

HILLSDALE POLICE DEPARTMENT GENERAL ORDER



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SUBJECT: EARLY WARNING SYSTEM

BY THE ORDER OF:

Chief Robert Francaviglia

ACCREDITATION STANDARDS:

2.2.3

Effective Date:

(Revised 12/20/18)

SUPERSEDES ORDER #:

PURPOSE: The purpose of this general order is to establish a personnel early warning system.

POLICY: It is the policy of this department to implement and utilize an early warning system for tracking and reviewing incidents of risk and provide timely intervention consistent with Attorney General Guidelines.

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. 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 an 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. Firearms discharges (not related to animal euthanasia);
 6. Domestic violence investigations in which the officer is the alleged subject;
 7. An arrest of the officer, including on a driving under the influence charge;
 8. Sexual harassment claims against the officer;
 9. Vehicular collisions involving the officer that are formally determined to have been the fault of the officer;
 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 the 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. Vehicular pursuits that are formally determined or adjudicated (for example, by internal affairs or a grand jury) to have been unjustified, unreasonable or in violation of the Attorney General's Guidelines for Vehicular Pursuits;

C. Generally, three (3) instances of questionable conduct or flag indicators within the same twelve-month period (rolling year) would initiate the early warning system process. If one incident triggers multiple performance indicators, that incident shall not be double counted.

II. ADMINISTRATION OF EARLY WARNING SYSTEM

D. The early warning system 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.

E. Internal affairs shall conduct a manual or computerized 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 bi-annual audits by internal affairs, the internal affairs supervisor shall audit an individual employee's history any time a new complaint is received.

1. Using this information and their experience, internal affairs investigators may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the early warning system data audit.

F. If the audit indicates the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, the internal affairs investigator shall consult with the employee's supervisor and/or commander.

G. The internal affairs supervisor and the employee's supervisor and/or commander shall review the information provided by internal affairs 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 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 department rules and regulations or general orders, the supervisor in consultation with the internal affairs unit should proceed with an internal 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 to determine the appropriate course of remedial/corrective intervention.

III. SUPERVISORS

- H. 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 their commander and if warranted, the internal affairs supervisor. The success of this program relies heavily on the first line supervisor's participation and involvement.
- I. 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 for filing.
 - 1. No entry should be made in the employee's personnel file, unless the action results in disciplinary/corrective action.
- J. If the remedial/corrective intervention was training, documentation shall be filed in accordance with the department's general order governing training (remedial training).
- K. Supervisors shall forward all documentation as required by department general orders established to assist in a comprehensive audit. This data shall minimally include: use of force reports, vehicle pursuit reports, and attendance records.

IV. COMMANDERS

- L. In addition to the regular data audits conducted by internal affairs, 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.
- M. 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.
- N. Generally, personnel should expect to remain under intensive monitoring and supervision for six (6) months when an early warning flag is triggered.
- O. Supervisor/Employee Meeting
- P. All supervisor/employee meetings shall be thoroughly documented, which will be forwarded to the Chief of Police or his designee. The affected employee and supervisor shall meet on a regular basis, minimally monthly, to discuss progress towards the agreed upon goals and objectives.

1. All regular monthly progress/status reports shall be submitted to the Chief of Police or his/her designee through the chain of command.
2. 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

- Q. When the Early Warning System review process is initiated, personnel assigned to oversee, the Early Warning System should:
1. Formally notify the subject officer in writing
 2. Conference with the subject officer and appropriate supervisory personnel;
 3. Develop and administer a remedial program including the appropriate remedial/corrective actions listed below;
 4. Continue to monitor the officer for at least three months or until the supervisor concludes that the officers behavior has been remediated;
 5. Document and report findings to the appropriate supervisory personnel and if warranted to the internal affairs unit;
 6. Any statement made by the subject officer in connection with the Early Warning System review process may not be used against the officer in any disciplinary or other proceeding.
- R. 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 Retraining;
 2. Counseling;
 3. Intensive supervision;
 4. Fitness for duty examination;
 5. Employee Assistance Program, when warranted, if available;
 6. Peer counseling.
- S. Internal disciplinary action, remedial/corrective intervention, and fitness for duty examinations are not mutually exclusive and should be jointly pursued if and when appropriate.
- T. 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 employee's training record.

- U. All reports shall be forwarded to the Chief of Police 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

- V. Upon initiation of the Early warning system process, the agencies Chief of Police or his/her designee shall make a confidential written notification containing the following information to the county prosecutor:
 - 1. The Identity of the subject officer;
 - 2. The nature of the triggering performance indicators;
 - 3. The planned remedial program;
- W. Upon completion of the early warning system review process, the Chief of Police or his designee shall make a confidential written notification to the County Prosecutor or his/her designee of the outcome including any remedial measures taken on behalf of the subject officer.