




**The College of New Jersey
Office of Campus Police Services**



CAMPUS POLICE DIRECTIVES	Effective Date: 1/14/2019	Order Number: TBD
	Rescind/Amend/Replaces: All Previous Policies	
Title: Early Warning System		
Related Documents:		NJ State Chiefs Ref.:
Distribution/Special Instructions: All Police Personnel		
Issuing Authority:		Revision Date:
Chief of Police (signature): 		

PURPOSE: The purpose of this written directive is to establish an early warning system (“EW System”) that allows the College of New Jersey Police Department to identify patterns and trends in police conduct before that conduct escalates.

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. This written directive is in accordance with the New Jersey Attorney General’s Law Enforcement Directive No. 2018-3.

BACKGROUND: 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 officer conduct that poses a potential risk to the public, to the agency, and to the officer. EW Systems, therefore, serve to not only increase public safety and confidence in law enforcement, but also to assist officers through early intervention

PROCEDURE:

I. SELECTION OF PERFORMANCE INDICATORS

A. An EW System may monitor many different categories of officer conduct which indicate potentially escalating risk of harm to the public, the agency, and/or the officer. The following performance indicators shall be included in the College of New Jersey Police Department EW System, but also can be supplemented with additional indicators. The Chief of the College of New Jersey Police Department shall determine any such supplemental performance indicators. To the extent possible, supplemental performance indicators should be objectively measurable and reasonably related to potentially escalating harmful behavior by the officer.

1. Internal complaints, whether initiated by another employee or by a member of the public and regardless of outcome;
2. Civil actions filed against an officer, regardless of outcome;
3. Criminal investigations or complaints made against an employee;
4. Any use of force by an officer that is formally determined or adjudicated to have been excessive, unjustified or unreasonable;
5. Domestic violence investigations in which the employee is an alleged subject;
6. An arrest of an employee, including on a driving under the influence charge;
7. Sexual harassment claims against an employee;
8. Vehicular collisions involving an officer that are formally determined to have been the fault of the officer;
9. A positive drug test by an 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. Vehicular pursuits;
15. Unexcused absences or sick time abuse;

16. Any other indicators, as determined by the agency's chief executive.

B. Initiation of Early Warning Process

1. At a minimum, three (3) separate instances of performance indicators (as listed in section A, above) within any 12-month period will trigger the early warning 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.
2. The Chief of the College of New Jersey may in his or her discretion determine that a lower number of performance indicators within a twelve month period (one or two performance indicators) will trigger the EW System review process.

II. ADMINISTRATION OF EARLY WARNING SYSTEM

A. Administration

1. The early warning system is primarily the responsibility of the internal affairs unit; however, any supervisor may initiate the early warning process provided they consult the internal affairs supervisor. Emphasis should be placed on anticipating employee problems before it results in improper performance or conduct.
2. Internal affairs shall conduct a manual and/or computerized audit of the Early Warning System records to determine if an employee has the requisite number of performance indicators necessary to trigger the EW System review process. At least every six months, personnel assigned to manage the EW System shall audit the agencies tracking system and records to access the accuracy and efficacy of the tracking system. In addition to the regular data audits by internal affairs, the internal affairs supervisor shall audit an individual employee's history any time a new complaint is received.

B. Supervisors

1. 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 the command staff. The success of this program relies heavily on the first line supervisor's participation and involvement.
2. 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.

3. No entry should be made in the employee's personnel file, unless the action results in disciplinary/corrective action.
4. If the remedial/corrective intervention was training, documentation shall be filed in accordance with the department's written directive governing training (remedial training).
5. Supervisors shall forward all documentation to the command staff as required to assist in a comprehensive audit. This data shall minimally include; use of force reports, vehicle pursuit reports, and attendance records.

C. Remedial/Corrective Action

1. Once an officer has displayed the requisite number of performance indicators necessary to trigger the EW System review process (as set forth in Section I.B.1, above) assigned supervisory personnel shall initiate remedial action to address the officer's behavior.
2. When an EW System review process is initiated, personnel assigned to oversee the EW System shall;
 - a. Formally notify the subject officer, in writing;
 - b. Conference with the subject officer 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 officer for at least three months, or until the supervisor concludes that the officer'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;
 - f. 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
3. 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, when warranted, if available;
 - f. Any other appropriate remedial or corrective action.
- D. This Directive and EW Systems generally, are focused on corrective actions to remediate officer behavior and to provide assistance to the officer. This Directive, and EW Systems generally, do not address disciplinary actions that might be warranted against an officer. Such disciplinary actions to include the decision to suspend terminate, or if applicable, charge an officer with criminal conduct - remain within the purview of the agency's internal affairs function, and may be imposed in accordance with existing internal affairs guidelines and applicable law, separate from and independent of the EW System.

III. NOTIFICATION TO SUBSEQUENT LAW ENFORCEMENT EMPLOYER

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

IV. NOTIFICATION TO COUNTY PROSECUTOR

- A. Upon initiation of the Early Warning System review process, the Chief of Police or a designee shall make a confidential written notification to the Mercer County Prosecutor's Internal Affairs Office of Professional Standards. The notice shall identify the subject officer, the nature of the triggering performance indicators, and the planned remedial program. Upon completion of the Early Warning System review process, the Chief of Police shall make a confidential written notification to the County Prosecutor or his/her designee of the outcome of the Early Warning System review, including any remedial measures taken on behalf of the subject officer.
- B. By January 15th of the calendar year, the Chief of Police or a designee shall report, in writing, to the Mercer County Prosecutor the total number of Early Warning reviews that were undertaken for the previous year.

V. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY

- A. The Early Warning System policy shall be made available to the public upon request and shall be posted on the agency website. However, all written reports created or submitted that identify specific officers are confidential and are not subject to public disclosure.