

LINDEN POLICE DEPARTMENT

STANDARD OPERATING PROCEDURES



SUBJECT: **Early Warning System**

EFFECTIVE DATE: **August 3, 2020**

NUMBER OF PAGES: **5**

ACCREDITATION STANDARDS: 2.2.3

BY THE ORDER OF:
Chief of Police David Hart

PURPOSE: The purpose of this Standard Operating Procedure 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.

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. These performance measures may include, but are not limited to, the following documented indicators:
 - 1. Internal complaints, regardless of outcome;
 - 2. Civil actions filed, regardless of outcome;
 - 3. Incidents of force usage, including firearms discharges and use of non-deadly force;
 - 4. Claims of duty-related injury not involving a motor vehicle accident;
 - 5. External complaints, regardless of outcome;
 - 6. Criminal investigations or complaints made against the employee;
 - 7. Vehicular pursuits;
 - 8. Vehicular collisions (work related);
 - 9. Cases rejected or dismissed by the prosecutor, if notified;
 - 10. Evidence suppressed by the court, if notified;
 - 11. Attendance record.
- C. Generally, three (3) instances of questionable conduct or flag indicators within a pre-determined time period would initiate the early warning system process. That time period may differ depending upon the type of questionable conduct or flag indicator, but is generally set between ninety (90) and three hundred and sixty five (365) days.

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 his/her own observations. Emphasis should be placed on anticipating employee problems before it results in improper performance or conduct.
- B. The Internal Affairs Unit shall conduct a manual or computerized review of its records 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 reviews conducted by the Internal Affairs Unit, the Internal Affairs Unit Supervisor shall review an individual employee's history any time a new complaint is received.
 - 1. Using this information and his/her experience, the Internal Affairs Unit Supervisor 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. If the review 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 commander.
- D. The Internal Affairs Unit Supervisor and the employee's supervisor and/or 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.
 - 1. If the review indicates that the early warning system has returned an incorrect identification or "false positive," that conclusion should be documented.
 - 2. If the review reveals that an employee has violated department rules and regulations or written directives, the supervisor in consultation with the Internal Affairs Unit Supervisor should proceed with an Internal Affairs investigation and possible disciplinary action.
 - 3. If the review 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 Supervisor 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 commander and if warranted, the Internal Affairs Unit 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 Supervisor 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 governing training (remedial training).
- D. Supervisors shall forward all documentation as required by department written directives established to assist in a comprehensive review. This data shall minimally include, but is not limited to: use of force reports, vehicle pursuit reports, and attendance records.

IV. COMMAND PERSONNEL

- A. In addition to the regular data reviews conducted by the Internal Affairs Unit, the commanders should periodically review an individual employee's history. Using this information and their experience, the commanders 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 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 enhanced 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 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 designee through the chain of command.

3. An additional six (6) 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;
 2. Retraining;
 3. Counseling;
 4. Enhanced supervision;
 5. Fitness for duty examination;
 6. Employee Assistance Program/Resiliency Program
 7. 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 or designee 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 with disciplinary action imposed. 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 or designee 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.