

**BYRAM TOWNSHIP POLICE DEPARTMENT
STANDARD OPERATING PROCEDURE**

S.O.P. 18: EARLY WARNING SYSTEM

EFFECTIVE/REVIS ED	DATE	AUTHORITY	GENERAL ORDER #:
Effective:	10/09/2018	Chief Zabita	
Revised: No changes	02/01/2020	Chief Burke	
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COMMENTS:			

18.1 EARLY WARNING SYSTEM

PURPOSE: The purpose of this written directive is to establish a personnel early warning system.

POLICY: It is the policy of this department to implement an early warning system for tracking and reviewing incidents of risk and provide timely intervention consistent with Attorney General Guidelines. The department shall use the Guardian tracking software to meet the objectives of this policy.

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 include, but are not limited to, the following documented indicators:

1. Internal complaints, regardless of outcome;
2. Civil actions filed, regardless of outcome;
3. Incidents of force usage, including firearms discharges and use of non-deadly force;
4. Claims of duty-related injury;
5. An arrest of the officer, including on a driving under the influence charge;
6. Sexual harassment claims against the officer;
7. Criminal investigations or complaints made against the employee;
8. Vehicular pursuits;
9. Vehicular collisions;
10. Unexcused absences by the officer;
11. Domestic violence investigations in which the officer is an alleged subject;
12. Positive drug test by an officer;
13. Cases or arrests by the officer that are rejected or dismissed by a court;
14. Cases in which evidence obtained by an officer is suppressed by a court;
15. Insubordination or neglect of duty by an officer;
16. Any other indicators, as determined by the Chief of Police.

- C. Generally, three (3) instances of questionable conduct or flag indicators within the same twelve (12) month period would initiate the early warning system process.

II. ADMINISTRATION OF EARLY WARNING SYSTEM

- A. The early warning system is primarily the responsibility of the immediate supervisor; 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 shall be notified if an employee has the emergence of a pattern, practice or trend of inappropriate behavior or misconduct.
- C. Upon confirmation by the employee's supervisor of any emergence of a pattern, practice or trend of inappropriate behavior or misconduct, the supervisor shall notify the Chief of Police.
- D. The employee's supervisor 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.

III. SUPERVISORS

- A. 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 the Chief of Police. 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 Chief of Police shall be formally notified.
- C. Tracking & Documentation
 - 1. Supervisors, who identify deficiencies with personnel, will submit the nature of the performance deficiency directly to the employee involved.
 - a. This process does not relieve the documenting supervisors of the obligation to take immediate action to correct serious infractions that may result in liability, injury, and/or disrepute.
 - 2. Supervisors, who identify and wish to document positive performance conduct on personnel, will submit the nature of the performance directly to the employee involved.
 - 3. The supervisors shall periodically review an individual employee's history as needed. Using this information and his/her experience, the supervisor may be able to identify employees who may need remedial/corrective intervention.
 - 4. When under early warning system monitoring, the employee's 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.
5. Generally, personnel should expect to remain under intensive monitoring and supervision for three (3) months when an early warning event has been documented.
6. Supervisor/Employee Meeting
 - a. All supervisor/employee meetings shall be thoroughly documented. 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 documented.
 - c. An additional three (3) months of documented monitoring is required following removal from the early warning system. Monthly monitoring reports from the direct supervisor are required.
7. The Internal Affairs Unit shall be assigned to oversee the EW System and an audit shall be conducted every six (6) months to assess the accuracy and efficacy of the tracking system.

IV. 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. Counseling;
 4. Intensive supervision;
 5. Fitness for duty examination;
 6. Employee Assistance Program, when warranted, if available;
 7. Peer counseling.

- 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 supervisor 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.
- V. Notification to Subsequent Law Enforcement Employer & County Prosecutor
- A. 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 and history and outcomes. Upon request, this department will share the officer's EW System review process files with the subsequent employing agency.
 - B. Upon initiation of the EW System review process, the Chief of Police 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. The Chief of Police 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
- A. The EW System policy shall be made available to the public upon request and shall be posted on the agency's website.
 - B. All written reports created or submitted which identify specific officers are confidential and not subject to public disclosure.