

# Lower Township Police Department

General Order 2019-01



**SUBJECT:** Early Warning System

**REFERENCE:** CMC SOP69; AG Directive 2018-3

**SPECIAL INSTRUCTIONS:** Replaces GO's 2012-03 & 2016-01

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January 15, 2019

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**SECTION**

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See PowerDMS

01/15/2019

Original

**BY THE ORDER OF:**  
Police Chief William Mastriana

A handwritten signature in black ink, appearing to read "William Mastriana".

### Accreditation Standards:

The written directives developed by the Lower Township Police Department are for internal use only and do not enlarge an Officer's civil or criminal liability in anyway. They should not be construed as to 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 the basis of a complaint by this department and then only in an administrative disciplinary setting.

### PURPOSE:

The purpose of this policy is to establish a personnel early warning system. A comprehensive Personnel Early Warning System is an essential component of good discipline in a well-managed law enforcement agency. The early identification of potential problem employees and a menu of remedial actions can increase agency accountability and offer employees a better opportunity to meet the agency's values and mission statement.

### POLICY:

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.

To assist in the detection of patterns, trends and performance indicators the Lower Township Police Department will use the Guardian Tracking System (GTS) this system will allow for the documentation and tracking of all employee performance including but not limited to performance appraisals, promotions, early intervention, recognizing training needs, employee recognition, awards and discipline.

### PROCEDURE:

#### I. Early Warning System

##### A. Performance Indicators

1. The Early Warning System will monitor many different categories of officer conduct which indicate potentially escalating risk of harm to the public, the agency, and or the officer. The

following performance indicators are included in the Lower Township Early warning System, but can also be supplemented based upon the unique characteristics of the department and the community it serves. The Chief Executive Officer will determine any such supplemental performance indicators. Any supplemental performance indicators should be objectively measurable and reasonably related to potentially harmful behavior by the officer.

2. Identification of a member for review under this early warning policy will be initiated once the employee has a record of two or more of the following conditions in a twelve month period as per this policy. **The Chief may also use discretion to lower the number of conditions to trigger the early warning system if the situation is in the best interest of the agency.**
  - i. Internal Affairs complaints against the officer, whether initiated by another officer or by a member of the public;
  - ii. Civil actions filed against the officer;
  - iii. Criminal investigations of or criminal complaints against and officer;
  - iv. Any use of force by the officer that is formally determined or adjudicated that have been excessive, unjustified, or unreasonable;
  - v. Domestic violence investigations in which the officer is the alleged subject;
  - vi. An arrest of the officer, including a driving under the influence charge;
  - vii. Sexual harassment claims against the officer;
  - viii. Vehicular collisions involving the officer that are formally determined to have been the fault of the officer;
  - ix. A positive drug test by the officer;
  - x. Cases or arrests by the officer that are rejected or dismissed by a court;
  - xi. Cases in which evidence obtained by an officer is suppressed by a court;
  - xii. Insubordination by the officer;
  - xiii. Neglect of duty by the officer;
  - xiv. Unexcused absences by the officer; and
  - xv. Any other indicators, as determined by the Chief Executive Officer of the agency.

If one incident triggers multiple performance indicators, that incident shall not be double or triple counted, but instead count as only one performance indicator.

## **B. Administration**

1. The Executive Officer will assign personnel to conduct the early warning system function for the agency. The early warning system will be administered by the agency's internal affairs unit. A supervisory officer in the chain of command of the subject officer should be directly involved in the early warning system review process. The Executive Officer assigned to the early warning function will conduct an audit of the Guardian Tracking System and records every six months to assess the accuracy and efficacy of the tracking system.

## **C. Remedial / Corrective Action**

1. Once an officer has displayed the set number of performance indicators necessary to trigger the early warning review process the assigned supervisory officer will initiate remedial action to address the officer's behavior. The personnel assigned to oversee the early warning system will:
  - i. Formally notify the subject officer, in writing
  - ii. Conference with the subject officer and appropriate supervisor personnel

- iii. Develop and administer a remedial program
    - a. Training or re-training
    - b. Counseling
    - c. A performance improvement plan
    - d. Reassignment and / or relief of duty
    - e. Intensive supervision
    - f. Fitness for duty examination
    - g. Employee Assistance Program (EAP) referral
    - h. Any other appropriate remedial or corrective action.
  - iv. Continue to monitor the subject officer for at least three months or until the supervisor concludes the officer's behavior has been remediated (whichever is longer)
  - v. Document and report findings to the internal affairs unit.
2. Early warning system is focused on corrective actions to remediate officer behavior and to provide assistance to the officer. The early warning system does not address disciplinary actions that may be warranted against an officer. The disciplinary process will remain within the purview of the agency's internal affairs function. 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.

#### **D. Documentation**

1. The Designated Officer, or 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 Designated Officer'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 Police Department's office manager, 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 Designated Officer is responsible to ensure that the review is completed. The Designated Officer shall also notify the Chief Executive Officer of the Agency and the internal affairs unit of the review findings in writing.
6. 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.

## **II. Employee Behavior Review**

- A. 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, an analysis of the following:

- B. 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 (CST, SRO, etc.).
- C. Complaints (all on record)
  - 1. Internal Affairs complaints.
  - 2. Equal Employment Opportunity complaints
  - 3. Service Complaints
- D. Disciplinary actions
- E. 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.
- F. Review of available information in Risk Management tort claims.
- G. Commendations, letters of appreciation and awards.
- H. Interviews with prior and present supervisors to include comments on productivity levels prior to and during the stipulated problem period.
- I. Review of sick time usage.
- J. Review of overtime worked prior to and during the stipulated problem period.
- K. The employee behavior review is intended to be a detailed review of a member's work history to include GTS entries. While the above specified areas must be reviewed, all information discovered by the investigator which may prove helpful in the overall evaluation must be reviewed.
- L. At the completion of the Employee Behavior Review, a report will be completed and forwarded to the Executive Officer (Captain). This report shall be considered when determining the final disposition of the early intervention.

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

- A. The Chief of Police or 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.
- B. 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 agency.
- C. 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 complaints, witnesses, and principals shall not be published in this report.
- D. Each municipal law enforcement agency must release reports to the public summarizing the allegations received and the investigations concluded semi-annually.

- E. 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.
- F. 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's Guidelines. The reports shall be provided upon final disposition of the investigation.
- G. Upon initiation of the early warning system review process, the agency's Chief Executive Officer or 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 agency's Chief Executive Officer or 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.

#### IV. **Annual Report to the Attorney General**

- A. By January 31st of each year, the Cape May County Prosecutor will submit a report to the Attorney General, through the Division of Criminal Justice's Prosecutors' Supervision and Training Bureau.
- B. This summary will include a statement indicating the agencies within Cape May County that are in compliance with this Policy and those that are not. This summary will not reveal any subject officer's identity.

#### V. **Public Accessibility and Confidentiality**

- A. A copy of this policy will be posted on our agency's website and be available to the public by request.
- B. **All** written reports created or submitted pursuant to this policy that identify specific officers are confidential and **not** subject to public disclosure.