

MAPLE SHADE TOWNSHIP POLICE DEPARTMENT

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ACCREDITATION STANDARDS:

The Written Directives developed by the Maple Shade Township Police Department are for internal use only, and do not enlarge an officer's civil or criminal liability, nor the Township's, in any way. Directives should not be construed as creating a higher standard of safety, care or obligation in an evidentiary sense. Violations of Written Directives are addressed internally by this Department or by the Township.

This policy supersedes any and all other previous policies titled Accumulated Complaints Volume I Chapter 9.

PURPOSE:

An Early Warning System ("EW System") is an important management tool designed to detect patterns and trends in police conduct before that conduct escalates. An effective EW System can assist a law enforcement agency in identifying and remediating problematic employee conduct that poses a potential risk to the public, to the agency, and to the employee. EW Systems, therefore, serve to not only increase public safety and public confidence in law enforcement, but also to assist employees through early intervention.

POLICY:

This policy shall be consistent with New Jersey Attorney General Directive 2018-3, "Statewide Mandatory Early Warning Systems", as required by law and shall apply to all employees of the Maple Shade Police Department

PROCEDURES:

I. Implementation

- A. **Selection of Performance Indicators for all Employees:** The Early Warning System will monitor many different categories of employee conduct which indicate potentially escalating

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risk of harm to the public, the agency, and/or the employee. The following performance indicators are included in all EW System for all employees. The Chief of Police shall determine any such supplemental performance indicators.

1. Internal affairs complaints against any employee, whether initiated by another employee or by a member of the public;
2. Civil actions filed against any employee;
3. Criminal investigations of or criminal complaints against any employee;
4. Any use of force by any 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 any employee is an alleged subject;
6. An arrest of any employee, including on a driving under the influence charge;
7. Sexual harassment claims against any employee;
8. Vehicular collisions involving any employee that are formally determined to have been the fault of the employee, while in the performance of duty, or at any time while operating an agency owned or leased vehicle;
9. Insubordination by any employee;
10. Unexcused absences by any employee; and
11. Any other indicators, as determined by the agency's chief executive

B. **Selection of Performance Indicators for all Sworn Employees:** In addition to the performance indicators in Section A that apply to all employees, the following performance indicators will apply only to sworn officer employees.

1. A positive drug test by a sworn officer employee;
2. Cases or arrests by a sworn officer employee that are rejected or dismissed by court, when said rejection or dismissal is predicated upon malfeasance of duty by the sworn officer employee. The sworn officer employee will be responsible to report this to his/her immediate supervisor without delay;
3. Cases in which evidence obtained by a sworn officer employee is suppressed by a court. The sworn officer employee will be responsible to report this to his/her immediate supervisor without delay;
4. Neglect of duty by the sworn officer employee.

C. **Initiation of Early Warning Process:** This agency's EW System policy provides that three separate instances of performance indicators (as listed in Section A and B, above) within any twelve-month period will trigger the EW System review process. 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 his or 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 EW System review process.

D. **Administration and Tracking:** The EW System will be administered by the agency's internal affairs unit. Supervisory officers in the subject officer's chain of command also shall be directly involved in any EW System review process.

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1. The internal affairs unit will maintain the tracking system to enable the department to identify officers who display the requisite number of performance indicators necessary to trigger the EW System review process. Every six months, personnel assigned to manage the EW System shall audit the agency's tracking system and records to assess the accuracy and efficacy of the tracking system.
- E. **Remedial/Corrective Action:** Once any employee has displayed the requisite number of performance indicators necessary to trigger the EW System review process (as set forth in Section A and B, above) assigned supervisory personnel shall initiate remedial action to address the employee's behavior.
1. When an EW System review process is initiated, personnel assigned to oversee the EW System shall:
 - a. Formally notify the employee, in writing;
 - b. Conference with the subject employee and appropriate supervisory personnel;
 - c. Develop and administer a remedial program including the appropriate remedial/corrective actions listed below;
 - d. 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);
 - e. Document and report findings to the appropriate supervisory personnel and, if warranted, the internal affairs unit. Any statement made by the subject employee in connection with the EW System review process may not be used against the subject employee in any disciplinary or other proceeding.
 2. 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; and
 - f. Any other appropriate remedial or corrective action.
- F. **Notification to Subsequent Law Enforcement Employer for Sworn Officers:** If any sworn officer who is or has been subject to an EW System review process applies to or accepts employment at a different law enforcement agency it will be the responsibility of this agency to notify the subsequent employing law enforcement agency of the sworn officer's EW System review process history and outcomes. Upon request, this agency shall share the officer's EW System review process files with the subsequent employing agency.
- G. **Notification to County Prosecutor for Sworn Officers:** Upon initiation of the EW 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 any subject sworn officer employee, the nature of the triggering performance indicators, and the planned remedial program. Upon completion of the EW System review process, the Chief of Police

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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 sworn officer employee.

- H. **Annual Report to Attorney General for Sworn Officers:** 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 this Directive and those that are not.

II. Public Accessibility and Confidentiality

- A. The EW System policy adopted by this law enforcement agency shall be made available to the public upon request and shall be posted on the agency's website.
- B. Annual reports from the County Prosecutors to the Attorney General (as required by Section I.H above) also shall be made available to the public upon request and shall be posted on the agency's website.
- C. All written reports created or submitted pursuant to this policy that identify specific sworn officers are confidential and not subject to public disclosure.