


<b>PARSIPPANY-TROY HILLS POLICE DEPARTMENT STANDARD OPERATING PROCEDURE</b>		
<b>EARLY WARNING SYSTEM</b>		
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ACCREDITATION STANDARDS: 2.2.3	BY THE ORDER OF: Chief of Police	

**PURPOSE:** The Parsippany-Troy Hills Police Department utilizes an Early Warning System (EWS) through the department's InfoShare™ system Police Internal Affairs Module, which enables management to monitor employee conduct. The EWS is ultimately designed to identify any patterns, practices or trends of inappropriate behavior or conduct by any employee of this department. An effective EWS can assist in identifying and remediating problematic employee conduct that poses a potential risk to the public, to the department, and to the employee. The goal of the EWS is to allow for supervisory intervention or remediation before it develops into a disciplinary issue. The EWS is only as successful as the information entered. Consequently, it is imperative that supervisors correct and always document adverse employee performance. The purpose of this policy is to define the EWS and the method to manage the process.

**POLICY:** It is the policy of the Parsippany-Troy Hills Police Department 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.

## PROCEDURE:

### 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 strategies 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 shall include, but are not limited to, the following documented indicators:
1. Internal affairs complaints against an employee, whether initiated by another employee or by a member of the public;
  2. Civil actions filed against the employee;
  3. Criminal investigations or criminal complaints against an employee;
  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 employee is an alleged subject;
  6. An arrest of the employee, including on a driving under the influence charge;
  7. Sexual harassment claims against an employee;
  8. A vehicular crash involving an officer that is 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 the officer is suppressed by a court;
  12. Insubordination by the employee;
  13. Neglect of duty by the employee;
  14. Unexcused absences by the employee; and
  15. Claims of duty-related injury.

## **II. NOTIFICATION OF PERFORMANCE INDICATORS**

- A. Any civil actions filed against an employee of the department directly related to the performance of his or her official duties shall be documented and copies of the pertinent documents forwarded to the Internal Affairs Section for entry into the InfoShare™ system and inclusion into the employee's Internal Affairs file.
- B. All reports concerning vehicular crashes involving department vehicles shall be forwarded to the Internal Affairs Section for inclusion into the officer's Internal Affairs file. Only crashes that are formally determined to have been the fault of the officer shall be entered into the InfoShare™ system.
- C. It is the responsibility of the applicable prosecutor's office (e.g. county, municipal) to report all cases or arrests by an officer of this department that are rejected or dismissed by a court, or cases in which evidence obtained by an officer is suppressed by a court.
- D. Any claims of duty-related injury by officers shall be documented and notification shall be made to the Chiefs' Office for entry into the InfoShare® system.
- E. All other performance indicators included in the department's EWS shall be reported to the Internal Affairs Section via applicable departmental rules, policies and procedures, and directives.

## **II. ADMINISTRATION OF EARLY WARNING SYSTEM**

- A. The Internal Affairs Section shall manage the EWS through the department's InfoShare™ system Police Internal Affairs Module.
  - 1. All reviews prompted by the EWS shall be completed by Internal Affairs Section personnel and documented in the InfoShare™ system, regardless of the action taken.
  - 2. At least every six (6) months, personnel assigned to manage the EWS shall conduct an audit of the tracking system and records to assess the accuracy and efficiency of the EWS.

## **IV. INITIATION OF EARLY WARNING PROCESS**

- A. Three (3) separate instances of performance indicators (as listed in Section 1.B.) within any twelve (12) month period will trigger the EWS review process. If one (1) incident triggers multiple performance indicators, that incident shall not be double (or triple) counted, but shall count as only one performance indicator.
  - 1. The Internal Affairs Section Commander will be automatically alerted via the InfoShare™ system.
- B. The Internal Affairs Section Commander or his/her designee shall conduct a review of the three (3) instances that prompted the EWS alert to determine if the employee has the emergence of a pattern, practice or trend of inappropriate behavior or conduct.

