

Personnel PE004.5	
<i>Personnel: Early Warning System</i>	
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Ridgewood Police Department
Written Directive System
Policies and Procedures

Employees are the most important and crucial resource of the department. An Early Warning System ("EW System") is an important management tool designed to detect patterns and trends in police conduct before that conduct escalates. An effective EW System 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. Indeed, many law enforcement agencies throughout the State have recognized the utility of such systems and some County Prosecutors already require agencies within their jurisdictions to use them. For all of these reasons, the Attorney General of the State of New Jersey has mandated that agencies implement a EW System as part of their policies and procedures manual.

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SELECTION OF PERFORMANCE INDICATORS

An EW System 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 may be utilized to activate the EW System within the Ridgewood Police Department:

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 officer¹;
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.

¹ If EW System 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 EW System review process.

INITIATION OF EARLY WARNING SYSTEM

The Early Warning System may be automatically activated by authorized computer software or other technology (e.g. Guardian Tracking) or may be “manually” activated by an employee of this department. Additionally an automatic activation can occur, in a manner prescribed below, when more than one performance issue is observed.

All reviews, stemming from the initiation of the EW System will be approved by the Chief of Police, or the Chief’s designee.

AUTOMATIC INITIATION OF THE EARLY WARNING SYSTEM

Three separate instances of performance indicators (as listed above) 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.

EMPLOYEE INITIATION OF THE EARLY WARNING SYSTEM

All employees, particularly Supervisory Officers, should be attuned to potential problems that may affect a fellow employee’s work performance. Employees will use indicators, provided by this policy, as a guide to determine whether there is a pattern of activity that may indicate a potential problem.

Supervisors shall take appropriate action, consistent with department policy and procedure, when inappropriate employee conduct occurs.

REMEDIAL / CORRECTIVE ACTION

Once an officer has displayed the requisite number of performance indicators necessary to trigger the EW System review process the assigned supervisory personnel shall initiate remedial action to address the officer's behavior.

When an EW System review process is initiated, personnel assigned to oversee the EW System 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, the internal affairs unit.

****Note: Any statement made by the subject officer in connection with the EW System 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:

- Training or re-training;
- Peer counseling;
- Counseling;
- Intensive supervision;
- Fitness-for-duty examination;
- Employee Assistance Program (EAP) referral; and
- Any other appropriate remedial or corrective action².

² This Policy, the Attorney General Directive, and EW Systems generally, are focused on corrective actions to remediate officer behavior and to provide assistance to the officer. It does not address disciplinary actions that might be warranted against an officer. Such disciplinary actions- to include the decision to suspend, terminate or, if applicable, charge an officer with criminal conduct- remain within the purview of the agency's internal affairs function, and may be imposed in accordance with existing internal affairs guidelines and applicable law, separate from and independent of the EW System.

NOTIFICATION TO SUBSEQUENT LAW ENFORCEMENT EMPLOYERS

If any officer who is or has been subject to an EW System review process applies to or accepts employment at a different law enforcement agency than the one where he or she underwent the EW 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 EW System review process history and outcomes. Upon request, the prior or current employing agency shall share the officer's EW System review process files with the subsequent employing agency.

NOTIFICATION TO BERGEN COUNTY PROSECUTOR'S OFFICE

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

The manner in which the notification is made, shall be determined by the Bergen County Prosecutor's Office.

PUBLIC ACCESSIBILITY AND CONFIDENTIALITY

This policy shall be made available to the public upon request and shall be posted on the website. Annual reports from the County Prosecutors to the Attorney General also shall be made available to the public upon request and shall be posted on the agency's website.

All written reports created or submitted pursuant to this policy which identify specific officers are confidential and not subject to public disclosure.

ADMINISTRATION AND TRACKING

The Chief of Police, or the Chief's designee, shall assign personnel to conduct the EW System Function. Typically the EW System will be administered by the Internal Affairs Unit, and overseen by the Internal Affairs Supervisor.

TRACKING SYSTEM

The Ridgewood Police Department has implemented a tracking system by utilizing the Guardian Tracking System. The Ridgewood Police Department shall utilize this software, or equivalent software, to aid in determining patterns in its employees.

Every six months, personnel assigned to the EW System will audit the tracking system and its records to assess the accuracy and efficiency of the tracking system.

SUPERVISORY EVALUATION

Following the initial report, the officer's supervisor will conduct a minimum of three (3) monthly evaluations.

The supervisor will file the original report with the Chief and a copy to the employee.

ANNUAL REVIEW AND EVALUATION OF THE EARLY WARNING SYSTEM

The Chief of Police, or the Chief's designee, is responsible to ensure that a documented annual evaluation of the EW System is performed to determine the effectiveness of the system. The Chief shall further ensure that input and commentary will be solicited from those employees who have been involved in the system during the previous year.

LIABILITY

The policy is meant to provide general guidelines to personnel regarding an early warning intervention program. It is for Ridgewood Police use only and is not meant to enlarge an officer's criminal or civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in an administrative proceeding.