



Linwood Police Department

General Order

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ALL PERSONNEL

SUBJECT

EARLY WARNING SYSTEM

REFERENCE

Re-evaluation Date

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The following Early Warning System will be the Policy and Procedure of the Linwood Police Department.

By order of,
Douglas Carman
Douglas Carman
Chief of Police

Linwood Police Department
Early Warning System

I. Purpose

An Early Warning System is an important management tool designed to detect patterns and trends in police conduct before that conduct escalates. An effective Early Warning 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. Early Warning Systems, therefore, serve to not only increase public safety and public confidence in law enforcement, but also to assist officers through early intervention.

II. Policy

It is the Policy of this agency to adopt and comply with New Jersey Attorney General Law Enforcement Directive No. 2018-03, Statewide Mandatory Early Warning Systems.

It is the policy of this agency to utilize the Early Warning System to identify and remediate problematic officer conduct that poses a potential risk to the public, to the agency, and to the officer.

It is the policy of this agency that the Attorney General Guidelines and Directives, as well as Atlantic County Prosecutor's Directives, shall guide this General Order.

III. Procedure

1. It shall be the responsibility of the Internal Affairs Commander to maintain an Early Warning System.

2. The Early Warning System monitors 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 monitored in the Early Warning System:

- a. Internal affairs complaints against the officer, whether initiated by another officer or by a member of the public;
- b. Civil actions filed against the officer;
- c. Criminal investigations of or criminal complaints against the officer;
- d. 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;
- e. Domestic violence investigations in which the officer is an alleged subject;
- f. An arrest of the officer, including on a driving under the influence charge;
- g. Sexual harassment claims against the officer;
- h. Vehicular collisions involving the officer that are formally determined to have been the fault of the officer;
- i. A positive drug test by the officer;
- j. Cases or arrests by the officer that are rejected or dismissed by a court;
- k. Cases in which evidence obtained by an officer is suppressed by a court;

- l. Insubordination by the officer;
- m. Neglect of duty by the officer;
- n. Unexcused absences by the officer; and
- o. Any other indicators, as determined by the agency's chief executive.

3. Three separate instances of any of the performance indicators, listed in Section M, Paragraph 2, (a-o) of this Policy, within any twelve-month period, shall 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.

4. The Internal Affairs Commander shall maintain a log book to identify officers who display the requisite number of performance indicators necessary to trigger the Early Warning System review process.

5. Once an officer has displayed the requisite number of performance indicators necessary to trigger the Early Warning System review process, the Internal Affairs Commander shall initiate remedial action to address the officer's behavior.

6. When an Early Warning System review process is initiated, Internal Affairs 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 the Internal Affairs Commander.. Any statement made by the subject officer in connection with the Early Warning System review process may not be used against the subject officer in any disciplinary or other proceeding.

a. 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; and
- (6) Any other appropriate remedial or corrective action.

7. 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 this agency the Early Warning System review process, it is the responsibility of this agency to notify the subsequent employing law enforcement agency of the officer's Early Warning System review process history and outcomes. Upon request, this agency shall share the officer's Early Warning System review process files with the subsequent employing agency.

8. Notification to the County Prosecutor

a. The Internal Affairs Commander is required to confidentially report, in a timely manner, the initiation of an “Early Warning System Review” to the Atlantic County Prosecutor’s Office via the Chief of County Detectives on Prosecutor’s Office reporting form FM-01261-18. Initial reports to this office shall include: the identity of the subject officer, the nature of triggering performance indicators, and the planned or intended remedial program.

b. At the completion of the review process, a confidential follow-up report, FM-01261-18, will be forwarded to the Chief of County Detectives with the outcome(s) of the review, including any remedial measures taken. The new reporting form is self-explanatory and allows for initial and follow-up reporting to be completed on the same form. All reporting will be completed by emailing the forms to the Chief of County Detectives at IA@acpo.org.

c. A.G. Directive 2018-03 requires County Prosecutor’s to report to the Attorney General, agency compliance with the directive. To this end, the Chief of Police shall report the following information in a signed confidential memorandum from the Chief of Police to the Chief of County Detectives via IA@acpo.org: agency compliance with A.G. Directive 2018-03 and if not in compliance; the reason(s). Those agencies that are not in compliance will provide their corrective action to ensure compliance. This reporting shall be submitted no later than January 15th for the preceding year.