

	HAMILTON POLICE DIVISION		
	Policies & Procedures		
	GENERAL ORDER 2019-01		
EARLY WARNING SYSTEM			
By Order of:		Distribution:	
James M. Stevens, Chief of Police: _____		All Division Personnel	
Accreditation Standards: 2.2.3		# of Pages:	Effective Date:
		6	02/19/2019
Rescinds: General Order 2018-07			

I. POLICY:

It is the policy of the Division to implement and utilize an early warning system for tracking and reviewing incidents of risk and provide timely intervention consistent with the New Jersey Attorney General’s Law Enforcement Directive No. 2018-3.

II. PURPOSE:

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

III. PROCEDURES:

A. EARLY WARNING SYSTEM:

1. The Division utilizes the software programs IA Pro and Blue Team for early warning system tracking.
2. 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.
3. 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 against an employee, whether initiated by another employee or by a member of the public;
 - b. Civil actions filed against the officer;
 - c. Criminal investigations or criminal complaints against an employee;
 - d. 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;
 - e. Domestic violence investigations in which the employee is an alleged subject;
 - f. An arrest of the employee, including a driving under the influence charge;
 - g. Sexual harassment claims against an employee;
 - h. Vehicular collisions involving the 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 the officer that are rejected or dismissed by a court;
 - k. Cases in which evidence obtained by an officer is suppressed by a court;
 - l. Insubordination by the officer;
 - m. Neglect of duty by the officer;
 - n. Unexcused absences by the employee;
 - o. Vehicular pursuits.
4. Generally, three (3) instances of questionable conduct or performance indicators within a 12-month period would initiate the early warning system process.
 5. 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.

B. ADMINISTRATION OF EARLY WARNING SYSTEM:

1. The early warning system is the responsibility of the Internal Affairs Unit. Emphasis should be placed on anticipating employee problems before it results in improper performance or conduct.

2. The Internal Affairs Unit 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.
 - a. At least every six (6) months, internal affair's personnel shall audit the agency's tracking system and records to assess the accuracy and efficacy of the tracking system.
 - b. In addition to the regular data audits by internal affairs, the Internal Affairs Unit Commander shall audit an individual employee's history any time a new complaint is received.
 - c. Using this information and their experience, internal affairs investigators 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 investigator shall consult with the employee's supervisor and/or Bureau Commander.
 - a. The Internal Affairs Unit Commander shall meet with the supervisor responsible for the employee to notify them and gather additional information about the employee.
 - b. If the audit indicates that the early warning system has returned an incorrect identification or "false positive," that conclusion should be documented.
 - c. If the audit reveals that an employee has violated Division rules and regulations or general orders, the Internal Affairs Unit should proceed with an internal investigation and possible disciplinary action.
 - d. 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 Internal Affairs Unit shall consult with the supervisor to determine the appropriate course of remedial/corrective intervention.
 - e. The officer shall be notified by T-11 memorandum that the early warning system has been initiated.
4. A meeting will be arranged between the Internal Affairs Investigator, the employee and the employee's supervisor. The meeting will be conducted to inform the employee that he or she has been identified for follow-up in the early warning program, the purpose of the meeting, and that these meetings are to be facilitative and non-disciplinary in nature.
5. The early warning program meeting will result in options or courses of actions being determined and established by the Chief with input from the identified employee, Internal Affairs Unit Commander, and any other Supervisor involved.

C. SUPERVISORS:

1. An employee's first line supervisor is usually the first member of the Division 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 the Internal Affairs Unit Commander. The success of this program relies heavily on the first line supervisor's participation and involvement.
2. Supervisor reporting:
 - a. All incidents shall be documented by entry into Blue Team and forwarded to the Internal Affairs Unit.
 - b. Supervisors shall forward all documentation as required by Division general orders established to assist in a comprehensive audit. This data shall minimally include: use of force reports, vehicle pursuit reports and attendance records.

D. INTERNAL AFFAIRS UNIT

1. When under early warning system monitoring, The Internal Affairs Unit Commander and Employee's supervisor shall meet to discuss the situation in depth to:
 - 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.
2. Generally, personnel should expect to remain under intensive monitoring and supervision for at least three (3) months when an early warning flag is triggered or until the supervisor concludes that the employee's behavior has been remediated (whichever is longer).
3. Supervisor/Employee Meeting:
 - a. All supervisor/employee meetings shall be thoroughly documented and forwarded to Internal Affairs. The affected 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 T-11 reports shall be submitted directly to the Internal Affairs Unit Commander.

4. Any statement made by the officer in connection with the early warning system review process may not be used against them in any disciplinary or other proceeding.

E. REMEDIAL/CORRECTIVE INTERVENTION:

1. After approval from the Internal Affairs Unit, in consultation with the Chief, has been given, 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
 - f. Fitness for duty examination
 - g. Employee Assistance Program, when warranted, if available
 - h. Peer counseling
 - i. Any other appropriate remedial or corrective action
2. Internal disciplinary action, remedial/corrective intervention, and fitness for duty examinations are not mutually exclusive and should be jointly pursued if and when appropriate.
3. When discipline or remedial/corrective intervention has been undertaken, the Internal Affairs Unit Commander shall ensure that such actions are documented in writing.
 - a. No entry should be made in the employee's personnel file, unless the action results in a sustained misconduct violation.
 - b. If the remedial/corrective intervention is a training program, attendance and proof of successful completion of that program should be retained in the internal affairs index log and file.
4. All remedial/corrective intervention reports shall be maintained by the Internal Affairs Unit under the appropriate alert generated in the IA Pro software program. These reports have the same confidential status as Internal Affairs documents and are subject to the same disclosure and retention regulations and guidelines.

F. NOTIFICATION TO SUBSEQUENT LAW ENFORCEMENT EMPLOYER:

1. If any officer who is or has been subject to an Early Warning System review process applies to or accepts employment at a different law enforcement agency

than the one where he or she underwent the Early Warning System 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 Early Warning System review process history and outcomes. Upon request, the prior or current employing agency shall share the officer's Early Warning System review process files with the subsequent employing agency.

G. NOTIFICATION TO COUNTY PROSECUTOR:

1. Upon initiation of the Early Warning System review process, the Chief of Police or a designee shall make a confidential written notification to the County Prosecutor. The notice shall identify the subject officer, the nature of the triggering performance indicators, and the planned remedial program. Upon completion of the Early Warning 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 Early Warning System review, including any remedial measures taken on behalf of the subject officer.
2. On January 5th of the calendar year, the Chief of Police or a designee shall report, in writing, to the County Prosecutor the total number of Early Warning reviews that were undertaken for the previous year.

H. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY:

The Early Warning System policy shall be made available to the public upon request and shall be posted on the agency website. However, all written reports created or submitted that identify specific officers are confidential and are not subject to public disclosure.