

GENERAL ORDER GO-141	DATE ISSUED: 05/17/2016	EFFECTIVE DATE: Immediately	Revised:	
			Date:	Section:
SUBJECT: Early Warning System Policy			4/4/2018	III.A,B,E,F,G
REFERENCES:				
ISSUED BY CHIEF: William E. Keane				

I. Purpose

The purpose of this written directive is to establish a personnel early warning system.

II. Policy

It is the policy of the Warren Township 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.

III. Procedure

A. Early Warning System

1. 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 using appropriate management and supervisory strategies before formal discipline is warranted.
2. 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:
 - a. Internal affairs complaints issued by another officer or the public.
 - b. Civil actions filed against an officer.
 - c. Criminal investigations of or criminal complaints against an officer.
 - d. Any use of force by an officer that is formally determined or adjudicated to have been excessive, unjustified, or unreasonable.

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- e. Domestic violence investigations in which an officer is an alleged subject.
 - f. An arrest of an officer, including a driving under the influence charge.
 - g. Sexual harassment claims against an officer.
 - h. Vehicular collisions involving an officer that are formally determined to have been the fault of the officer.
 - i. A positive drug test by the officer.
 - j. Cases or arrests by an officer that are rejected or dismissed by the court.
 - k. Cases in which evidence obtained by an officer is suppressed by the court.
 - l. Insubordination by the officer.
 - m. Neglect of duty by the officer.
 - n. Unexcused absences or lateness by the officer.
 - o. Claims by an officer of duty related injury.
 - p. Vehicular Pursuits by an officer.
 - q. Unacceptable performance ratings by an officer
 - r. Any other indicators, as determined by the Chief.
3. The combinations of any three (3) conduct or flag indicators within any (12) twelve-month period will initiate the early warning system process. If (1) one incident triggers multiple indicators, it shall count as (1) one indicator.

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4. Employee's positive performance indicators should be recorded to create a complete synopsis of the employee's patterns of behavior.

B. Administration of Early Warning System

1. The early warning system is primarily the responsibility of the Internal Affairs Officer, 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.
2. The Internal Affairs Officer shall conduct a manual or computerized audit of its records to determine if an employee has the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, at least every (6) six months.
 - a. In addition to the regular data audits, the Internal Affairs Officer shall audit an individual employee's history any time a new complaint is received.
 - b. Using this information and his/her experience, the Internal Affairs Officer may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the early warning system data audit.
3. If the audit indicates the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, the Internal Affairs Officer shall consult with the employee's supervisor and/or commander.
4. The Internal Affairs Officer and the employee's supervisor and/or commander 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.
 - a. If the audit indicates that the early warning system has returned an incorrect identification or "false positive," that conclusion should be documented.

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- b. If the audit reveals that an employee has violated department rules and regulations or written directives, the supervisor in consultation with the Internal Affairs Officer should proceed with an Internal Affairs investigation and possible disciplinary action.
- c. 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 Officer to determine the appropriate course of remedial/corrective intervention.

C. Supervisors

1. 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 Officer. The success of this program relies heavily on the first line supervisor's participation and involvement.
2. If a supervisor has initiated remedial/corrective intervention, the Internal Affairs Officer shall be formally notified of such efforts.
 - a. This information shall be documented, and appropriate copies forwarded to the Internal Affairs Section for filing.
 - b. No entry should be made in the employee's personnel file, unless the action results in disciplinary/corrective action.
3. If the remedial/corrective intervention was training, documentation shall be filed in accordance with the department's written directive governing training (remedial training).
4. Supervisors shall forward all documentation as required by department written directives established to assist in a comprehensive audit. This data shall minimally include but is not limited to: use of force reports, vehicle pursuit reports, and attendance records.

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D. Periodic Audit

1. In addition to the regular data audits conducted by the Internal Affairs Officer, the commander(s) shall periodically audit an individual employee's history. Using this information and their experience, the commander(s) may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the early warning system data audit.
2. When under early warning system, the employee's commander and supervisor shall meet with the employee to discuss the situation in depth.
 - a. Identify problems or potential problems;
 - b. Determine short and long-term goals for improvement;
 - c. Come to a consensus commitment on a plan for long-term improved performance;
 - d. Advise of the monitoring process and the repercussions of future sustained transgressions.
4. Generally, personnel should expect to remain under intensive monitoring and supervision for six (6) months when an early warning flag is triggered.
5. Supervisor/Employee Meeting
 - a. All supervisor/employee meetings shall be thoroughly documented and forwarded to the Chief of Police or designee. The employee and supervisor shall meet on a regular basis, minimally monthly, to discuss progress towards the agreed upon goals and objectives.
 - b. All regular monthly progress/status reports shall be submitted to the Chief of Police or designee through the chain of command.
 - c. 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.

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E. Remedial/Corrective Intervention

1. When the Early Warning System process is initiated, personnel and/or supervisors assigned to oversee the review process should:
 - a. Formally notify the subject officer, in writing.
 - b. Conference with the subject officer along with any other appropriate supervisory personnel.
 - c. Develop and administer a remedial program including the appropriate remedial and corrective actions listed below.
 - d. Continue to monitor the subject officer for at least three months, or until a supervisor concludes that the officer's behavior has been remediated.
 - e. Document and report findings to the appropriate supervisory personnel and if warranted, the internal affairs unit.
 - f. Any statement made by the subject officer in connection with the Early Warning System review process may not be used against the subject officer in any disciplinary or other proceeding.
2. Supervisory or command personnel may initiate remedial/corrective intervention to correct behavior. Remedial/corrective intervention may include, but is not limited to:
 - a. Training;
 - b. Retraining;
 - c. Counseling;
 - d. Intensive supervision;
 - e. Fitness for duty examination;

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f. Employee Assistance Program, when warranted, if available;

g. Peer counseling.

3. Internal disciplinary action, remedial/corrective intervention, and fitness for duty examinations are not mutually exclusive and should be jointly pursued when appropriate.
4. 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. 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.
5. 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.
6. If an Early Warning System notification to the subject officer could jeopardize an ongoing investigation, the Somerset County Prosecutor's Office may permit a delayed notification to the subject officer or delayed initiation of the review process.

F. Notifications

1. If an officer applies for or accepts employment at a different law enforcement agency it is the responsibility of the Warren Township Police Department to notify the subsequent employer of the officer's Early Warning System review history and outcomes. Upon request, the Warren Township Police Department shall share the officer's files with the subsequent employer.
2. Upon initiation of the Early Warning System, and Chief or his designee shall make confidential written notification to the Somerset County Prosecutor's Office designee of the identity of the subject officer, the nature of the triggering indicators, and any planned remedial program. Upon completion of the review process, the Chief shall make a

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confidential written notification to the Somerset County Prosecutor's designee of the outcome, including any remedial measures.

3. Prior to January 31st of each year, the Somerset County Prosecutor shall submit a report to the Attorney General, through the Division of Criminal Justice's Prosecutors' supervision and Training Bureau. This summary shall include a statement indicating those agencies under the Somerset County Prosecutor's supervision that are in compliance with this policy and those that are not in compliance.

G. Public Accessibility and Confidentiality

1. This policy shall be made available to the public upon request and shall be posted on the agencies website. Annual reports from the Somerset County Prosecutor's Office to the Attorney General, also shall be made available to the public upon request and shall be posted on the agency's website.
2. All written reports created or submitted pursuant to this policy that identify specific officers are confidential and not subject to public disclosure.