

RAMSEY POLICE DEPARTMENT - POLICIES & PROCEDURES

GENERAL ORDER

Subject: Early Warning System	Section Number V1 C29	Effective Date: February 26, 2014	
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I. Background:

New Jersey Attorney General has directed all law enforcement and prosecuting agencies operating under the authority of the laws of the State of New Jersey to implement and comply with the following policies, procedures, standards, and practices;

An Early Warning System ("EW System"). This 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.

A comprehensive personnel early warning system is an essential component of good discipline in a well-managed law enforcement agency. The early identification of potential problem employees and a menu of remedial actions can increase agency accountability and offer employees a better opportunity to meet the agency's values and mission statement.

The first and second levels of supervision are crucial elements to a successful Early Warning System. Supervisors are expected to recognize potentially troublesome officers, identify training needs of officers and provide professional support in a consistent and fair manner.

The EWS is not a method of discipline, meant to be punitive, a tool to remove an employee, or a panacea for Departmental problems. The purpose of the EWS is to detect patterns and trends before the conduct escalates into more serious infractions. 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 the primary intent of the system.

II. Policy:

It is the policy of the Ramsey Police Department that the Early Warning System (EWS) set forth by Attorney General's Directive will be adopted and followed. It should help identify any pattern or practice by any member of the agency which warrants intervention or remediation before it develops into a glaring problem.

A. Selection of Performance Indicators:

Ramsey Police Department's EW System monitors 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 are set forth by the Attorney General's Directive:

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;*
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

The chief executive of the department shall determine if any supplemental performance indicators need to be included. To the extent possible, supplemental performance indicators should be objectively measurable and reasonably related to potentially escalating harmful behavior by the officer.

*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

III. Procedure:

A. Initiation of Early Warning Process:

The Chief of Police has assign personnel to conduct the EW System function. The EW System shall be administered by the agency's internal affairs unit. Supervisory officers in the subject officer's chain of command also will be directly involved in any EW System review process.

At a minimum, our agency's EW System policy shall provide that two (2) separate instances of performance indicators (as listed in Section II. A, 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.

B. Administration and Tracking:

Guardian Track has been adopted as the tracking system to enable the department to identify officers who display the requisite number of performance indicators necessary to trigger the EW System review process. At least every six months, personnel assigned to manage the EW System shall audit the agency's tracking system to assess the accuracy and efficacy of the tracking system.

The first and second levels of supervision are crucial elements to a successful Early Warning System. Supervisor(s) must review the data provided by the Guardian Track system, along with any more detailed information available from department records. If this review indicates that the early warning system has returned a "false positive", the supervisor should report that, in writing, to the Internal Affairs Officer.

If the review points towards the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, the IA Officer shall consult with the appropriate supervisor. The IA Officer and the supervisor shall review the information provided by the EWS along with any other relevant information and department records.

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, the Chief of Police or his designee. 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:

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.*

If this review reveals that an officer has violated department rules and regulations or policies and procedures, the supervisor, in consultation with the IA Officer should proceed with an internal investigation and possible disciplinary action.

If the review reveals that the officer has engaged in conduct which indicates a lack of understanding or inability to comply with accepted procedures, the supervisor shall consult with the IA Officer to determine the appropriate course of remedial action.

* The Attorney General's Directive, and EW Systems generally, are focused on corrective actions to remediate officer behavior and to provide assistance to the officer. The Directive, and EW Systems generally, do 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.

IV. Notification to Subsequent Law Enforcement:

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.

V. Notification to County Prosecutor:

Upon initiation of the EW System review process, the agency's chief executive or a 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 program. Upon completion of the EW System review process, the agency's chief executive shall make a confidential written 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.

VI. Public Accessibility and Confidentiality:

All EW System policies adopted by law enforcement agencies 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 the Attorney General's Directive that identify specific officers are confidential and not subject to public disclosure.

IV. Effective Date

The Attorney General's Directive 2018-3 was issued March 20, 2018. This policy was adopted and/or revised in accordance with this Directive