

DEPARTMENT RULES AND REGULATIONS / POLICIES AND PROCEDURES

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SUBJECT: EARLY WARNING SYSTEM						Evaluation Date
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CHIEF DENNIS P. MANNING						
DEPARTMENT REVISIONS=D						
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REFERENCE						

PURPOSE:

To provide guidelines for establishing an Early Warning System (EWS) to identify employees who may require proactive intervention efforts.

POLICY:

In compliance with the guidelines established by the New Jersey Attorney General and the Somerset County Prosecutor, it is the policy of this department to utilize an early warning system for tracking and reviewing incidents of risk and provide timely intervention to employees who meet established criteria.

PROCEDURE:

Selection of Performance Indicators

The EWS shall monitor many different categories of officer conduct which may indicate potentially escalating risk of harm to the public, the department, and/or the officer. The following performance indicators shall be monitored in the EWS:

1. Internal affairs complaints made against the officer, whether initiated by another officer or by a member of the public.
2. Civil actions filed against the officer.
3. Criminal investigations of or criminal complaints against the officer.

4. Any use of excessive, unjustified, or unreasonable force by and officer that is formally determined or adjudicated (ex. IA, Grand Jury).
5. Domestic violence investigations in which the officer is an alleged subject.
6. An arrest of an officer, including a driving under the influence charge.
7. Sexual harassment claims against an officer.
8. Vehicular collisions involving an officer that are formally determined to have been the fault of the officer.
9. A positive drug test by the officer.
10. Cases of arrest by the officer that are rejected or dismissed by the 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.
15. Any other indicators, as determined by the Chief.

Initiation of Early Warning Process

At a minimum, three separate instances of performance indicators within any twelve month period will trigger the EWS review process. If one incident triggers multiple performance indicators, that incident shall not be counted multiple times, but instead shall count as only one performance indicator. The Chief may, in his or her discretion, determine that a lower number of performance indicators within a twelve month period will trigger the EWS review process.

Administration and Tracking

The Captain, or his designee, shall be the EWS system coordinator. When an instance occurs the coordinator will review the subject officer's previous twelve month period to determine if an early warning review should be triggered.

Remedial / Corrective Action

Once an officer has displayed the requisite number of performance indicators necessary to trigger the EWS review process the system coordinator shall initiate remedial action to address the officer's behavior.

When the EWS review process is initiated the EWS coordinator 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 subject officer for at least three months, or until the supervisor concludes that the officer's behavior has been remediated (whichever is longer).
5. Document and report findings to the appropriate supervisory personnel and, if warranted, the internal affairs unit.

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

Remedial / corrective actions may include, but not limited to, the following:

1. Training or re-training.
2. Counseling.
3. Intensive Supervision
4. Fitness for duty examination.
5. Employee Assistance Referral.
6. Any other appropriate remedial or corrective action.

Notification to Subsequent Law Enforcement Employer

If any officer who is or has been subject to an EWS review process applies to or accepts employment at a different law enforcement agency and he or she underwent the EW System review process, it is the responsibility the Somerville Police Department or the current employing law enforcement agency to notify the subsequent employing law enforcement agency of the officer's EW System review process history and outcomes. Upon request, the Somerville Police Department or the current employing agency shall share the officer's EWS review process files with the subsequent employing agency.

Notification to County Prosecutor

Upon initiation of the EW System review process, the Chief or a designee shall make a confidential written notification to the Somerset 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 EW System review process, the Chief shall make a confidential written notification to the Somerset 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.

Annual Report to Attorney General

By January 31st of each year, the Somerset 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 Somerset County Prosecutor's supervision that are in compliance with this Directive and those that are not.

Public Accessibility and Confidentiality

This EWS policy shall be made available to the public upon request and shall be posted on the Somerville Police Department's website. Annual reports from the County Prosecutor to the Attorney General also shall be made available to the public upon request and be posted on the agency's website.

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