney General's "Professional Standards Annual Report" shall be submitted by each agency to the Cape May County Prosecutor's Office as directed by that office. In addition, each agency shall report to the Cape May County Prosecutor's Office a brief synopsis of all complaints where a fine or suspension of ten days or more was assessed to a member of the Department.
3. An annual report summarizing the types of complaints received and the dispositions of the complaints shall be made available to the public by each municipal law enforcement agency. The names of the complainants, witnesses, and principals shall not be published in this report.
4. Each municipal agency must release reports to the public summarizing the allegations received and the investigation concluded semi-annually.
5. The Cape May County Prosecutor's Office will forward a brief synopsis of all complaints where suspension of 10 days or more has been assessed to the New Jersey Office of Attorney General.
6. Municipal police departments that exclusively investigate internal affairs complaints referred to them by the Prosecutor's Office shall forward the reports to the Prosecutor's Office and are responsible for complying with the notification requirements of the Attorney General Guidelines. The reports shall be provided upon final disposition of the investigation.
7. This Early Warning Policy shall be posted on the Department's website and shall be available to the public upon request.
8. Upon initiation of the early warning system review process, the Chief or his designee will make written notification to the Cape May County

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Prosecutor's Officer 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 or his designee will make 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.