Neptune City Police Department GENERAL ORDER	DATE: September 1, 2016	NUMBER: GO 08-2016
	SUBJECT: Early Warning System For Police Officers	
REFERENCE:	RESCINDS:	DISTRIBUTION: Full

I. PURPOSE:

The purpose of this policy is to establish guidelines and procedures for Monmouth County law enforcement agencies to follow in establishing an early warning system for its agency personnel.

II. POLICY:

It is the policy of the Monmouth County Prosecutor's Office for Monmouth County law enforcement agencies to implement and utilize an early warning system for tracking and reviewing incidents of risk and providing timely intervention consistent with the New Jersey Attorney General's Guidelines.

III. GENERAL:

A. EARLY WARNING SYSTEM

1. An early warning system is designed to detect patterns and trends before the conduct escalates into more serious problems. 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.

2. Many different measures of employee performance (actions or behaviors) can be regularly examined for patterns or practices that may indicate potential problems. The Chief of Police/CEO of the law enforcement agency will determine those performance measures, which will be used. Examples of performance measures may include, but are not limited to, the following:

   a. Warrantless search data;

   b. Internal affairs investigations, regardless of outcome;

   c. Civil actions filed, regardless of outcome;

   d. Incidents of force usage, including firearms discharges and use of less lethal force;

   e. Claims of duty-related injury;

   f. Instances of resisting arrest;

   g. Arrests or additional charges for assault on a law enforcement officer;

   h. Criminal investigations or complaints made against the employee;

   i. Domestic violence investigations (as an alleged actor);

   j. Off-Duty Contact with Law Enforcement Agencies as a result of personal conduct;

   k. Vehicular pursuits;

   l. Vehicular collisions;

   m. Cases rejected or dismissed by a court;

   n. Evidence suppressed by a court.

3. The Chief of Police/CEO will determine the number of instances of questionable conduct or flag indicators within the same six (6) month period, which would initiate the early warning process. The Chief of Police/CEO shall take into consideration the size of the agency, the number of calls for services, the number of law enforcement officers, etc. Generally, three (3) instances of questionable conduct or flag indicators within the same six (6) month period should initiate the early warning system process.

B. ADMINISTRATION OF EARLY WARNING SYSTEM

1. The early warning system should primarily be the responsibility of the agency's internal affairs unit. However, the Chief of Police/CEO has the responsibility of assigning personnel to this function. In addition, any supervisor may initiate the early warning process based upon his/her own observations. Emphasis should be placed on anticipating employee problems before it results in improper performance or conduct.

2. Personnel assigned to manage the early warning system shall conduct a manual or computerized audit of its agency's records to determine if an employee has the emergence of a pattern, practices or trend of inappropriate behavior or misconduct. In addition to these regular data audits, the internal affairs unit shall audit an individual employee's history any time a new complaint is received.

    a. Using this information and their experience, the internal affairs unit may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the early warning system data audit.

    b. If the audit indicates the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, personnel assigned to manage the early warning system shall consult with the employee's immediate supervisor.

3. Personnel assigned to the early warning system and the employee's supervisor shall review the information provided by the early warning system along with any other relevant information from agency records for the purpose of initiating

a course of intervention designed to correct/interrupt the emerging pattern, practice or trend.

a. If the audit indicates that the early warning system has returned an incorrect identification or 'false positive,' that conclusion should be documented.

b. If the audit reveals that an employee has violated agency rules and regulations or written directives, the supervisor in consultation with the internal affairs unit should proceed with an internal investigation and possible disciplinary action.

c. 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 supervisor shall consult with personnel assigned to manage the early warning system to determine the appropriate course of remedial/corrective intervention.

C. SUPERVISORS

1. An employee's first line supervisor is usually the first member of the agency to encounter and document specific incidents that affect an employee's performance. It is essential for the supervisor to speak with the employee, document these incidents and report findings to the appropriate unit/squad/division commander and if warranted, the internal affairs unit. The success of this program relies heavily on the first line supervisor's participation and involvement.

2. If a supervisor has initiated remedial/corrective intervention, personnel assigned to the early warning system shall be formally notified of such efforts. This information shall be documented and appropriate copies forwarded to the internal affairs unit for filing. No entry should be made in the employee's formal personnel file, unless the action results in disciplinary/corrective action.

3. If the remedial/corrective intervention was training, documentation shall be filed in accordance with the agency's written directive governing training (remedial training).

4. Supervisors shall forward all documentation as required by agency written directives established to assist in a comprehensive audit. This data shall minimally include: use of force reports, vehicle pursuit reports, and attendance records.

D. REMEDIAL/CORRECTIVE INTERVENTION

1. 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;

   e. Fitness for duty examination;

   f. Employee assistance program referral, when warranted and if available;

   g. Peer counseling.

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 remedial/corrective intervention has been undertaken, the Chief of Police/CEO shall ensure that such actions are documented in writing. No entry should be made in the employee's formal personnel file, unless the action results in a sustained internal affairs investigation. If the remedial/corrective intervention is a training program, attendance and successful completion of that program should be noted in the employee's training record.

