

South Hackensack Police Department's Early Warning System Policy



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 **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 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 investigations of or criminal complaints against the officer;
 4. Any use of force by the officer that is formally determined or adjudicated (for example, by internal affairs or a grand jury) to have been excessive, unjustified, or unreasonable;
 5. Domestic violence investigations in which the officer is an alleged subject;
 6. An arrest of the officer, including on a driving under the influence charge;
 7. Sexual harassment claims against the officer;
 8. Vehicular collisions involving the 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 a court;
 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; and
 15. Any other indicators, as determined by the Chief of Police.

- C. Generally, three instances of questionable conduct or flag indicators within any twelve month period would initiate the early warning system process. If one incident triggers multiple performance indicators, that incident shall not be double or triple counted, but instead shall count as only one performance indicator.

II. Administration and Tracking

- A. The Chief of Police shall assign personnel to conduct the EW System function; but, any supervisor may initiate the early warning process based upon their own observations. Emphasis should be placed on anticipating employee problems before its results in improper performance of conduct.
- B. The Chief of Police's designee(s) shall conduct a manual or computerized audit of its records at least every six months, 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 audits, the designee(s) shall audit an individual employee's history anytime a new complaint is received.
- C. Once an officer has displayed the requisite number of performance indicators necessary to trigger the EW System review process, the assigned supervisory personnel shall initiate remedial action to address the officer's behavior.

III. Remedial/Corrective Action

- A. Once an officer has displayed the requisite number of performance indicators necessary to trigger the EW System review process (as set forth in Section I, B, above) the assigned supervisory personnel shall initiate remedial action to address the officer's behavior.

When an EW System review process is initiated, personnel assigned to oversee the EW System should (1) formally notify the subject officer, in writing; (2) conference with the subject officer and appropriate supervisory personnel; (3) develop and administer a remedial program including the appropriate remedial/corrective actions listed below; (4) continue to monitor the subject officer for at least three months, or until the supervisor concludes that the officer's behavior has been remediated (whichever is longer); (5) document and report findings to the appropriate supervisory personnel and, if warranted, the internal affairs unit.

If EW System notification to the officer could jeopardize an ongoing criminal investigation, notification to the officer or initiation of the EW System review process may be delayed after consulting with the County Prosecutor.

Remedial/Corrective action may include but is not limited to the following:

1. Training or re-training
2. Counseling
3. Intensive supervision

4. Fitness for duty examination
 5. Employee assistance program, when warranted, if available
 6. Peer counseling
 7. Employee Assistance Program (EAP) referral
 8. Any other appropriate remedial or corrective action
- B. Internal disciplinary action, remedial/corrective intervention, and fitness for duty examinations are not 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 the action results in a sustained investigation. If 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 review. These reports have the same confidential status as Internal Affairs documents and are subject to the same disclosure and retention regulations and guidelines.

IV. Notification to Subsequent Law Enforcement Employer

If any officer who is or has been subject to an EW System review process applies or accepts employment at a different law enforcement agency, it is the responsibility of this agency to notify the subsequent employing law enforcement agency of the officer's EW System review history and outcomes. Upon request this agency shall share the officer's EW System review process files with the subsequent employing agency.

V. Notification to County Prosecutor

Upon initiation of the EW System review process, the Chief of Police or a designee shall make a confidential written notification to the County Prosecutor or his/her designee of the identity of the subject officer, the nature of the triggering performance indicators, and the planned remedial program. Upon completion of the EW System review process, the Chief of Police shall make a confidential written notification to the County Prosecutor or his/her designee of the outcome of the EW System review, including any remedial measures taken on behalf of the subject officer.

VI. Public Accessibility and Confidentiality

This policy shall be made available to the public upon request and shall be posted on the agency's website.

All written reports created or submitted pursuant to this Directive that identify specific officers are confidential and are not subject to public disclosure.