



Policy: EARLY WARNING SYSTEM		06-2018
Subject: <i>Issuance of Early Warning System Policy</i>		
<i>Date Issued:</i>	<i>Date Effective:</i>	<i>No. Pages</i>
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Background

On March 20th, 2018, New Jersey State Attorney General, Gurbir S. Grewal, by way of Law Enforcement Directive No. 2018-3 mandated police and sheriff's agencies within this state institute an Early Warning System.

I. Purpose:

The Early Warning System (EWS) is a tool to assist Hudson County Sheriff's Office supervisors and managers in the assessment of overall employee performance, and to serve as an early warning system for employees engaged in risk activities. This policy shall serve to protect Hudson County Sheriff's Office personnel when, and if, indicators of the need for early intervention are needed before such indicators escalate into illness or life-threatening scenarios.

II. Policy:

Managing risk is an important factor in the success of an organization. Reviewing risk activities and patterns of risky behavior, as well as recognizing proper and ethical conduct is the responsibility of supervisors and managers. EWS has been developed to assist supervisors and managers in identifying both high achieving employees and those employees in need of intervention.

III. Administration:

The HCSO Internal Affairs Unit shall be assigned to monitor and track HCSO personnel for signs of negative performance indicators. If a supervisory officer in the subject officer's chain of command determines that triggering events have taken place and remedial/corrective action is necessary, he/she will notify the Internal Affairs Unit in writing as soon as practical.

When the intervention includes a referral to an outside agency (Public Employees Assistance Program law enforcement psychologist, etc.), the reason for the referral will be outlined in the employee's medical jacket maintained by the Hudson County Sheriff's Office Personnel/Hudson County Central Personnel Office. Authorized employees may access the medical jacket by contacting HCSO Personnel Management with authorization by the Hudson County Sheriff or his designee.

At a minimum, this policy shall provide that three (3) separate instances of performance indicators (listed in section IV) within any twelve- (12) month period will trigger the EWS 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.

Nothing in this policy shall prevent the Hudson County Sheriff or his designee, from determining that a lower number of performance indicators within a twelve (12) month period may trigger the EWS review process.

The EWS may also triggered by a single incident in a twelve (12) month period depending on the severity of the incident.

IV. Performance Indicators:

The EWS shall monitor different categories of officer conduct which indicate potentially escalating risk of harm to the public, to the agency, and /or the officer. The following performance indicators shall be considered when evaluating the need to trigger the use of the EWS for a subject officer. The officer's supervisor shall capture and record information in the following areas:

- Uses of force;
- Canine bites ratios;
- Number of canisters of chemical spray used by officers;
- Injuries to prisoners;
- Instances in which force is used and a subject is charged with "resisting arrest", "assault on a police officer", "disorderly conduct", or "obstruction";
- Critical firearm discharges, on and off-duty;
- Criminal proceedings initiated, civil or administrative claims filed, and all civil lawsuits served upon the County of Hudson or its officers or agents, resulting from operations or the actions of Department personnel;
- IAU complaints against the officer, whether internally or externally imitated;
- Domestic Violence investigation in which the officer is an alleged subject;
- An arrest of the officer, including DWI;
- Sexual harassment or hostile work environment claims against the officer;
- Motor Vehicle accidents involving the officer on or off duty that are formally determined to have been the fault of the officer;
- Excessive amount of minor demeanor complaints addressed by first line supervision.
- Cases or arrests by the officer that are rejected or dismissed by a court;
- Cases in which evidence obtained by the officer are suppressed, or the case dismissed;
- Insubordination by the officer;
- Neglect of duty by the officer;
- Excessive consumption of alcoholic beverages;
- Unexcused absences;
- Vehicle Pursuits;
- Any other indicators, as determined by the Hudson County Sheriff or his designee.

When used in conjunction with roll calls, training, report review, and daily interactions, supervisors will be able to use this system to assist in the evaluation of employee performance in addition to recognizing individual and group patterns which may warrant further review or intervention. It should be noted that, although EWS is designed to recognize systems of stress in HCSO personnel, it is not punitive in nature and may also serve to recognize above average HCSO personnel.

V. Supervisor Responsibilities:

Although **all HCSO Supervisors** shall be responsible for monitoring HCSO personnel in the EWS, outside of procedurally mandated monitoring by the IAU, the first line supervisor/level shall have primary monitoring responsibility. If a triggering event(s) is observed or brought to the line level supervisor's attention, he/she will document all triggering events and take necessary action steps to bring either remedial/corrective action to the officer.

Supervisory Observation - This is the initial phase of any EWS. This is accomplished in the daily tasks of first line supervisors through the observation of employees during their tour of duty and regular reviews of the activity logs and work products submitted by the employee.

Supervisory Monitoring – This is the second phase of the EWS. This is accomplished through Supervisory Observation in addition to the monitoring of specific activity, which in the supervisor's opinion, appears to be patterned behavior.

Supervisory Review - The third phase of the EWS. This is accomplished through Supervisory Observation and Supervisory Monitoring in addition to a written summary of the employee's activity.