4. All reports shall be forwarded to the Chief of Police/CEO 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.

E. MONMOUTH COUNTY PROSECUTOR'S OFFICE NOTIFICATIONS

1. Domestic Violence Protocol and Off-Duty Contact with Law Enforcement Agencies as a result of personal conduct;

   a. For all incidents where it is alleged that a law enforcement officer committed an act of domestic violence or was the victim of domestic violence, and in instances where there is off duty-contact with law enforcement agencies as a result of personal conduct, regardless of whether or not complaints and/or a temporary or final restraining order has been issued, the Chief of Police/CEO or his/her designee shall promptly notify the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit by emailing mcpopru@mcponj.org.

   b. All law enforcement agencies shall ensure that their SOP's require police officers to identify themselves as law enforcement officers to responding officers when their off-duty conduct results in a police call, regardless of whether or not complaints and/or a temporary or final restraining order has been issued. The involved off-duty police officer shall also be required to self-report the incident to his/her agency. Said identification will ensure that the responding police department may notify the involved officer's agency of said police call. Notification is not required when the police involvement consists of minor traffic infractions where no injury was sustained by any party. A police officer's failure to make such notification may result in departmental discipline in accordance with departmental policy and procedures.

   c. When required, notification should include the following information:

      1) Agency name;

      2) Officer's name;

      3) Victim's name, if other than officer;

4) Reported date/time;

5) Date of incident, if other than reported date/time;

6) Incident location, including municipality;

7) Assigned case number;

8) Nature of incident;

9) Injuries sustained by victim;

10) Witness names;

11) Criminal complaint and/or TRO/FRO issued;

12) Assigned personnel, e.g., (local law enforcement officer, internal affairs officer); and

13) Copies of all police reports and relevant paperwork, e.g., (complaint, TRO, VNF, etc.).

d. All emergent matters shall be reported directly to the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit by calling 732-577-8700.

e. All Monmouth County law enforcement agencies are required to provide to the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crimes Unit a listing of any and all calls where it is alleged that a law enforcement officer committed an act of domestic violence or was the victim of domestic violence, regardless of whether or not complaints and/or a temporary or final restraining order has been issued to include, but not limited to:

1) All incidents that occurred within their jurisdiction in the past three (3) years;

2) All out of county and/or state notifications of domestic violence calls involving law enforcement officers;

3) Verification that if an officer from another county, state or out of state agency was involved that notification has been made to the involved officer's employing agency.

f. All domestic violence incidents (regardless of whether or not a complaint or TRO/FRO was issued) shall be included in the local law enforcement agency's early warning system as one of the documented indicators.

g. It is the continuing responsibility of the Professional Responsibility and Bias Crimes Unit to open a file, review the incident, and investigate the matter further, if necessary.

1. Fitness-for-Duty Protocol

a. The Chief of Police/CEO or his/her designee shall make notification to the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crimes Unit by emailing mcpopru@mcponj.org to include, but not limited to the following:

1) Any time an officer is sent for a fitness for duty evaluation regardless of the reason for the evaluation;

2) Any time an officer is disarmed, regardless of the reason for the disarming;

3) Any time the early warning system results in the law enforcement officer being counseled, disciplined, sent for a fitness for duty evaluation, or disarmed; or

4) Any time the early warning system indicates the officer has received three (3) citizen complaints within a six (6) month period, regardless of the reason.

b. All emergent matters shall be reported directly to the Monmouth County Prosecutor's Office Professional

Responsibility and Bias Crime Unit by calling 732-577-8700.

c. When a law enforcement officer has been disarmed, regardless of the reason and prior to a local law enforcement agency rearming the officer, the Monmouth County Prosecutor's Office must be provided with a copy of the corresponding fitness-for-duty report and a written plan regarding the rearming of the officer. This written plan should include whether or not the rearming will be conditional or unconditional. If it is a conditional rearming, the agency must notify the Monmouth County Prosecutor's Office of all the terms of the conditional rearming, and the duration of the conditional rearming.

d. In addition, whenever a local law enforcement agency sends any officer for a fitness-for-duty evaluation, the Chief of Police/CEO or his/her designee is also required to submit to the physician, psychiatrist or psychologist an itemized list of the documents it forwarded to him/her along with the documents it submitted. A copy of this itemized list must be maintained in the agency's internal affairs file and made available to the Monmouth County Prosecutor's Office upon request.

e. It is the continuing responsibility of the Professional Responsibility and Bias Crimes Unit to open a file, review the incident, and investigate the matter further, if necessary.

1. ANNUAL REVIEW

1. All Monmouth County law enforcement agencies are required to review its early warning system on an annual basis during the month of January. The Chief of Police/CEO or his/her designee shall provide a letter to the Monmouth County Prosecutor's Office documenting proof of such review. The review shall include, but not be limited, to the following:

a. Number of audits conducted;

b. Number of employees flagged;

c. Number of instances where remedial/corrective action was taken;

d. Number of internal affairs cases opened as result of early warning system;

e. Changes in number of internal affairs complaints with reference to flagged indicators and whether they have increased/decreased;

f. Number of notifications made to the Monmouth County Prosecutor's Office.

This policy is developed by the Neptune City Police Department for internal use only, and does not enlarge an officer's civil or criminal liability in any way. This policy 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 policy can only be the basis of a complaint by this department, and then only in an administrative disciplinary setting.

All employees will sign the verification form placed at the Neptune City Dispatch desk, acknowledging receipt, review and understanding of GO 08-2016.

By order of the Director of Public Safety

Edward D. Kirschenbaum, Sr.
Neptune City Police Department

EDK:syh

C:
Mayor Robert Brown
Chairman of Police Joe Zajack
Borough Administrator Joel Popkin