

DISTRIBUTION: ALL PERSONNEL	EFFECTIVE DATE 06/01/2018	GENERAL ORDER 18-077
SUBJECT: Early Warning Tracking System		
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REVISED:		

PURPOSE: To conform within the guidelines of the Attorney General’s Office **DIRECTIVE 2018-3 “Statewide Mandatory Early Warning Systems”**

SCOPE: This policy and procedure is applicable to all agency staff who are responsible for enforcing the criminal laws in New Jersey, come under the jurisdiction of the Police Training Act , and are authorized to carry a firearm under N.J.S.A. 2C:39-6.

POLICY: An Early Warning System is an important tool designed to detect patterns and trends in police conduct before that conduct escalates. An effective Early Warning 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. Early Warning Systems serve to not only increase public safety and public confidence in law enforcement, but also to assist officers through early intervention.

PROCEDURES:

I. Selection of Performance Indicators

An Early Warning System may monitor many different categories of officer conduct which indicate potentially escalating risk of harm to the public, the agency, and/or the officer. Listed below are several performance indicators that will be included in the Merchantville Police Department’s Early Warning System. The Chief of Police has the sole discretion to add additional performance indicators as he/she sees fit. To the extent possible, supplemental performance indicators will be objectively measurable and reasonably related to potentially escalating harmful behavior by the officer. These performance indicators include:

1. Internal affairs complaints against the officer, whether initiated by another officer or by a member of the public;
2. Civil actions against the officer;
3. Criminal investigations of or criminal complaints against the officer; **unless the Early Warning System could jeopardize an ongoing investigation, the County Prosecutor may in his or her discretion permit delayed notification to the officer or delayed initiation of the Early Warning System review process.**

4. Any use of force by the officer that is formally determined or adjudicated (ex: Internal Affairs or 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 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.

II. Initiation of Early Warning System

In the event a Merchantville Police Officer has (3) separate instances of performance indicators (as listed in **Section I (1-14) above**) within any twelve month period, it will trigger an Early Warning System review process. **NOTE: 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.** The Chief of Police may, at his/her discretion, determine that a lower number of performance indicators within a twelve-month period (i.e.: one or two performance indicators) will trigger the Early Warning System review process. Prior to this change, all officers will be made aware of this change and a REVISED Early Warning System Policy will be issued.

III. Administration and Tracking

The Internal Affairs Officer shall be assigned to conduct the Early Warning System function. The Chief of Police may also assist in the Early Warning System Function. Supervisory officers in the subject officer's chain of command also should be directly involved in any Early Warning System review process.

The Merchantville Police Department will have a manual tracking system, stored in the internal affairs locked filing cabinet, to allow the Internal Affairs officer and/or the Chief of Police to input the necessary information. This will enable the Internal Affairs Officer and/or the Chief of Police to identify officers who display the requisite number of performance indicators necessary to trigger the Early Warning System review process. Furthermore, the Chief of Police and the Internal Affairs Officer shall audit the records in this tracking system to assess the accuracy and efficacy of the tracking system.

IV. Remedial / Corrective Action

Once an officer has displayed the requisite number of performance indicators necessary to trigger the Early Warning System review process (as set forth in **Section I (1-14) above**) the Sergeant and/or Internal Affairs Officer shall initiate remedial action to address the officer's behavior.

When an Early Warning System review process is initiated, the Sergeant and/or Internal Affairs Officer should:

1. Formally notify the subject officer in writing;
2. Conference with the subject officer and their Platoon Sergeant;
3. Develop and administer a remedial program including the appropriate remedial actions listed (**Section IV A, below**);
4. Continue to monitor the subject officer for at least three (3) months;
5. Document and report findings to the Chief of Police and, if warranted, conduct the appropriate Internal Affairs Investigation.

ANY STATEMENT MADE BY THE SUBJECT OFFICER IN CONNECTION WITH THE EARLY WARNING SYSTEM REVIEW PROCESS MAY NOT BE USED AGAINST THE SUBJECT OFFICER IN ANY DISCIPLINARY OR OTHER PROCEEDING.

- A. Remedial/corrective action may include but is not limited to the following:
 - a. Training or re-training;
 - b. Counseling;
 - c. Intensive Supervision;
 - d. Fitness-for-Duty examination;
 - e. Employee Assistance Program (EAP) referral;
 - f. Any other appropriate remedial or corrective action.

Directive 2018-3 and Early Warning Systems generally, are focused on corrective actions to remediate officer behavior and to provide assistance to the officer. Directive 2018-3 and Early Warning 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 with the purview of Merchantville Police Department's Internal Affairs function, and may be imposed in accordance with existing Internal Affairs guidelines and applicable law, separate from and independent of the Early Warning System.

a. Notification to Subsequent Law Enforcement Employer

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 Chief of Police or designee to notify the subsequent employing law enforcement agency of the officer's Early Warning System review process history and outcomes. Upon request, the Merchantville Police Department shall share the officer's Early Warning System review process files with the subsequent employing agency.

b. Notification To County Prosecutor

Upon initiation of the Early Warning System review process, the Chief of Police 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 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.

c. Annual Report To Attorney General

By January 31st of each year, each County Prosecutor shall submit a report to the Attorney General, through the Division of Criminal Justice's Prosecutors' Supervision and Training Bureau. This summary shall include a statement indicating those agencies under the County Prosecutor's supervision that are in compliance with Directive 2018-3 and those that are not.

d. Public Accessibility and Confidentiality

The Early Warning System policy, or any other future Merchantville Police Early Warning policies will be made available to the public upon request and will be posted on the agencies website. Annual reports from the County Prosecutors to the Attorney General (as required by **Section c, above**) also shall be made available to the public upon request and shall be posted on the agencies website.

All written reports created or submitted pursuant to Directive 2018-3 that identify specific officers are **CONFIDENTIAL** and not subject to public disclosure.

By order of



Chief of Police