|  |  |
| --- | --- |
| **AVALON POLICE DEPARTMENT** |  |
| **Standard Operating Procedure #:****102** | **EFFECTIVE DATE:****01/21/2019** | **NUMBER OF PAGES:****6** |
| **SUBJECT: EARLY WARNING SYSTEM (EWS)** |
| **BY THE ORDER OF:****Chief Jeffrey Christopher** | **SUPERSEDES ORDER:** | **REVISION DATE** | **PAGE #** |
|                                |
| ACCREDITATION STANDARDS |  |  |  |  |  |  |

**PURPOSE**

An Early Warning System is an important management tool designed to detect patterns and trends in police conduct before that conduct escalates. An effective Early warning system can assist a law enforcement agency in identifying and remediating problematic officer conduct that pose a potential risk to the public, to the agency, and to the officers. Early Warning Systems therefore serve to not only increase public safety and public confidence in law enforcement, but also to assist officers through early intervention. Attorney General directive 2018-3 mandates that all law enforcement agencies in NJ adopt and implement Early Warning Systems consistent with those requirements.

**POLICY**

It shall be the policy of the Avalon Police Department to amend the Early warning system to the aforementioned AG directive requiring the following performance indicators. The Chief of Police shall determine any such supplemental performance indicators based on the characteristics of the department and the community it serves. To the extent possible, supplemental performance indicators should be objectively measurable and reasonable related to potentially escalating harmful behavior by the officers. The following are performance 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 investigation of criminal complaints against the officer.
4. Any use of force by the officer that is formally determined or adjudicated (by internal affairs or grand jury) to have been excessive, unjustified, or unreasonable.
5. Domestic Violence investigation in which the officer is an alleged subject.
6. An arrest of the officer, including a driving under the influence charge.
7. Sexual harassment claims against the officer.
8. Vehicular collisions involving the officer 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.
15. Any other indicator, as determined by the Chief of Police.
16. **Initiation of Early Warning Process**

**EWS triggering mechanism**

1. Three (3) internal affairs complaints against an employee within a twelve-month period.
2. Two internal affairs complaints within the same category within a six-month period.
3. Two sustained internal affairs complaints with the twelve-month period.
4. Any allegation of domestic violence involving the employee as the perpetrator.
5. Two motor vehicle accidents within a twelve-month period.
6. Two civil tort claims against the employee and the Borough of Avalon.
7. Any criminal complaint against the officer.
8. An arrest of the subject officer for driving while intoxicated.
9. One instance of positive drug test.
10. Three instances of dismissed or rejected cases within a twelve-month period.
11. Three instances of evidence obtained by an office that is suppressed in court with twelve months.
12. Three performance deficiencies within a six-month period.

At a minimum, the Avalon Police Department’s EWS policy provides that three separate instances of performance indicators within any twelve-month period will trigger the EW system review 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. The Chief executive may determine that a lower number of performance indicators within a twelve-month period will trigger the EW system.

1. **Administration and Tracking**

The Chief of Police assigns the Captain of Police to conduct the EWS. Supervisory officers in the subject officer’s chain of command also should review performance indicators and initiate the EWS if appropriate. The Avalon Police department will utilize the Guardian Tracking system to identify officers who display the requisite number of performance indicators to trigger the EWS. At least every six months, the Captain shall review the system to audit the agency’s records to assess the accuracy and efficiency of the tracking system.

1. **Remedial /corrective action**

Once an officer has displayed the requisite number of performance indicators necessary to trigger the EWS review process, (as set forth above) assigned supervisory personnel shall initiate an Employee behavior review and remedial action to address the officer behavior.

 Employee behavior review.

1. An Employee behavior review is a summary of pertinent information concerning the members conduct. It will include, but is not limited to, a report that contains an analysis of the following:
2. Assignments during the stipulated problem period.
3. Complaints on record
4. Internal affairs complaints.
5. Equal Employment opportunity complaints.
6. Misconduct complaints.
7. Disciplinary complaints.
8. Performance deficiencies.
9. Motor vehicle accidents, duty related. This category may be expanded to off duty accidents if there is any suspicion of alcohol or drug use may be involved.
10. Review of available information in risk management tort claims.
11. Commendations, letters of appreciation and awards.
12. Interviews with prior and present supervisors to include comments on productivity levels prior to and during the stipulated period.
13. Review of sick time usage (excessive, patterns, etc.)
14. Review of overtime worked prior to and during the stipulated problem period.
15. Review of extra duty work or secondary employment.

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.

When an EWS review process is initiated the Captain should:

1. Formally notify the subject officer, in writing. Once the member is notified, the Captain shall meet with the employee to:

	1. Explain the purpose and process of an Employee Behavior Review.
	2. Discuss the factors which led to the review.
	3. Attempt to identify the causes that led to the review.
	4. The meeting is intended to be supportive and informative, not punitive.

 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 Chief of Police. Any statement made by the subject officer in connection with the EWS review process may not be used against the subject officer in any disciplinary or other proceeding.

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

1. Training or re-training
2. Counseling
3. Intensive supervision
4. Reassignment
5. Fitness for duty examination
6. Employee assistance program referral and
7. Any other appropriate remedial or corrective action

Intervention is not disciplinary and should not be used in place of disciplinary action when it is warranted.

1. **Supervisors Responsibilities**
2. First and second level supervisors will familiarize themselves with their subordinates and routinely observe their demeanor, appearance and conduct.
3. Supervisors will remain alert for indications of behavior changes or stressors (i.e. divorce, family death, traumatic event ETC) that may affect a subordinate’s performance.
4. Supervisors will receive periodic training recognizing potential problems or concerns and referring Department members for assistance.
5. When a supervisor perceives or determines that a Department member has a problem, they will assess the situation and take appropriate action in accordance with this policy and any other policies and procedures of the Avalon Police Department.
6. The supervisors shall inform the Captain of their concerns.
7. When requested to perform a review based on early warning criteria, supervisors will make their recommendation in writing and submit them to the Captain.
8. **Notification to County Prosecutor**

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

1. **Notification to subsequent law enforcement agencies**

If any officer who is or has been subject to an EWS review process applies to or accepts employment at a different law enforcement agency that the one where he or she underwent the EWS review process, it the responsibility of the prior or current employer to notify the subsequent employing law enforcement agency of the officers EWS review process history and outcome. Upon request, the prior or current employing agency shall share the officers EWS review process files with the subsequent employing agency.

**G. Public accessibility**

All EWS polices adopted by this agency shall be made available to the public upon request and shall be posted on the agency website.

1. **Records**
2. The Captain, or his designee, shall prepare a written report of the meeting and, where applicable, the intervention taken.
3. Whether or not remedial action had been undertaken, the internal affairs supervisor should be formally notified. The report shall be recorded in the internal affairs index file system.
4. When remedial action is taken, the only items to be placed in the employee’s personnel file are a copy of the Employee Behavior Review Report and the intervention taken in accordance with the Departments Record Retention Schedule.
5. If the 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 Department’s Record Retention Schedule.
6. All parties will attempt to complete the documentation phase within sixty (60) days. If there is an implementation strategy, the strategy can take as long as necessary.
7. The Captain is responsible to ensure that the review is completed. He shall notify the Chief of Police of his findings in writing.