

HIGHLAND PARK POLICE DEPARTMENT

DIRECTIVE #41	Early Warning System
DATE (s)	AUTHORITY
Effective: 05/19/2018	Chief Stephen J Rizco
Revised: 03/30/2020	Chief Richard Abrams
Revised:	
Revised:	

I. PURPOSE:

The purpose of this policy is to establish an Early Warning System (EWS) for the Highland Park Police Department police personnel that are in compliance with the NJ Attorney General's order.

II. POLICY:

It is the policy of the Highland Park Police Department to implement and utilize an EWS for tracking and reviewing the indicators of increased risk and provide timely, non-punitive intervention consistent with best practices. This EWS will also be utilized to ensure that all positive aspects of a member's action will not go unrecognized.

III. SPECIFICATIONS:

I. General Information

- A. The EWS is designed to detect patterns and trends before the conduct escalates into more serious problems. The primary intent is to address potential problems through the use of appropriate management intervention strategies before negative discipline becomes necessary.
- B. Equally important in law enforcement is the desire that personnel take the extra step to ensure that any encounter with the public is as helpful as possible. When members of the agency go beyond what is required of them, recognition for their actions will be documented.
- C. All levels of supervision, especially first line supervisors, are expected to recognize potentially troublesome employees, identify training needs and provide professional support in a consistent and fair manner. Emphasis

should be placed on anticipating employee problems before it results in improper performance or conduct.

- D. Many different measures of employee performance can be regularly examined for patterns or practices that may indicate potential problems. These performance measures 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;
If EWS notification to the officer could jeopardize an ongoing criminal investigation, the County Prosecutor may in his or her discretion permit delayed notification to the officer or delayed initiation of the EWS review process.
 4. Any use of force by the officer that is formally determined or adjudicated to have been excessive, unjustified, or unreasonable;
 5. Domestic violence investigations in which the officer is an alleged suspect;
 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 Chief of Police
- E. When three (3) separate instances of performance indicators are documented within any twelve (12) month period, it 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.
- F. The EWS is primarily the responsibility of the Chief of Police, but any supervisor may initiate the early intervention process based upon their own observations.

- H. At least every six months, personnel assigned to manage the EWS shall audit the records to assess the accuracy and efficacy of the tracking system.
- I. An employee's first line supervisor is usually the first member of the department 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 division commander. The success of this program relies heavily on the first line supervisor's participation and involvement.
- J. Supervisors shall forward all documentation required by the EWS pursuant to written directives already established - Use of Force, Internal Affairs Investigations, Personnel Policies and Procedures, Vehicle Pursuit Actions, Sick Leave, and Tardiness.
- K. Supervisors will have input on recommendations affecting their employees such as required remedial training, counseling services through the Employee Assistance Program, and disciplinary action.
- L. Referrals to the Employee Assistance Program shall be made in accordance with the Employee Assistance Program protocols. Personal problems may adversely affect an employee's personal and professional well-being and job performance. The most effective means of handling these problems may be through this program.

IV. Guardian Tracking Software

- A. This department will utilize Guardian Tracking[®] software in order to manage, track and trigger alerts with respect to the EWS. Guardian Tracking[®] is an employee behavioral monitoring and early intervention system. In no way, does it excuse a supervisor or any other employee from following the procedures mandated in this department's Internal Affairs directive.
- B. All officers shall have access to the Guardian Tracking system via an assigned login and personal password.
- C. It is the responsibility of all supervisors to enter all incidents listed below for each of their subordinates. Supervisors who fail to document incidents as required by this directive will be subject to disciplinary action.

V. **Remedial Action**

- A. Once an officer has displayed the requisite number of performance indicators necessary to trigger the EWS, assigned supervisory personnel shall initiate remedial action to address the officer's behavior.
- B. 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 (3) 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.

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.

- C. Remedial or corrective action may include, but is not limited to:
 - 1. Training or re-training;
 - 2. Counseling;
 - 3. Intensive supervision;
 - 4. Fitness for duty examination;
 - 5. Employee Assistance Program (EAP); and
 - 6. Any other appropriate remedial or corrective action.
- D. Internal disciplinary action, remedial action and fitness for duty examinations are not mutually exclusive and should be jointly pursued if and when appropriate.
- E. When remedial action has been undertaken, the division commander 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 complaint. If the remedial action is a training program, attendance and successful completion of that program should be noted in the employee's training record.
- F. The division commander shall cause a review of any individual employee's history anytime a new complaint is made. Using this information, the division commander or designee may be able to identify

employees who may need counseling, training, or other remedial action even before such is indicated by the early warning system's ongoing data review.

- G. Generally, personnel should expect to remain under intensive monitoring and supervision for at least three (3) months.
- H. When under EWS monitoring, the employee's direct supervisor shall meet with the employee to discuss the situation in depth 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; or
 - 4. Advise of the monitoring process and the repercussions of future sustained transgressions.
- I. All employee-supervisor meetings shall be thoroughly documented in the Guardian Tracking[®] software, which will automatically be forwarded to the Chief of Police. The affected employee and supervisor shall meet on a regular basis, minimally monthly, to discuss progress towards the agreed upon goals and objectives.
- J. All regular monthly progress/status reports shall be submitted via the Guardian Tracking[®] software.
- K. All reports shall be forwarded to the Chief of Police through the Guardian Tracking[®] software 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.

VI. Notifications and Reports

- A. Upon initiation of the EWS review process, the Chief 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 process.
- B. Upon completion of the EWS review process, the Chief 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.