

CLAYTON POLICE DEPARTMENT	
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SUBJECT: EARLY WARNING SYSTEM	
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	“Early Intervention Program”

PURPOSE: To provide guidelines for establishing an Early Warning System to identify employees who may require proactive intervention efforts.

POLICY: It is the policy of the Clayton Police Department to provide early intervention to employees who meet established criteria. The Clayton Police Department has a responsibility to its employees and the community to identify and assist employees who show symptoms of job stress or personal problems. Such symptoms may be exhibited in on-the-job performance behaviors that results in complaints from citizens or may be indicated in the frequency of use-of-force incidents. The Clayton Police Department has existing programs available to assist employees, including- Cop-2-Cop Assistance Program, Police Chaplain Program, and other counseling, which are available to employees on a voluntary and policy-mandated basis. In order to enhance these services, the Department has implemented the Early Warning System (EWS).

It is the policy of the Department to provide for the protection and confidentiality of the Early Warning System records maintained by the Department.

PROCEDURE:

I. Early Warning System (EWS)

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

II. Early Warning System Tracking

- A. The EWS shall identify and track the following indicators:
1. Internal affairs complaints 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 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. Domestic violence investigations in which the officer is an alleged subject;
 6. An arrest of the officer, including on a driving under the influence charge;
 7. Sexual harassment claims against the officer;
 8. Vehicular collisions involving the officers that are formally determined to have been the fault of the officer;
 9. A positive drug test by the officer;
 10. Cases or arrests by the officer that are rejected or dismissed by a 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; and
 15. Any reprimand that an officer received (Verbal or Written) that the Chief of Police determines should be counted in the EWS.

III. Initiation of Early Warning Process

- A. If a Clayton Police Officer is referred to the EWS for 3 separate performance indicators within a 12 month period, this will trigger a EWS review of the that officer.
 - 1. 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.
 - 2. The Chief of Police has the discretion to trigger a review even after only 1 performance indicator if he/she feels the situation is warranted.

IV. Supervisory Responsibility

- A. Supervisors are crucial to a successful Early Warning System. They work with the individual employees on a day-to-day basis and may be the first to observe and document possible problems with job performance or job or personal-related stress.
 - 1. Such problems may be exhibited through excessive use of sick time, tardiness, use of unnecessary force, poor safety techniques, over aggressiveness, improper demeanor towards citizens, or equipment abuse. Although no particular set of criteria can determine job stress and/or performance problems, it is important that certain criteria be routinely reviewed as indicators of behavior patterns.
 - 2. Supervisors are required to report and refer incidents and events that meet the above criteria (Section II, Chapter A, 1-15), along with any other problematic behavior observed, to the Chief of Police and the Internal Affairs Unit Supervisor for documentation in the EWS.

V. Administration and Tracking

- A. The Internal Affairs Unit Supervisor will coordinate the Early Warning System. When a new performance indicator is entered into the EWS the investigating officer will see if there have been any other indicators for that particular officer within 1 year. If this is the 3rd performance indicator for that particular officer a EWS review will be completed.
- B. The EWS reports will be audited every 6-months. The Clayton Police Department will use the Gloucester County Prosecutor's Office InfoShare electronic record management system to track performance indicators. In addition a hard copy of all reports will be stored in a secure confidential filing cabinet maintained by the Internal Affairs Unit.
- C. All supervisory officers in the target officer's chain of command will be notified and be made part of the EWS review.
- D. Each supervising officer will refer to the EWS file and may be asked to make a timely and accurate summary of the actions of the particular employee and recommendations for intervention, if necessary. The Supervising Officer's report will be kept in the EWS File.

- E. The Following records shall be kept in the EWS file;
1. The file will included completed Intervention Reports along with any applicable reports pertinent to the incident.
 2. The EWS Files will be maintained by the Internal Affairs Unit.
 3. The files will be secured in a separate and secure filing cabinet draw in the Internal Affairs Unit office.
 4. EWS files are considered confidential. Access to any EWS file is on a need-to-know basis granted only upon approval by the Chief of Police or his/her designee.

V. Remedial/Corrective Action

- A. Once an officer has displayed the requisite number of performance indicators necessary to trigger the EWS review process, the Chief of police may designate a supervisory officer who shall initiate remedial action to address the officers' behavior.
- B. When an EWS review process is initiated, personnel assigned to oversee the EWS 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.
- C. Remedial/Corrective action may include but is not limited to the following;
1. Training or re-training.
 2. Counseling.
 3. Intensive supervision.
 4. Fitness-for-duty examination.
 5. Employee Assistance Program (EAP) referral.

6. Any other appropriate remedial or corrective action.

VI. Notification to subsequent Law Enforcement Employer

- A. If a Clayton Police Officer has active EWS performance indicators or is under EWS review and resigns his post to begin working at another law enforcement agency. That officers EWS file may be turned over to the hiring agency upon request.

VII. Notification County Prosecutor

- A. Upon initiation of the EWS review process, the agency's chief executive or a 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. Upon completion of the EWS review process, the agency's chief executive shall make a confidential written notification to the County Prosecutor or his/her designee of the outcome of the EWS review, including any remedial measure taken on behalf of the subject officer.