1. The review shall be documented by opening a case in the InfoShare™ system and by preparing a detailed report as to the review's findings.
- C. The Internal Affairs Section Commander or his/her designee shall review an individual employee's history any time a new internal affairs complaint is received. Using this information and their experience, Internal Affairs Section personnel may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the EWS.
- D. If either review indicates the emergence of a pattern, practice or trend of inappropriate behavior or conduct, the Internal Affairs Section Commander shall consult with the Chief of Police to review the circumstances.
1. If the review indicates that the EWS has returned an incorrect identification, or "false positive," that conclusion shall be documented in a report generated through the InfoShare™ system.
  2. If the review reveals that the employee has engaged in conduct indicating a lack of understanding or inability to comply with accepted procedures, a determination shall be made as to the appropriate course of remedial/corrective action.
- E. The Chief of Police or his/her designee and appropriate supervisory personnel in the subject employee's chain of command shall review the information provided, along with any other relevant information from department records, for the purpose of deciding a course of action to address the employee's conduct.
- F. When an EWS review process is initiated, involved personnel should:
1. Formally notify the subject employee, in writing;
    - a. Notification to the employee or initiation of the EWS review process may be delayed if such notification could jeopardize an ongoing criminal investigation.
  2. Conference with the subject employee and appropriate supervisory personnel;
  3. Develop and administer a remedial program including the appropriate remedial/corrective actions (as listed in Section VI.A);
  4. Continue to monitor the subject employee for a period as determined by the Chief of Police;
  5. Document and report findings to the Chief of Police.
- G. 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.

## **V. SUPERVISORS**

- A. The success of this program relies heavily on the front-line supervisor's participation and involvement. An employee's immediate supervisor is usually the

first member of the department to encounter and document specific incidents that affect an employee.

- B. After the EWS is activated and upon the conclusion of the EWS review, the employee's Division Commander, and/or Section Commander, and immediate supervisor shall meet with the employee to thoroughly discuss the situation. The purpose of the meeting is to:
  - 1. Identify problems or potential problems;
  - 2. Determine short and long-term goals for improvement;
  - 3. Come to a consensus commitment on a plan for long-term improved performance;
  - 4. Advise of the monitoring process and the repercussions of future sustained transgressions.
- C. Through the chain of command, any action plan shall be approved by the Chief of Police prior to its implementation. Once approved, the plan shall be implemented by the employee's immediate supervisor and have an incorporated time schedule. The affected Division Commander shall ensure that the approved action plan is implemented by the immediate supervisor and is completed within the set period.
- D. Supervisor/Employee Meeting
  - 1. All supervisor/employee meetings shall be thoroughly documented, which will be forwarded to the Chief of Police through the chain of command. The affected employee and supervisor shall meet on a regular basis, as determined by the circumstances involved, to discuss progress towards the agreed upon goals and objectives.
  - 2. All progress/status reports shall be submitted to the Chief of Police through the chain of command.
  - 3. At the conclusion of the monitoring period, the immediate supervisor shall submit a progress report on a memorandum to the Chief of Police through the chain of command. Based on the report, the Chief of Police shall decide to continue or end the monitoring. The report shall be forwarded to the Internal Affairs Section for filing and entry into the department's InfoShare™ system.
  - 4. All progress/status reports shall be retained the department's InfoShare™ system.

## **VI. REMEDIAL/CORRECTIVE INTERVENTION**

- A. Supervisory or command personnel may initiate remedial/corrective intervention to correct behavior. Remedial/corrective intervention 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.

## **VII. NOTIFICATION TO MORRIS COUNTY PROSECUTOR'S OFFICE**

- A. Upon initiation of the EWS review process, the Chief of Police or his/her designee shall make a written notification to the Morris County Prosecutor's Office, Professional Standards Unit Sergeant of any matter which triggers an EWS review. The notice shall include the following:
  1. Identity of the subject officer;
  2. Nature of the triggering performance indicators; and
  3. Planned remedial program
- B. At the conclusion of the EWS review process, the Chief of Police shall make a written notification to the Morris County Prosecutor's Office, Professional Standards Unit of the outcome of the review, including any remedial measures taken on behalf of the subject officer.

## **VIII. ANNUAL REPORT TO MORRIS COUNTY PROSECUTOR'S OFFICE**

- A. No later than January 5th of the calendar year, the Chief of Police, or his/her designee, shall report, in writing, to the Morris County Prosecutor the total number of EWS reviews that were undertaken for the previous year.

## **IX. NOTIFICATION TO SUBSEQUENT LAW ENFORCEMENT EMPLOYER**

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

## **IX. RECORDS REVIEW/RETENTION**

- A. All EWS documentation shall be forwarded to the Chief of Police for review prior to dissemination.
- B. Once approved by the Chief of Police, all EWS documents shall be forwarded to the Internal Affairs Section for filing. These EWS documents have the same confidential status as internal affairs documents.
- C. EWS documents shall be subject to the same retention period as internal affairs records, in accordance with the department's *Internal Affairs* SOP.

**X. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY**

- A. This policy shall be made available to the public upon request and shall be posted on the department's public website.
- B. All written reports created or submitted pursuant to this policy, and the applicable NJ Attorney General Directive, that identify specific officers are confidential and are not subject to public disclosure.