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| <b>ENGLEWOOD POLICE DEPARTMENT</b>        |   |  |  |
| <b>POLICY &amp; PROCEDURES</b>            |   |   |  |
| <b>SUBJECT: EARLY WARNING SYSTEM</b>      |   |   |  |
| BY ORDER OF:<br>Chief Lawrence D. Suffern | EFFECTIVE DATE:<br>December 18, 2018 (Revision) | # of Pages:<br>5  |  |
| Accreditation Standards:<br>2.2.3         |   | Supersedes Order#<br>N/A  |  |

**PURPOSE:** The purpose of this written directive 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 complaints, regardless of outcome;
  - 2. Civil actions filed, regardless of outcome;
  - 3. Incidents of force usage, including firearms discharges and use of non-deadly force that is unjustified;
  - 4. Motor Vehicle Crashes where the officer is found to be at fault;
  - 5. Criminal investigations or complaints made against the employee, including Domestic Violence;

6. Vehicular pursuits;
7. Arrests for DWI or a Positive Drug Test;
8. Sexual Harassment Claims against the officer;
9. Insubordination or Neglect of Duty by an Officer;
10. Cases rejected/dismissed or Evidence suppressed by the court.

C. Three (3) separate instances of questionable conduct or flag indicators within the same twelve (12) month period would initiate the early warning system process.

## II. ADMINISTRATION OF EARLY WARNING SYSTEM

- A. The early warning system is primarily the responsibility of the Internal Affairs Unit, but any supervisor may initiate the early warning process based upon his/her own observations. Emphasis should be placed on anticipating employee problems before it results in improper performance or conduct.
- B. The Internal Affairs Unit 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 at least every six months.
- C. If the audit indicates the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, the Internal Affairs Unit Supervisor shall consult with the employee's supervisor and/or commander.
- D. When an EW System review process is initiated, personnel assigned to oversee the EW 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 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.
  6. **Any statement made by the subject officer in connection with the EW System review process may not be used against the subject officer in any disciplinary or other proceeding.**

## III. SUPERVISORS

- A. 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 Unit Supervisor. **The success of this program relies heavily on the first line supervisor's participation and involvement.**

- B. 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 Supervisor for filing.
  - 1. No entry should be made in the employee's personnel file, unless the action results in disciplinary/corrective action.
- C. If the remedial/corrective intervention was training, documentation shall be filed in accordance with the department's written directive governing training (remedial training).
- D. Supervisors shall forward all documentation as required by department written directives established to assist in a comprehensive audit. This data shall minimally include, but is not limited to: use of force reports, vehicle pursuit reports, and attendance records.

#### IV. DIVISION COMMANDERS

- A. In addition to the regular data audits conducted by the Internal Affairs Unit, 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.
- B. 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.
- C. Supervisor/Employee Meeting
  - 1. All supervisor/employee meetings shall be thoroughly documented, which will be forwarded to the Internal Affairs Unit Supervisor and Division Commander.

2. The affected employee and supervisor shall meet on a regular basis, to discuss progress towards the agreed upon goals and objectives.
2. All regular progress/status reports shall be submitted to the Chief of Police or his/her designee through the chain of command.

## 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;
  2. Retraining;
  3. Counseling;
  4. Intensive supervision;
  5. Fitness for duty examination (upon authorization of the Chief of Police);
  6. Professional counseling;
  7. 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 employee's training record.
- D. 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 SUBSEQUENT LAW ENFORCEMENT EMPLOYER

- A. If any officer who is or has been subject to an EW System review process applies to or accepts employment at a different law enforcement agency than the one where he or she underwent the EW System review process, it is the responsibility of the prior or 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 prior or current employing agency shall share the officer's EW System review process files with the subsequent employing agency.

## VII. NOTIFICATION TO COUNTY PROSECUTOR

- A. Upon initiation of the EW System 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.
- B. Upon completion of the EW System 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 EW System review, including any remedial measures taken on behalf of the subject officer.

## VIII. PUBLIC ACCESS AND CONFIDENTIALITY

- A. All EW System policies adopted by law enforcement agencies shall be made available to the public upon request and shall be posted on the agency's website.
- B. All written reports created or submitted pursuant to this Directive that identify specific officers are confidential and not subject to public disclosure.