## Purpose

The purpose of this general order is to establish a personnel early warning system (EWS) for the Vineland Police Department.

## Policy

It is the policy of this department to implement and utilize performance tracking software including but not limited to, IAPro, Pro Phoneix RMS and OnDuty as an early warning system (EWS) for tracking and reviewing incidents of risk and provide timely intervention consistent with Attorney General Guidelines.

This order, and the EWS generally, are focused on corrective actions to remediate employee behavior and to provide assistance to the employee. This order, and the EWS generally, do not address disciplinary actions that might be warranted against an employee. Such disciplinary actions, including the decision to suspend, terminate or charge an employee with criminal conduct, remain within the purview of the 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 EWS.

## Procedure

### I. Early Warning System

#### A. The Early Warning System (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.
B. The EWS may monitor many different categories of employee conduct which indicate potentially escalating risk of harm to the public, the agency, and/or the employee. The following performance indicators shall be included in the Vineland Police Department EWS:

1. Internal affairs complaints against the employee, whether initiated by another employee or by a member of the public;
2. Civil actions filed against the employee;
3. Criminal investigations or criminal complaints against the employee;
4. Any use of force by an employee 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 employee is an alleged subject;
6. An arrest of the employee, including on a driving under the influence charge;
7. Sexual harassment claims against the employee;
8. Vehicular collisions involving the employee that are formally determined to have been the fault of the employee;
9. A positive drug test by the employee;
10. Cases or arrests by the employee that are rejected or dismissed by a court;
11. Cases in which evidence obtained by an employee is suppressed by a court;
12. Insubordination by the employee;
13. Neglect of duty by the employee;
14. Unexcused absences by the employee; and
15. Any other indicators, as determined by the agency's chief executive.

C. Three separate instances of performance indicators (as listed in Section B, above) within any twelve-month period will trigger the EWS review process as described in section III below. 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 in their discretion determine that a lower number of performance indicators within a twelve-month period will trigger the EWS review process.

II. ADMINISTRATION OF EARLY WARNING SYSTEM

A. The EWS 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.

B. The Internal Affairs Unit shall be alerted by the employee’s supervision if an employee has the emergence of a pattern, practice or trend of inappropriate behavior or misconduct. In addition, the Internal Affairs Unit shall query the early warning software and review an individual employee’s history any time a new complaint is received.

C. If the early warning software indicates the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, the Internal Affairs Unit shall consult with the employee’s supervisor and/or division commander.

D. Internal affairs personnel and the employee’s supervisor and/or division commander or designee shall review the relevant information from department records for the purpose of initiating a course of intervention designed to correct/interrupt the emerging pattern, practice or trend.

E. If the early warning software has returned an incorrect identification or "false positive," that conclusion should be documented.

F. If the early warning software reveals that an employee has violated department rules and regulations or general orders or the law, the supervisor in consultation with the Internal Affairs Unit should proceed with an internal investigation and possible disciplinary action.

G. In addition to the regular data audits conducted by the Internal Affairs Unit, the division commanders or designees may periodically audit an individual employee’s history. Using this information and their experience, the division commander or designee may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the early warning software.

H. At least every six months, the Internal Affairs Unit shall audit the agency’s EWS and its records to assess the accuracy and efficacy of the tracking system.

III. EWS REVIEW PROCESS AND REMEDIAL AND CORRECTIVE ACTION

A. Once an employee has displayed the requisite number of performance indicators necessary to trigger the EWS review process (as set forth in Section IB, above) the Internal Affairs Unit shall initiate remedial action to address the employee’s behavior.

B. When a EWS review process is initiated, the Internal Affairs Unit or their designee should:

1. Formally notify the subject employee, in writing. (The Cumberland County Prosecutor shall be notified by the Internal Affairs Unit if EWS notification to the employee could jeopardize an ongoing criminal investigation. The Cumberland County Prosecutor may in their discretion permit delayed notification to the employee or delayed initiation of the EWS review process);

2. Conference with the subject employee and appropriate supervisory personnel;
3. Develop and administer a remedial program including the appropriate remedial/corrective actions listed below;

4. Continue to monitor the subject employee for at least three months, or until the supervisor concludes that the employee's behavior has been remediated (whichever is longer);

5. Document and report findings to the appropriate supervisory personnel and the Internal Affairs Unit.

C. Any statement made by the subject employee in connection with the EWS review process may not be used against the subject employee in any disciplinary or other proceeding.

B. When under early warning system monitoring, the employee's divisional commander or designee 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 on a plan for long-term improved performance;
4. Educate them on the intensive monitoring process and the potential repercussions of future sustained transgressions.

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 or re-training;
2. Counseling;
3. Intensive supervision;
4. Fitness for duty examination;
5. Employee Assistance Program Referral
6. 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 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
D. All reports involving potential discipline shall be forwarded to the chief of police for review.

VI. NOTIFICATION REQUIREMENTS

A. Upon initiation of the EWS review process for a sworn officer, the Internal Affairs Unit or designee shall make a confidential written notification to the Cumberland County Prosecutor or their designee of the identity of the subject officer, the nature of the triggering performance indicators, and the planned remedial program.

B. Upon completion of the EWS review process for a sworn officer, the Internal Affairs Unit or designee shall make a confidential written notification to the Cumberland County Prosecutor or their designee of the outcome of the EWS review, including any remedial measures taken on behalf of the subject officer.

C. If any sworn officer who is or has been subject to an EWS review process applies to or accepts employment at a different law enforcement agency, the Internal Affairs Unit or their designee shall notify the subsequent employing law enforcement agency of the officer’s EWS review process history and outcomes. Upon request, this department shall share the officer’s EWS review process files with the subsequent employing agency.

D. The department’s EWS policies shall be made available to the public upon request and shall be posted on the agency's website.