

Wanaque Police Department

DEPARTMENT RULES AND REGULATIONS

TITLE: EARLY WARNING SYSTEM POLICY	DATE ISSUED: 5-22-2018		
TO: ALL POLICE PERSONNEL TITLE NO: GENERAL ORDER: 2018-003	EFFECTIVE DATE: 6-12-2018		
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MEMORANDUM:			
POLICY: Early Warning System			
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ISSUING AUTHORITY/CHIEF OF POLICE: Robert C. Kronyak, Jr.	REFERENCE: NJ Attorney General's Law Enforcement Directive No. 2018-3		

I. PURPOSE

The purpose of this policy is to comply with the New Jersey Attorney General's Law Enforcement Directive No. 2018-3.

II. STATEMENT

The Wanaque Police Department ("Department") adheres to the principal that an Early Warning System ("EWS") is an important management tool designed to detect patterns and trends in police conduct before that conduct escalates. An EWS can assist the Department

in identifying and remediating problematic officer conduct that poses a potential risk to the public, to the Department and to the officer. An EWS can also be utilized as a mechanism to preserve and maintain a high degree of public confidence in all those charged with upholding public order and public safety in the Borough of Wanaque. Additionally, it is an early intervention tool that can assist an officer.

III. ORDER

Effective June 12, 2018, all sworn law enforcement personnel within the Wanaque Borough Police Department shall be subject to the EWS as mandated by the NJ Attorney General's Directive No. 2018-3 governing early warning systems.

IV. IMPLEMENTATION

An EWS is hereby established, wherein a variety of categories of an officer's conduct can be identified to monitor potentially escalating risk of harm to the public, the Department and/or to the officer. The following performance indicators shall be utilized as part of the EWS:

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 officer 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 other indicators, as determined by the Department's Chief of Police.

The Chief of Police may determine the addition of such supplemental performance indicators based upon the unique characteristics of the Department and the community the Department serves.

The EWS review process shall be initiated when an officer has incurred three (3) separate instances of the aforementioned performance indicators within a twelve (12) month period.

Consistent with the New Jersey Attorney General's Law Enforcement Directive No. 2018-3, the authority to initiate disciplinary action against an officer is separate and independent from this EWS policy and remains within the discretion of the Department.

V. ADMINISTRATION

A. The EWS will be administered by the Department's Internal Affairs Unit. The affected officer's supervisory officers in the officer's chain of command will also be involved in the EWS review process.

B. The Department's Internal Affairs Unit will develop a tracking system to enable the Unit to identify officers who display the requisite number of performance indicators necessary to trigger the EWS review process. At a minimum of six months, the Unit shall audit the Unit's tracking system and records to assess the accuracy and effectiveness of the tracking system.

VI. SUPERIOR OFFICERS

An officer's first line supervisor is typically the first member of the Department to observe, encounter and document specific incidents/acts involving an officer. It is imperative for the supervisor to document these incidents and to report same to the Department's Internal Affairs Unit so that the Unit can make a determination as to whether one of the performance indicators has occurred.

VII. REMEDIAL/CORRECTIVE ACTION

A. Once an officer has displayed three performance indicators as set forth above in section IV., assigned supervisory personnel shall initiate remedial action to address the officer's behavior. 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 referral, if available;
6. Any other appropriate remedial or corrective action.

B. When the EWS review process is initiated, the Internal Affairs Unit will (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 above (the remedial program will be in writing); (4) continue to monitor the subject officer for at least 3 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.

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.

VIII. NOTIFICATION TO PASSAIC COUNTY PROSECUTOR

Upon initiation of the EWS 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 the subject officer, the nature of the triggering performance indicators and the planned remedial program. Upon completion of the EWS 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 EWS review, including any remedial measures taken on behalf of the subject officer.

IX. 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, it is the responsibility of the Department to notify the subsequent employing law enforcement agency of the officer's

EWS review process history and outcomes. Upon request, the Department shall share the officer's EWS review process files with the subsequent employing agency.

X. PUBLIC ACCESSIBILITY

This EWS policy shall be made available to the public upon request and shall be posted on the Department's website.