



## **I. PURPOSE**

A. The purpose of this general order is to establish procedures and guidelines for an Early Warning System as mandated by the NJ Attorney General under Directive No. 2018-3 (APPENDIX A). An Early Warning System ("EWS") is an important management tool designed to detect patterns and trends in police conduct before that conduct escalates. An effective EWS can assist a law enforcement agency in identifying and remediating problematic officer conduct that poses a potential risk to the public, to the agency, and to the officer. EW Systems, therefore, serve to not only increase public safety and public confidence in law enforcement, but also to assist officers through early intervention.

## **II. POLICY**

A. It is the policy of the Somerdale Police Department to utilize an Early Warning System as directed by NJ Attorney General under Directive No. 2018-3.

The Early Warning System (EWS) shall be used to identify and assess employee performance and provide intervention where appropriate.

Additionally, a comprehensive 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 assistance in correcting a problem.

The system can help reduce instances of the Agency and the employee being faced with investigations of serious cases of misconduct only to find that there was an escalating pattern or less serious misconduct which could have been abated through earlier intervention. To unnecessarily lose an employee from the profession because no measures to detect and assist employees with problems or to correct and / or improve work performance were taken is devastating, not only to the employee, but also to the Agency and Community.

Employees are the most important and crucial resource of the Agency. Supervisors shall make every effort to identify employees who have issues that negatively impact their ability to effectively perform their jobs and shall make every effort to help employees to resolve such issues in an appropriate manner, consistent with Agency policy and procedures.

### **III. PROCEDURE**

#### **A. Performance Indicators**

An EWS may 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 shall be included in all EW systems, but also can be supplemented based upon the unique characteristics of the department and the community it serves. The Chief of Police shall determine any such supplemental performance indicators. To the extent possible, supplemental performance indicators should be objectively measurable and reasonably related to potentially escalating harmful behavior by the officer.

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 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; and
15. Any other indicators, as determined by the agency's chief executive.

If an EWS notification to the officer could jeopardize an ongoing criminal investigation, the County Prosecutor may, at this or her discretion, permit delayed notification to the officer or delayed initiation of the EWS review process.

### **B. Early Warning Process**

The Somerdale Police Department's EWS policy shall provide that three separate instances of performance indicators (as listed in Section III, A) within any twelve-month period will trigger the EWS 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 of Police may at his or her discretion determine that a lower number of performance indicators within a twelve-month period (i.e., one or two performance indicators) will trigger the EWS review process.

### **C. Administration and Tracking**

Incidents depicted above as Performance Indicators (1-15) shall be Recorded via index card system. Internal affairs supervisor shall maintain the departments EWS cards. Recorded on the card shall be (1) The specific indicator (2) Date of the allegation (3) Internal affairs case file. At least every six months the EWS and records will be audited to assess the accuracy and efficacy of the tracking system.

### **D. Remedial/Corrective Action**

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

When an EWS review process is initiated, personnel assigned to oversee the EWS 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, to the Internal Affairs Unit. 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. Fitness-for-duty examination;
5. Employee Assistance Program (EAP) referral; and
6. Any other appropriate remedial or corrective action.

#### **E. Notification to Subsequent Law Enforcement Employer**

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 than the one where he or she underwent the EWS review process, it is the responsibility of the prior or current employing law enforcement agency to notify the subsequent employing law enforcement agency of the officer's EWS review process history and outcomes. Upon request, the prior or current employing agency shall share the officer's EWS review process files with the subsequent employing agency.

#### **F. Notification to Camden County Prosecutor**

Upon initiation of the EWS review process, the Chief of Police or his/her 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 EWS 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 EWS review, including any remedial measures taken on behalf of the subject officer.

#### **G. Public Access and Confidentiality**

This executive order shall be made available to the public upon request and shall be posted on the Somerdale Police Department's website. All written reports created or submitted pursuant to this Directive that identify specific officers are confidential and not subject to public disclosure.