

SOMERSET COUNTY SHERIFF'S OFFICE

STANDARD OPERATING PROCEDURES



SUBJECT: EARLY WARNING SYSTEM

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BY THE ORDER OF:

Sheriff Frank J. Provenzano

REVISIONS:

YEARLY REVIEW:

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PURPOSE: The purpose of this written directive is to establish personnel Early Warning System (EWS).

POLICY: It is the policy of this agency to implement and utilize an Early Warning System for tracking and reviewing incidents of risk and provide timely intervention consistent with New Jersey Attorney General Guidelines (A.G. Law Enforcement Directive No.2018-3).

PROCEDURE:

I. EARLY WARNING SYSTEM

- A. 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.
- B. 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:
1. At Fault Motor Vehicle Crash.
 2. Multiple violations of Rules and Regulations within a 3 month period.
 3. Pattern of Sick Time within 6 months.
 4. Use of force complaints that are determined to be excessive, unjustified, or unreasonable.
 5. Multiple Vehicular Pursuits.
 6. Job Related Injuries.
 7. Positive drug test.
 8. Insubordination by the Officer.
 9. Internal Affairs/Supervisory investigations initiated by another officer or by a member of the public.
 10. Total Sick Time (6 in 3 months).
 11. Neglect of duty by the Officer.
 12. Domestic violence investigation in which the Officer is an alleged subject.
 13. An arrest of the Officer, including driving under the influence charge.
 14. Sexual harassment complaints against the Officer.
 15. A criminal investigation or criminal complaint against the Officer.
 16. Civil action filed against the Officer
- C. Generally, any of the flag indicators above would initiate the early warning system process.
- D. 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, it is the responsibility of the prior or current employing agency to notify the subsequent employing law enforcement agency of the Officers Early Warning Review process history and outcomes. Upon request, the prior or current employing agency shall share the Officers Early Warning System review process files with the subsequent employing agency.

II. ADMINISTRATION OF 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/her own observations. Emphasis should be placed on anticipating employee problems before it results in improper performance or conduct.
- B. The Internal Affairs Unit shall conduct a manual or computerized quarterly-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 conducted by the Internal Affairs Unit, the Internal Affairs Unit Supervisor shall audit an individual employee's history any time a new complaint is received.
 1. Using this information and his/her experience, the Internal Affairs Unit Supervisor may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the early warning system data audit.
- C. If the audit indicates the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, the Internal Affairs Unit Supervisor shall consult with the employee's supervisor and/or commander.
- D. The Internal Affairs Unit Supervisor and the employee's supervisor and/or commander shall review the information provided by the Internal Affairs Unit 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.
 1. If the audit indicates that the early warning system has returned an incorrect identification or "false positive," that conclusion should be documented.
 2. 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 Supervisor should proceed with an Internal Affairs investigation and possible disciplinary action.
 3. 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 Supervisor to determine the appropriate course of remedial/corrective intervention.

III. SUPERVISORS

- A. An employee's first line supervisor is usually the first member of the agency 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 commander and if warranted, the Internal Affairs Unit Supervisor. The success of this program relies heavily on the first line supervisor's participation and involvement.
- B. 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 Supervisor for filing.
 - 1. No entry should be made in the employee's personnel file, unless the action results in disciplinary/corrective action.
- C. If the remedial/corrective intervention was training, documentation shall be filed in accordance with the agency's written directive governing training (remedial training).
- D. Supervisors shall forward all documentation as required by agency written directives established to assist in a comprehensive audit. This data shall minimally include, but is not limited to: use of force reports, vehicle pursuit reports, and attendance records.

IV. COMMAND PERSONNEL

- A. In addition to the regular data audits conducted by the Internal Affairs Unit, the commanders shall periodically audit an individual employee's history. Using this information and their experience, the commanders 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. When under early warning system monitoring, the employee's commander and supervisor shall meet with the employee 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. Supervisor/Employee Meeting

1. All supervisor/employee meetings shall be thoroughly documented, which will be forwarded to the Sheriff or designee. The affected employee and supervisor 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 the Sheriff or designee through the chain of command.
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.

V. 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;
 2. Retraining;
 3. Mentoring;
 4. Intensive supervision;
 5. Fitness for duty examination;
 6. Employee Assistance Program (EAP), when warranted and/or referred by a supervisor , if available;
 7. Peer mentoring.
 8. 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 Sheriff 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.
- D. All reports shall be forwarded to the Sheriff or designee 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.

VI. NOTIFICATION TO COUNTY PROSECUTOR

- A. Upon initiation of the Early Warning System (EWS) review process for a specific Officer, the Sheriff or designee shall notify the Somerset County Prosecutor Office

Internal Affairs Unit Commander via confidential written notification. The confidential written notification shall include at a minimum, the identity of the subject Officer, the nature of the triggering performance indicators, and the planned remedial program.

- B. Upon completion of the Early Warning System review process for the subject Officer, the Sheriff or designee shall make a confidential written notification to the Somerset County Prosecutor Internal Affairs Unit Commander of the outcome of the review process. The confidential written notification of the outcome of the review process shall include any remedial measures taken on behalf of the subject Officer and if the subject Officer successfully completed the remedial measures.
- C. The Sheriff or designee shall send a written notification to the Somerset County Prosecutor Internal Affairs Unit Commander no later than January 15th of each year. The report will include what the subject Officer did or did not follow regarding the provisions set forth in the Early Warning System as directed by the New Jersey Attorney General Law Enforcement Directive 2018-3.

VII. CONFIDENTIALITY

- A. All written reports created or submitted pursuant to this Directive that identify specific Officers are confidential and **not subject to public disclosure.**