Supervisory Intervention - This final phase of the EWS. This is accomplished through Supervisory Observation, Supervisory Monitoring, and Supervisory Review, in addition to an implemented course of action (intervention), designed to influence and prevent behaviors, which may lead to undesirable consequences. In this phase, negative triggering indicators will be documented and forwarded to IAU through the HCSO chain of command. **In cases of an emergent nature, any supervisor who determines that an employee is an immediate danger to himself/herself or others, may intervene and take action by relieving the officer from their assigned duty (with pay) and removing the officer's firearm. If practical, before the suspension of any officer, and the removal of the officer's firearm, the Hudson County Sheriff, or his designee, will be notified. Once a firearm is removed, it will be secured by the ranking on duty supervisor until such time that a member of the HCSO Internal Affairs Unit takes possession of the firearm. Once a firearm is removed from an officer, that officer will not be permitted to return to full duty until he/she successfully completes a fitness for duty exam.**

VI. Procedure:

Once an officer has displayed the requisite number of performance indicators necessary to trigger the EWS, the assigned supervisor shall initiate remedial/corrective actions to address the officer's behavior.

The assigned supervisor shall, at a minimum,

- Take corrective action as needed;
- If necessary relieve, the subject officer of his/her firearm (removal of an officer's firearm will only be done with approval of the Hudson County Sheriff or his designee);
- Document all triggering events;
- Notify IAU;
- Provide for any on site medical needs
- When necessary, relieve the officer from duty (except in the case of a life threatening triggering event, HCSO personnel will only be relieved from duty after approval of the Hudson County Sheriff or his designee).
- Once notified, the HCSO Internal Affairs Unit shall:
 - Review all triggering reports;
 - Notify the Hudson County Sheriff;
 - Formally notify the subject officer in writing;
 - Conference with the subject officer and appropriate supervisory personnel;
 - Develop and administer a remedial /corrective program;
 - Monitor the subject officer for at least four months;
 - Document and report finding to the Hudson County Sheriff or his designee;
 - **Statements 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.**
- After completion of their review of either a line supervisor's report or an Internal Affairs Unit triggering event, the Internal Affairs Unit will make recommendations for remedial/corrective actions. These actions may include, but are not limited to:
 - Training or re-training;
 - Removal of the officers firearm
 - Supervisory review;
 - Intensive Supervision
 - Counseling;
 - Fitness –for-duty examination;
 - Employee Assistance Program referral;
 - Monitoring Plan;
 - Reassignment
 - Restrictive duty;

- Discipline;
- Other, any combination of the above.

Note: although this policy is generally focused on corrective actions to remediate officer behavior and to provide assistance to the officer, nothing in this policy will prevent the Hudson County Sheriff, or his designee, from taking disciplinary action(s) that may be warranted against an officer. These actions may include, but are not limited to, agency charges, suspension, criminal charges, and possible termination.

In the event that an officer's firearm is removed, the officer will not be permitted back to duty until he/she completes and passes a fitness for duty exam, and written documentation of this exam is reviewed and approved by the Hudson County Sheriff or his designee. A copy of the positive/negative fitness for duty exam will be forwarded to the Hudson County Prosecutor's Office by the Hudson County Sheriff or his designee.

VII. Notification to Hudson County Prosecutor:

Upon initiation of the EWS review process, the Hudson County Sheriff, or his designee shall make a complete confidential written notification to the Hudson County Prosecutor's Office of the identity of the subject officer, nature of the triggering performance indicators, and the planned remedial program. Upon completion of the EWS review process, the Hudson County Sheriff, or his designee, shall make a confidential written notification to the Hudson County Prosecutor's Office of the outcome of the EWS review, including any remedial measures taken on behalf of the subject officer.

By January 1 of each year, the Hudson County Sheriff, or his designee shall submit a written report to the Hudson County Prosecutor of all EWS interventions and outcomes which have taken place in the previous year.

VIII. Notification to Subsequent Law Enforcement Employer:

If an officer who is or has been subject to an EW System review process applies to or accepts employment at a different law enforcement agency than the one where he/she underwent the EW System review process, it is the responsibility of the prior or current employing agency to notify the subsequent employing law enforcement agency of the officer's EW System review process history and outcomes. Upon request, the prior or current employing agency shall share the officer's EW System review process files with the subsequent employing agency.

VIX. Public Accessibility and Confidentiality:

Upon the approval of the Hudson County Sheriff, or his designee and consistent with AG Directive 2018-3, the aforementioned policy and procedure shall be made available to the public upon request and shall be posted on the Hudson County Sheriff's Office website.

All written reports created or submitted pursuant to this directive identifying specific officers are confidential and not subject to public disclosure. Any member of the Hudson County Sheriff's Office who discloses the name of officers participating in the EWS are subject to disciplinary action up to, and including, termination.

All members of the Hudson County Sheriff's Office will take cognizance of the above policy and comply with same.

FRANK X. SCHILLARI

SHERIFF