

2.2.3

EARLY WARNING SYSTEM



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| SUBJECT: EARLY WARNING SYSTEM | | | | | | | |
| AUTHORITY: Director Daniel Zieser _____ | | | | | | | |
| Deputy Chief Rick Landolfi _____ | | | | | | | |
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| INSTRUCTIONS: Revised Entire Policy | | | | | | | |
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| <i>The written directives developed by the Police Department are for internal use only, and do not enlarge an officer's civil or criminal liability in any way. They 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 written directives can only be the basis of a complaint by this department, and then only in an administrative disciplinary setting.</i> | | | | | | | |

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I. PURPOSE

The purpose of this policy is to establish procedures, of an Early Warning System, implemented by the Union Police Department.

II. POLICY

The Township of Union Police Department recognizes that problematic behavior is a serious issue and that early intervention is important to achieve a successful outcome for both members and the department. Personal and/or work issues can have a profound effect on individuals. Our agency uses an Early Warning System (EWS) software program called IAPro, administered by the Internal Affairs Unit, for the purpose of identifying work-related problematic behavioral patterns among employees. The EWS 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.

The department has numerous resources available to assist members in the treatment of these behaviors (e.g. Employee Assistance Program (EAP), peer counseling, and remedial training).

III. RECOGNIZING PATTERNS OF COLLECTED MATERIAL

- A.** Supervisors are the primary personnel responsible for recognizing changes in employee's behavior/performance. Supervisors, along with Human Resources, should ensure that employees are given access to the appropriate resources for correction/improvement. Employee performance reviews/evaluations and complaints are an excellent resource for determining changes in an employee's on-the-job behavior/performance.

- B.** The IAPro software program collects information from a variety of incidents to identify trends in an employee's performance. Employee performance (actions or behaviors) can be regularly examined for patterns or practices that may indicate

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potential problems. These performance measures may include, but are not limited to, the following documented indicators:

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. Motor Vehicle Pursuits;
10. A positive drug test by the officer;
11. Cases or arrests by the officer that are rejected or dismissed by the court;
12. Cases in which evidence obtained by an officer is suppressed by a court;
13. Insubordination by the officer;
14. Neglect of duty by the officer;
15. Unexcused absences by the officer;
16. Tardiness by the officer.
17. Any other incidents of sustained misconduct.

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- C. The program tracks and alerts the Internal Affairs Unit when repeated incidents occur over a set period of time. This allows the I.A. Unit to react more quickly to behavioral issues and assists in identifying these for command/supervisory intervention or review to correct the employee behavior.
- D. The Internal Affairs Unit will conduct a quarterly review, in addition to monitoring the periodic alerts generated by the IAPro system. Internal Affairs will take the appropriate steps to monitor, review, evaluate, investigate, correct, intervene or remediate any patterns of poor employee behavior/performance.
- E. Generally, three (3) separate instances of performance indicators 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.

IV. ADMINISTRATION OF THE EARLY WARNING SYSTEM

- A. The early warning system is primarily the responsibility of the Internal Affairs Unit, but, any supervisor may initiate the early warning process based upon his or her own observations. Emphasis should be placed on anticipating employee problems before it results in improper performance or conduct.
- B. The employee's supervisor, and the employee's commander, as well as the Deputy Chief shall be alerted by Internal Affairs, upon review of IAPro program, if an employee has the emergence of a pattern, practices, or trend of inappropriate behavior or misconduct.
 - 1. Using this information, the employee's supervisor, and the employee's commander as well as Internal Affairs will be able to identify employees who may need remedial/corrective intervention
- C. If the IAPro program indicates the emergence of a pattern, practices, or trend of inappropriate behavior or misconduct, the employee's supervisor, and the employee's commander shall consult with Internal Affairs.
- D. The employee's supervisor and commander shall review the information 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.
 - 1. If the IAPro program has returned an incorrect identification or "false positive," that conclusion should be documented.

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2. If the IAPro program reveals that an employee has violated department rules and regulations or written directives, the supervisor after consultation with Internal Affairs should proceed with an internal investigation and possible disciplinary action.
3. If the IAPro program 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 employee's supervisor and commander to determine the appropriate course of remedial/corrective intervention.

