

PALMYRA POLICE DEPARTMENT POLICY & PROCEDURE MANUAL

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SUBJECT: EARLY WARNING SYSTEM				
EFFECTIVE DATE: November 14, 2016		Accreditation Standards: 2.2.3		
<i>Scott Pearlman</i> Scott Pearlman CHIEF OF POLICE		General Order # 2016-10 2018-08	Reference: AG Directive 2018-3	

The Written Directives developed by the Palmyra Police Department are for internal use only, and do not enlarge an officer's civil or criminal liability in any way. They should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of Written Directives can only be the basis of a complaint by this Department, and then only in an administrative disciplinary setting.

I. PURPOSE

The purpose of this directive is to establish this agency's policy and procedures concerning a personnel early warning system.

II. 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.

III. GENERAL

- A. An early warning system is designed to detect patterns and trends before the conduct escalates into more serious problems. The primary intent is to address potential problems through the use of appropriate management and supervisory intervention strategies before negative discipline become necessary.
- B. All levels of supervision, **especially first line supervisors**, are expected to recognize potentially troublesome officers, identify training needs and provide professional support in a consistent and fair manner. Emphasis

should be placed on anticipating problems among officers before they result in improper performance or conduct.

- C. Many different measures of officer performance can be regularly examined for patterns or practices that may indicate potential problems. These performance indicators include, but are not limited to the following documented indicators:
1. Internal affairs complaints against an officer, whether initiated by another officer or by a member of the public;
 2. Civil actions filed against an officer;
 3. Criminal investigation of or criminal complaints against an officer;
 4. Any use of force by an officer that is formally determined or adjudicated by internal affairs or a grand jury to have been excessive, unjustified, or unreasonable;
 5. Domestic violence investigations in an officer is an alleged suspect;
 6. An arrest of an officer, including a driving while under the influence charge;
 7. Sexual harassment claims against an officer;
 8. Vehicular collisions involving an officer that are formally determined to have been the fault of an officer;
 9. A positive drug test by an officer;
 10. Case or arrests by an officer that are rejected or dismissed by a court;
 - a. A developing pattern of dismissals or rejections based upon some issue with the officer (i.e., credibility problems, thoroughness, failure to appear in court, etc.)
 11. Cases in which evidence obtained by an officer is suppressed by a court;
 12. Insubordination by an officer;
 13. Neglect of duty by an officer;
 14. Unexcused absences by an officer;
 15. Any other indicators, as determined by the Chief of Police that maybe added to amend this policy

- D. The early warning system is primarily the responsibility of the internal affairs unit; but, any supervisor may initiate the early warning process based upon their own observations.
- E. Three (3) separate instances of performance indicators as listed in “C” above within any twelve month period will trigger the Early Warning System review process.
 - 1. If one incident triggers multiple performance indicators, that incident shall not be double or triple counted, but instead shall be counted as only on performance standard.
- F. The Internal Affairs Supervisor will review the data covered in paragraph III C at the beginning of each quarter and complete a report detailing any officers ***with triggers*** from the Early Warning System.
- G. The Chief of Police shall cause a semi-annual evaluation of the early warning system to assess its effectiveness. The Internal Affairs Supervisor shall prepare a written report by February 1st and August 1st noting the previous six months participants and outcomes. Modifications to this process should be implemented at the earliest opportunity.

IV. PROCEDURES

- A. In the event that the early warning system reveals a potential problem, the appropriate supervisor will be notified and provided with all relevant information from the system.
 - 1. The subject officer will be formally notified
 - 2. Conference will be conducted with the subject officers and appropriate supervisory personnel
 - 3. Remedial and or corrective action plan developed
 - 4. The subject officer will be monitored for a minimum of six (6) months.
 - 5. All actions will be documented and forwarded to the Internal Affairs Unit to be maintained in the subject officer’s EWS file.
 - 6. Statements made by the officer in connection with the EWS review process may not be used against the officer in any disciplinary proceedings.
- B. The Chief of Police or his designee will cause a review of the data provided, along with more detailed information available from department records, in consultation with the internal affairs unit. If this review indicates that the early warning system flag is unwarranted, the Chief of Police or his designee will report such, in writing, to the internal affairs unit.
- C. If the review reveals that an officer has violated department directives, the commander in consultation with the internal affairs unit should proceed with an internal investigation. If the review reveals that the officer has engaged in conduct that indicates a lack of understanding or inability to comply with accepted procedures, the commander shall consult with the

internal affairs unit to determine the appropriate course of remedial action.

D. Remedial intervention may include, but is not limited to:

1. Training
2. Retraining
3. Counseling
4. Intensive supervision
5. Fitness for duty examination
6. Employee Assistance Program Referral
7. Any other appropriate remedial or corrective action

Internal disciplinary action, remedial action, and fitness for duty examinations are not mutually exclusive, and should be jointly pursued if appropriate.

E. When remedial action has been undertaken, the internal affairs unit shall be formally notified in writing of such efforts. This information shall be recorded in the internal affairs EW tracking file. No entry should be made in the employee's personnel file, unless the action results in a sustained investigation. If the remedial action is a training program, attendance and completion of that program should be noted in the officer's training record. Documentation is the key to a successful outcome.

F. The internal affairs unit should review an individual employee's history anytime a new complaint is made. Using this information, internal affairs staff may be able to identify employees who may need counseling, training or other remedial action even before such is indicated by the early warning system's ongoing data review.

G. Three (3) instances of questionable conduct or flag indicators within any twelve (12) month period will initiate the Early Warning System process.

H. Personnel should expect to remain under intensive monitoring and supervision for six (6) months.

I. When under EWS monitoring, the employee's direct 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
- J. The meeting shall be thoroughly documented and forwarded to the Chief of Police or his designee through the chain of command. The affected employee and supervisor shall meet on a regular basis, minimally monthly, to discuss progress towards the agreed upon goals and objectives.
- K. The Chief of Police or his designee shall ensure that regular monthly progress/status reports are submitted by the immediate supervisor concerning the employee's progress.
- L. An additional six (6) months of documented monitoring is required following removal from EWS status. Monthly monitoring reports from the direct supervisor are required.
- M. All reports shall be eventually forwarded to the internal affairs office through the regular chain of command for review. These reports have the same confidential status as internal affairs documents.

V. NOTIFICATION TO COUNTY PROSECUTOR

- A. Upon initiation of the EWS review process, the Chief of Police or 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 EWS review process, the Chief of Police shall make a confidential written notification to the County Prosecutor of the outcome of the EWS review, including any remedial measures taken on behalf of the subject officer.

VI. NOTIFICATION TO SUBSEQUENT LAW ENFORCEMENT EMPLOYER

- A. Any officer who is or has been subject to an EWS review process applies to or accepts employment at a different law enforcement agency they will be provide notice that officer is or has been the subject of an EWS review.
- B. Upon request and the submission of a signed Authorization of Release of Personal Information all EWS review files will be shared with the hiring agency.