



BERLIN POLICE DEPARTMENT POLICY & PROCEDURE MANUAL

TITLE:	Early Warning System	NEW	REVISED
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ACCREDITATION STANDARDS							
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AUTHOR(S)					
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ISSUING AUTHORITY: *Chief Michael W. Miller*

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OBLIGATION TO REVIEW POLICY AND SEEK ASSISTANCE AS NEEDED

It is the policy of the Berlin Police Department that all officers and applicable employees will thoroughly review and fully familiarize themselves with the attached document and will adhere to the procedures as described within it. Prior to acknowledging that the document has been read and fully understood, all employees shall request assistance from their supervisor if they are in need of further explanation, clarification or training regarding the attached document.

CONTINGENCIES AND UNFORESEEN CIRCUMSTANCES

Officers are occasionally confronted with situations where no written guideline exists and supervisor advice is not readily available. As it would be impossible to address all possible situations with written guidelines, considerable discretion is given to the officer handling the situation.

Faced with the need to make decisions or take an action where no guidelines exist, officers should rely on their experience and training and the following resources:

1. NJ Attorney General & Camden County Prosecutor's guidelines, memorandums, and directives
2. Departmental Policy and Procedures, Rules and Regulations, Directives, Memo's, Special Orders, and Training Bulletins
3. New Jersey Title 39 and 2C
4. Current Search and Seizure Directives

The written Directives, Policies and Documents developed by the Berlin Police Department are for internal use only and do not expand an officer's civil or criminal liability in any way. They are not to be construed as the creation of a higher standard of safety or standard of care in an evidentiary sense, with respect to third party claims. Violations of written directives can only be the basis of a complaint by this department and then only in an administrative disciplinary setting.

EARLY WARNING SYSTEM

I. PURPOSE

The purpose of this written directive is to establish a personnel early warning system by using Guardian Tracking Software.

II. POLICY

It is the policy of the Berlin Police Department to implement and utilize an early warning system for tracking and reviewing incidents of risk and provide timely intervention consistent with Attorney General Guidelines. This written directive is in accordance with the New Jersey Attorney General's Law Enforcement Directive No. 2018-3.

III. PROCEDURE

A. EARLY WARNING SYSTEM

1. The Early Warning System is designed to detect patterns and trends before the conduct escalates into more serious problems. 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 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. These performance measures may include, but are not limited to, the following documented indicators:
 - a. Internal complaints, whether initiated by another employee or by a member of the public and regardless of outcome;
 - b. Civil actions filed against an officer, regardless of outcome;
 - c. Criminal investigations or complaints made against an employee;
 - d. Any use of force by an officer that is formally determined or adjudicated to have been excessive, unjustified or unreasonable;
 - e. Domestic violence investigations in which the employee is an alleged subject;
 - f. An arrest of an employee, including on a driving under the influence charge;
 - g. Sexual harassment claims against an employee;
 - h. Vehicular collisions involving an officer that are formally determined to have been the fault of the officer;
 - i. A positive drug test by an 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. Vehicular pursuits;
 - o. Unexpected absences or sick time abuse;

- p. Any other indicators, as determined by the agency's chief executive.
- 3. Generally, three (3) instances of questionable conduct or performance indicators (as listed in section 2, above) within a 12-month period would initiate the early warning system process.
- 4. 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 OF EARLY WARNING SYSTEM

- 1. The early warning system is primarily the responsibility of the internal affairs unit; but, any supervisor may initiate the early warning process based upon their own observations. Emphasis should be placed on anticipating employee problems before it results in improper performance or conduct.
- 2. Internal affairs shall conduct a manual or computerized audit of its records to determine if an employee has the emergence of a pattern, practices or trend of inappropriate behavior or misconduct. In addition to the regular data audits by internal affairs, the internal affairs supervisor shall audit an individual employee's history any time a new complaint is received.
 - a. Using this information and their experience, internal affairs investigators may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the early warning system data audit.
- 3. If the audit indicates the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, the internal affairs investigator shall consult with the employee's supervisor and/or division commander.
- 4. The internal affairs supervisor and the employees supervisor and/or the administrative lieutenant shall review the information provided by internal affairs along with any other relevant information from department 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 department 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 the internal affairs unit to determine the appropriate course of remedial/corrective intervention.
- 5. At least every six (6) months, internal affairs' personnel shall audit the agency's tracking system and records to assess the accuracy and efficacy of the tracking system.

C. SUPERVISORS

- 1. 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 their division commander and if warranted, the internal affairs supervisor. 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, the internal affairs unit shall be formally notified of such efforts. This information shall be documented and appropriate copies forwarded to the internal affairs unit for filing.
 - a. No entry should be made in the employee's 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 department's policy governing training (remedial training).
4. Supervisors shall forward all documentation as required by department 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. ADMINISTRATIVE LIEUTENANT

1. In addition to the regular data audits conducted by internal affairs, the administrative lieutenant shall periodically audit an individual employee's history. Using this information and their experience, the commander may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the early warning system data audit.
2. When under early warning system monitoring, the administrative lieutenant and supervisor shall meet with the employee to discuss the situation in depth to:
 - a. Identify problems or potential problems;
 - b. Determine short and long-term goals for improvement;
 - c. Come to a consensus commitment on a plan for long-term improved performance;
 - d. Advise of the monitoring process and the repercussions of future sustained transgressions.
3. Generally, personnel should expect to remain under intensive monitoring and supervision for at least three (3) months when an early warning flag is triggered or until the supervisor concludes that the employee's behavior has been remediated (whichever is longer).
4. Supervisor/Employee Meeting
 - a. All supervisor/employee meetings shall be thoroughly documented, which will be forwarded to the Chief of Police or his designee. The affected employee and supervisor shall meet on a regular basis, minimally monthly, to discuss progress towards the agreed upon goals and objectives.
 - b. All regular monthly progress/status reports shall be submitted to the Chief of Police or his/her designee through the chain of command.
 - c. An additional six (6) months of documented monitoring is required following removal from the early warning system. Monthly monitoring reports from the direct supervisor are required.
5. Any statement made by the officer in connection with the early warning system review process may not be used against them in any disciplinary or other proceeding.

E. 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, when warranted, 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 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 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 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.

F. NOTIFICATION TO SUBSEQUENT LAW ENFORCEMENT EMPLOYER

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

G. NOTIFICATION TO COUNTY PROSECUTOR

1. Upon initiation of the Early Warning System review process, the Chief of Police or a designee shall make a confidential written notification to the Camden County Prosecutor's Office Special Prosecutions Unit. The notice shall identify the subject officer, the nature of the triggering performance indicators, and the planned remedial program. Upon completion of the Early Warning System review process, the Chief of Police shall make a confidential written notification to the County Prosecutor or his/her designee of the outcome of the Early Warning System review, including any remedial measures taken on behalf of the subject officer.

H. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY

1. The Early Warning System policy shall be made available to the public upon request and shall be posted on the agency website. However, all written reports created or submitted that identify specific officers are confidential and are not subject to public disclosure.