V. SUPERVISOR'S RESPONSIBILITY

- A. The employee's first line supervisor is often the first to encounter, recognize, and document changes in behavior/performance of those under his/her command. Therefore, supervisors are the key to early intervention and a successful outcome. Supervisors are encouraged to speak with those under his/her command whenever changes in behavior/performance are noticed. Documentation of any communication shall also be made and passed up the chain of command, and if warranted, to Internal Affairs. If an employee does not feel comfortable speaking to his/her supervisor, the supervisor shall refer the member to Human Resources or the EAP P&P 2.1.1. The success of this program relies on the participation and involvement of the first line supervisor.
- B. If a supervisor has initiated remedial/corrective intervention, Internal Affairs shall be formally notified in writing (documentation of any communication generated from Item A in the above paragraph may serve as formal notification).
- C. Supervisors, who identify behavior/performance deficiencies with other personnel outside of their chain of command, will submit the nature of the performance deficiency directly to the supervisor of the employee involved. The employee's supervisor shall then review the deficiencies to see if these deficiencies show any pattern, practices, or trend of inappropriate behavior or misconduct previously documented.
 1. This process does not relieve the supervisors outside the employee's chain of command of the obligation to take immediate action to correct serious infractions that may result in liability, injury, and/or disrepute.
- D. Performance measures identified in Paragraph III-B may reveal changes in employee behavior/performance. Supervisors can monitor behavior through the Employee Performance Review System P&P 2.2.0. Performance reviews are an excellent way to document changes/deficiencies in employee behavior/

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performance and also recommend or require areas for improvement. Evaluations are reviewed by each level in the chain of command.

- E. Supervisors shall also be responsible for following-up with the employee and/or other parties involved to ensure that the employee is taking advantage of, or participating in, the appropriate resources for improvement. When appropriate, the employee may be required to seek such services.

VI. DIVISION COMMANDERS

- A. The commanders shall periodically review an individual employee's history. Using this information and his/her experience, the commander may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the IAPro Program.
- B. When under early warning system monitoring, the employee's commander shall meet with the employee and supervisor to discuss the situation in depth to:
 - 1. Identify problems or potential problems;
 - 2. Determine short and long-term goals for improvement;
 - 3. Come to a consensus commitment on a plan for long-term improved performance;
 - 4. Advise of the monitoring process and the repercussions of future sustained transgressions.
- C. Generally, personnel should expect to remain under intensive monitoring and supervision for six (6) months when an early warning flag is triggered.
- D. Employee Meeting
 - 1. All employee meetings shall be thoroughly documented and shall automatically be forwarded to the Deputy Chief of Police or designee. The affected employee and supervisors shall meet on a regular basis, minimally monthly, to discuss progress towards the agreed upon goals and objectives.
 - 2. All regular monthly progress/status reports shall be submitted to Internal Affairs.
 - 3. 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.

VII. REMEDIAL/CORRECTIVE INTERVENTION

- A. Supervisory or command personnel may initiate remedial/corrective intervention to correct behavior. Remedial/corrective intervention may include, but is not limited to:
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.
- B. Internal disciplinary action, remedial/corrective intervention, and fitness for duty examinations are not mutually exclusive and should be jointly pursued if and when appropriate.
- C. When remedial/corrective intervention has been undertaken, the Police Director or designee 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.

VIII. NOTIFICATION TO COUNTY PROSECUTOR

- A. Upon initiation of the EW System review process, the Deputy Chief, or his/her 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 Deputy Chief, or his/her designee, 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.

IX. EVALUATION/RETENTION

- A. The Internal Affairs Unit shall conduct a semi-annual audit of the IAPro system to ensure that the information contained in the system is accurate. Information contained in the system shall be retained in accordance with federal, state and local retention schedule.

X. EMPLOYEE RESOURCES

- A. Employees shall be provided with the resources necessary to obtain assistance with personal and on-the-job issues. These resources include, but are not limited to the member's supervisor, an annual performance evaluation P&P 2.2.0 the EAP (P&P 2.1.1), the departmental psychologist, the departmental chaplains, and Human Resources.

All police procedures heretofore employed by the Township of Union Police Department which conflict with this order are hereby rescinded. Supervisors shall be held accountable for the enforcement and application of this order. All members of the Township of Union Police Department are required to follow this order as applicable. Violations of this order subject members of this agency to disciplinary action.