

<b>KEAN UNIVERSITY DEPARTMENT OF PUBLIC SAFETY/POLICE POLICY MANUAL</b>					
<b>DIRECTIVE NUMBER:</b>		<b>EFFECTIVE DATE:</b> 10/1/2018		<b>CHAPTER:</b>	
<b>SUBJECT: Early Warning System</b>					
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**1. Introduction**

- A. The Early Warning System is designed to detect patterns and trends before the conduct escalates into more serious problems. As such, employees must understand the early warning system is not identical to the disciplinary process. Although it is possible disciplinary action may be taken as the result of evidence that rules and regulations were violated, this is not the sole or even primary intent of the system. The primary intent of an early warning system is to address potential problems through the use of appropriate management and supervisory strategies before formal discipline is warranted.

**POLICY:**

It shall be the policy of the Kean University Department of Public Safety/Police to conduct drug tests under the circumstances set forth in this policy for the following personnel:

- A. Many different measures of employee performance (actions or behaviors) can be regularly examined for patterns or practices that may indicate potential problems. These performance measures may include, but are not limited to, the following

**Documented indicators:**

1. Internal affairs complaints against an employee, whether initiated by another employee or by a member of the public, regardless of outcome
  2. Civil actions filed against the officer, regardless of outcome
  3. 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
  4. Criminal investigations or complaints made against the employee
  5. Vehicular collisions involving the officer that are formally determined to have been the fault of the officer
  6. Domestic violence investigations in which the employee is an alleged subject
  7. An arrest of the employee, including on a driving under the influence charge
  8. Sexual harassment claims against an employee
  9. A positive drug test by the officer
  10. Cases in which evidence obtained by an officer is suppressed by a court
  11. Insubordination by the officer
  12. Neglect of duty by the officer
  13. Cases or arrests by the officer that are rejected or dismissed by a court
- B. Generally, three (3) instances of questionable conduct within the same six (6) month period would initiate the early warning system process.
- C. Additionally, ANY six (6) instances of questionable conduct or performance indicators within the same twelve (12) month period would initiate the early warning system process.
- D. If one incident triggers multiple indicators, that incident shall not be double or triple counted, but instead shall count as only one performance indicator.

## **II. ADMINISTRATION OF EARLY WARNING SYSTEM**

- A. The early warning system is primarily the responsibility of the Internal Affairs Unit, but any supervisor may initiate the early warning process based upon his/her own observations. Emphasis should be placed on anticipating employee problems before it results in improper performance or conduct.
- B. The Internal Affairs supervisor shall regularly review all employee's history for the emergence of a pattern, practices or trend of inappropriate behavior or**

**misconduct. In addition, the Internal Affairs Supervisor shall query and review an individual employee's history any time a new complaint is received.**

Using this information, the supervisor or Internal Affairs Supervisor may be able to identify employees who may need remedial/corrective intervention.

- C. If the review of an employee's history reveals the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, the supervisor shall consult with the employee's commander.**
- D. The employee's supervisor and commander shall review the information along with any other relevant information from department records for the purpose of initiating a course of intervention designed to correct/interrupt the emerging pattern, practice or trend.
- E. If the review reveals that an employee has violated department rules and regulations or written directives, the supervisor after consultation with Internal Affairs should proceed with an internal investigation and possible disciplinary action.**
- F. If the review reveals that the employee has engaged in conduct which indicates a lack of understanding or inability to comply with accepted procedures, the supervisor shall consult with the employee's commander to determine the appropriate course of remedial/corrective intervention.**

### **III. SUPERVISORS**

- A. 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 their commander and if warranted, the Internal Affairs Unit Supervisor. The success of this program relies heavily on the first line supervisor's participation and involvement.
- B. If a supervisor has initiated remedial/corrective intervention, Internal Affairs shall be formally notified of such efforts.
- C. Supervisors are responsible for reviewing all employees under their chain of command.
- D. Supervisors, who identify deficiencies with other personnel outside of their chain of command, will submit the nature of the performance deficiency directly to the employee involved and their Supervisor.
  - 1. This process does not relieve the documenting supervisors of the obligation to take immediate action to correct serious infraction that may result in liability, injury, and/or disrepute.

- E. Supervisors, who identify and wish to document positive performance conduct on other personnel, outside of their chain of command, will submit the nature of the performance directly to the employee involved and their Supervisor.

#### **IV. COMMAND PERSONNEL**

- A. The commanders shall periodically review an individual employee's history. Using This information and his/her experience, the commander may be able to identify employees who may need remedial/corrective intervention.
- B. When under early warning system monitoring, the employee's commander and 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.
- C. Generally, personnel should expect to remain under intensive monitoring and supervision for at least three (3) months when an early warning flag is triggered or until the supervisor concludes that the employee's behavior has been remediated (whichever is longer).
- D. Supervisor/Employee Meeting
  - 1. All employee meetings shall be thoroughly documented via a memorandum which will automatically be forwarded to the Director or his designee. The affected employee and supervisors shall meet on a regular basis, minimally monthly, to discuss progress towards the agreed upon goals and objectives.
  - 2. All regular monthly progress/status reports shall be documented via a memorandum and forwarded to the Director, or his designee.
  - 3. An additional six (6) months of documented monitoring is required following removal from the early warning system. Monthly monitoring reports from the direct supervisor are required.
- E. Any statement made by the subject employee in connection with the Early Warning System review process may not be used against the subject employee in any disciplinary or other proceeding.

## **V. REMEDIAL/CORRECTIVE INTERVENTION**

- A. Supervisory or command personnel may initiate remedial/corrective intervention to correct behavior. Remedial/corrective intervention may include, but is not limited to:
  - 1. Training;
  - 2. Retraining;
  - 3. Counseling;
  - 4. Intensive supervision;
  - 5. Fitness for duty examination;
  - 6. Referral (voluntary or involuntary) to professional counseling, when warranted, if available.
- B. Internal disciplinary action, remedial/corrective intervention, and fitness for duty examinations are not mutually exclusive and should be jointly pursued if and when appropriate.
- C. When remedial/corrective intervention has been undertaken, the Director or designee shall ensure that such actions are documented in writing. No entry should be made in the employee's personnel file, unless the action results in a sustained investigation. If the remedial/corrective intervention is a training program, attendance and successful completion of that program should be noted in the employee's training record.

## **VI. 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.

## **VII. NOTIFICATION TO COUNTY PROSECUTOR**

- A. Upon initiation of the Early Warning System review process, the Director 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 Early Warning System review process, the Director or designee

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.

**VIII. 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.