

# Ridgewood Police Department

Written Directive System



## PE.03.6 EARLY WARNING SYSTEM

Chapter: Personnel

Section: Employee Benefits & Support

INITIAL EFFECTIVE DATE:		LAST UPDATED:		PAGES:		APPROVED BY:	
September 30, 2003		November 5, 2021		11		<p style="text-align: center;"><i>Chief Jacqueline Lutheke</i> Chief of Police</p>	
<input type="checkbox"/> Approved		Initials & Date: _____		<input type="checkbox"/> Approved w/Notes			
REVISION DATE:	BY:	ARTICLE / SECTION / PARAGRAPH:			DESCRIPTION:		
November 5, 2021	110	Entire Document			Format Only		



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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.



Article: 2 - Policy | Early Warning System

Section: 2.01 - Policy | Selection of Performance Indicators

- .001 - 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:
- (a) - Internal affairs complaints against the officer, whether initiated by another officer or by a member of the public;
  - (b) - Civil actions filed against the officer;
  - (c) - Criminal investigations of, or criminal complaints against, the officer;
  - (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 officer is an alleged subject;
  - (f) - An arrest of the officer, including on a driving under the influence charge;
  - (g) - Sexual harassment claims against the officer;
  - (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 officer; and
- (o) - Any other indicators, as determined by the Chief of Police (or designee).

**Section: 2.02 - Policy | Initiation of Early Warning System**

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- .001 - 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.
  - (a) - Additionally, an automatic activation can occur, in a manner prescribed below, when more than one performance issue is observed.
- .002 - All reviews, stemming from the initiation of the EW System will be approved by the Chief of Police, or the Chief’s designee.

**Sub-Section: 2.02.B - Initiation | Automatic Initiation of EWS**

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- .01 - Three separate instances of performance indicators (as listed above) within any twelve-month period will trigger the EW System review process.
- .02 - 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.

**Sub-Section: 2.02.C - Initiation | Employee Initiation of EWS**

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- .01 - All employees, particularly Supervisory Officers, should be attuned to potential problems that may affect a fellow employee’s work performance.
- .02 - 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.
- .03 - Supervisors shall take appropriate action, consistent with department policy and procedure, when inappropriate employee conduct occurs.



**Section: 2.03 - Policy | Post Report Evaluation**

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- .001 - Following the initial report, the “reported officer’s” supervisor will conduct a minimum of three (3) monthly evaluations.
- .002 - This will be completed on a Performance Evaluation Form.
- .003 - The supervisor will forward the original report to the Divisional Commander of the “reported officer” and provide a copy to the “reported officer”.

**Section: 2.04 - Policy | Remedial / Corrective Actions**

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- .001 - 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.
- .002 - When an EW System review process is initiated, personnel assigned to oversee the EW System should:
  - (a) - formally notify the subject officer, in writing;
  - (b) - conference with the subject officer and appropriate supervisory personnel;
  - (c) - develop and administer a remedial program including the appropriate remedial/corrective actions listed below;
  - (d) - 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);
  - (e) - 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.

- .003 - Remedial/corrective action may include, but are not limited to, the following:



- (a) - Training or re-training;
- (b) - Peer counseling;
- (c) - Counseling;
- (d) - Intensive supervision;
- (e) - Fitness-for-duty examination;
- (f) - Resiliency Program referral;
- (g) - Employee Assistance Program (EAP) referral; and
- (h) - Any other appropriate remedial or corrective action.

**i** This Policy, the Attorney General Directive, and EW Systems 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.

**Section: 2.05 - Policy | Notification to Subsequent Law Enforcement Employers**

- .001 - 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.
- .002 - Upon request, the prior or current employing agency shall share the officer's EW System review process files with the subsequent employing agency.

**Section: 2.06 - Policy | Notification to Bergen County Prosecutor's Office**

- .001 - Upon initiation of the EW System review process, the Chief of Police (or designee) shall make a confidential notification to the BCPO of the following:



- (a) - identity of the subject officer;
- (b) - the nature of the triggering performance indicators; and,
- (c) - the planned remedial program.

.002 - Upon completion of the EW System review process, the Chief of Police (or designee) shall make a confidential notification to the BCPO of the outcome of the EW System review, including any remedial measures taken on behalf of the subject officer.

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

**Section: 2.07 - Policy | Public Accessibility & Confidentiality**

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- .001 - This policy shall be made available to the public upon request and, if website is operation, this policy shall be posted on the website.
- .002 - Annual reports from the BCPO to the Attorney General also shall be made available to the public upon request and shall be posted on the website (if website is operational).
- .003 - All written reports created or submitted pursuant to this policy, which identify specific officers, are **confidential and not subject to public disclosure.**



Article: 3 - Policy | Administration & Tracking

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Section: 3.01 - Policy | Tracking System

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- .001 - The Chief of Police (or designee) shall assign personnel to oversee the EWS Function.
- .002 - Unless otherwise ordered, the following positions will be responsible:
  - (a) - Internal Affairs Supervisor (OIC);
  - (b) - Internal Affairs Investigators;
  - (c) - Resiliency Program Officer(s); and,
  - (d) - Guardian Tracking Administrator <sup>(Sworn Only)</sup>.
- .003 - The Ridgewood Police Department has implemented a tracking system by utilizing the Guardian Tracking System.
- .004 - The Ridgewood Police Department shall utilize this software, or equivalent software, to aid in determining patterns in its employees.
- .005 - 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.

Section: 3.02 - Policy | Annual Review and Evaluation of the Early Warning System

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



Section: 3.03 - Policy | Liability Statement

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- .001 - 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.



Article: 4 - References

- .001 - PE.02.6 | Administrative Reassignment Following Critical Incident [Click Here](#)
- .002 - PE.03.4 | Employee Assistance Program [Click Here](#)
- .003 - PE.03.5 | Resiliency Program [Click Here](#)
- .004 - PE.05.1 | Death or Serious Bodily Injury to Employee [Click Here](#)
- .005 - PE.05.2 | Employee Injured While On-Duty [Click Here](#)
- .006 - PE.05.3 | Off-Duty Actions [Click Here](#)