

	<b>RUTGERS UNIVERSITY POLICE DEPARTMENT WRITTEN DIRECTIVE SYSTEM</b>		<b>3:22</b>
	<b>PERSONNEL EARLY WARNING SYSTEM</b>		
	<b>Effective Date: 01-25-2019</b>		<b>Supersedes: 3:22 (03-15-2018)</b>

**3:22-1 PURPOSE**

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

**3:22-2 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.

**3:22-3 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 actions, 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. The documented actions of supervisors are crucial elements to a successful system.
- c. Many different measures of officer performance can be regularly examined for patterns or practices that may indicate potential problems. These performance measures include, but are not limited to the following documented indicators:
  - Motor vehicle stop data;
  - Search and seizure data;
  - Internal complaints, regardless of outcome;
  - Civil actions filed, regardless of outcome;
  - Use of force incidents;
  - Claims of duty-related injury;
  - Arrests for resisting arrest;
  - Arrests for assault on a law enforcement officer;
  - Arrests on questionable legal basis;
  - Criminal investigations or complaints made against the employee;
  - Incidents of arrested persons injured;
  - Vehicular pursuits;
  - Vehicular accidents;
  - Cases rejected or dismissed by the prosecutor;
  - Evidence suppressed by the court;
  - Domestic violence investigations in which the employee is an alleged subject;
  - Law Enforcement Drug Testing; and/or

- Attendance Records.
- d. The early warning system is primarily the responsibility of the internal affairs commander; but, any supervisor may initiate the early warning process based upon their own observations. Supervisors should pay particular attention to any pattern of inappropriate conduct/behavior including, but not limited to:
  - Excessive Sick Leave;
  - Tardiness;
  - Attitude problems directed towards assignments and/or co-workers;
  - Family problems,
  - Abuse of alcohol/drugs,
  - Intimidation, harassment and/or bullying of co-workers;
  - Extreme change in behavior, job performance, appearance or hygiene.
- e. The Chief of University Police shall cause a semi-annual evaluation of the early warning system to assess its effectiveness. The Internal Affairs Commander shall prepare a written report by January 15<sup>th</sup> and August 15<sup>th</sup> of the prevailing six month period noting the previous period's participants and outcomes. The report shall include a review of affected employees, based on current patterns of collected material and be approved by the Chief of University Police. Modifications to this process should be implemented at the earliest opportunity.

### **3:22-4 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.
- b. The supervisor will cause a review of the data provided, along with more detailed information available from department records, in consultation with the internal affairs commander. If this review indicates that the early warning system flag is unwarranted, the supervisor will report such, in writing, to the internal affairs unit.
- c. If the review reveals that an officer has violated department directives, the supervisor in consultation with the internal affairs commander 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:
  - Training
  - Retraining
  - Counseling
  - Intensive supervision
  - Fitness for duty examination
  - Employee Assistance Program
  - Peer counseling

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

- e. When remedial action has been undertaken, the internal affairs commander shall be formally notified in writing of such efforts. This information shall be recorded in the internal affairs index file system. 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.
- f. The internal affairs commander should review an individual employee's history anytime a new complaint is made. Using this information, employees who may need counseling, training or other remedial action may be identified even before such is indicated by the early warning system's ongoing data review.
- g. Generally, the following events will initiate a review to initiate the Early Warning System process:
  - 1. Two sustained complaints within 12 months, or;
  - 2. Two preventable officer involved motor vehicle collisions in 12 months , or;
  - 3. Two formal disciplinary actions within 12 months, or;
  - 4. Three or more complaints, regardless of disposition within 12 months, or;
  - 5. Twelve or more, use of force incidents within a 12 month period; or
  - 6. An identified pattern of sick time use;
  - 7. Any use of force report which is found to be improper conduct (excessive, unjustified or unreasonable), or;
  - 8. Any vehicle pursuit which is found to be in violation of policy, or;
  - 9. An employee job performance evaluation, which rates the employee as below a "two" rating (unsatisfactory) in two or more categories, or;
  - 10. Arrest of the employee (including Driving While Intoxicated), or;
  - 11. Sexual Harassment claims against the employee;
  - 12. Insubordination by the employee; or
  - 13. Neglect of duty by the employee; or
- h. A positive drug test of the employee. A total of three separate instances of the performance indicators within any twelve month period will trigger the Early Warning System review process.
- i. When Early Warning monitoring is indicated, the IA Commander shall cause notification to the appropriate division commander.
- j. The Division Commander or designee shall formally notify the subject officer, in writing. A copy of which shall be provided to the Internal Affairs Commander.
- k. The Division Commander or designee shall hold a conference with the subject employee including the appropriate supervisory personnel; including but not limited to: tour commanders, division commanders, etc.
- l. The Division Commander, in consultation with the Internal Affairs Commander, shall develop and administer a remedial program including the appropriate remedial/corrective actions.
- m. Generally, personnel should expect to remain under intensive monitoring and supervision for six (6) months or until the division commander or designee concludes that the behavior of the employee has been remediated (whichever is longer).

- n. When under EWS monitoring, the employee's direct supervisor shall meet with the employee to discuss the situation in depth to:
  - Identify problems or potential problems
  - Determine short and long-term goals for improvement
  - Come to a consensus commitment on a plan for long-term improved performance
  - Advise of the monitoring process and the repercussions of future sustained transgressions
- o. The meeting shall be thoroughly documented and forwarded to the division commander 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.
- p. 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.
- q. The Internal Affairs Commander shall ensure that regular monthly progress/status reports are submitted by the immediate supervisor concerning the employee's progress.
- r. An additional six (6) months of documented monitoring is required following removal from EWS status. Monthly monitoring reports from the direct supervisor are required.
- s. 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.

### **3:22-5 NOTIFICATIONS**

- a. If any employee of this department, who is or has been subject to an EW System review process applies to or accepts employment at a different law enforcement agency; it is the responsibility the Internal Affairs Commander to notify the subsequent employing law enforcement agency of the employee's EW System review process history and outcomes.
- b. Upon request, the IA Commander shall share the officer's EW System review process files with the subsequent employing agency.
- c. Upon initiation of the EW System review process, IA Commander 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.
- d. Upon completion of the EW System review process, the Chief of University Police 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.