

MARLBORO TOWNSHIP POLICE

SAFETY through *SERVICE*

Since 1968

DEPARTMENTAL POLICIES AND PROCEDURES

Location CHAPTER 10	Reference PRODECURE	Special Instructions NEW POLICY	ACCDT # 35.1.9
Subject PERSONNEL EARLY WARNING SYSTEM (PEWS)/MONITORING	Number PAD074	Distribution ALL PERSONNEL	
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I. PURPOSE

The purpose of this policy is to establish guidelines to assist with the early identification of potential problem members/employees and to reference other office policies and procedures that must also be utilized to effectively carry out this process. The employee early warning process is a consolidated review process of various reports and information generated from policies and procedures already in place. This policy also serves to illustrate the methods by which the personnel early warning system program will be organized and administered.

This policy compliments PAD 073 Officer Substance Abuse Policy, PAD104- Supervisor's Guide to EAP (Employee Assistance Program) and PROS031 Monmouth County Uniform Policy Early Warning System.

II. POLICY

The Marlboro Township Police Department recognizes that a comprehensive Personnel Early Warning System (PEWS) is an essential component of good discipline in a well-managed law enforcement agency. Additionally, the active participation of first and second level supervisors is expected, as this is crucial to the process's success. This process has been designated and implemented toward achieving the goals of increasing department accountability and offering members and employees a better opportunity to meet the agency's mission.

III. DEFINITIONS

- A. **Counselor** - For the purpose of this policy, a counselor may be:
 - 1. A licensed psychologist or psychiatrist.
 - 2. A peer counselor.
 - 3. A police chaplain.
 - 4. A physician.
- B. **Employee or Member** – Police Officer
- C. **Personnel Early Warning System (PEWS)** – A time sensitive system designed to effectively organize critical performance and evaluation data in a format conducive to

promptly identify early indicators of certain performance and/or stress related problems and to facilitate any necessary or appropriate follow-up activities.

IV. PROCEDURE

A. Reporting and Filing Requirements

1. Supervisors are responsible for reporting on all aspects of their subordinate's conduct and behavior. These reports shall include conduct that is both commendatory and problematic. *All conduct and behavior reports shall be submitted to the Internal Affairs Officer (AKA: Coordinator) for an employee whose actions are being reported.*
 - (a) Supervisors may initiate a PEWS review based on a single "significant" event or based on an on-going pattern(s) of identified behavior(s). Section E, 1 and 2 will act as a guide for areas of evaluation.
2. As part of the Department's ongoing evaluation of its employees, supervisors shall continually monitor the actions and behaviors of all employees under their direction. Emphasis should be placed on anticipating employee problems before it results in improper performance or conduct.
3. Personnel assigned to manage the early warning system shall conduct a manual or computerized audit of its agencies records to determine if an employee has the emergence of a pattern, practices or trend of inappropriate behavior or misconduct. In addition to the regular data audit the internal affairs unit shall audit an individual employee's history any time and new complaint is received.
 - (a) Using this information and their experience, the internal affairs unit may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the early warning system data audit.
 - (b) If the audit indicates the emergence of a pattern, practices, or trend of inappropriate behavior or misconduct personnel assigned to manage the early warning system shall consult with the employee's immediate supervisor.
4. Personnel assigned to the early warning system and the employee's supervisor shall review the information provided by the early warning system along with any other relevant information from agency records for the purpose of initiating a course of intervention designed to correct/interrupt the emerging pattern, practice or trend.
 - (a) If the audit indicates that the early warning system has returned an incorrect identification or "false positive", that conclusion should be documented.
 - (b) If the audit reveals that an employee has violated agency rules and regulations or written directives, the supervisor in consultation with the internal affairs unit should proceed with an internal investigation and possible disciplinary action.
 - (c) If the audit reveals that the employee has engaged in conduct, which indicates a lack of understanding or inability to comply with accepted procedures, supervisor shall consult with personnel assigned to manage the early warning system to determine the appropriate course of remedial/corrective intervention.
5. Reports or forms containing information on selected types of pertinent incidents shall be entered into the Personnel Early Warning System (PEWS) Officer file that will be maintained by the Coordinator until completion of the review. These reports may be in the form of performance evaluations, internal investigations, memoranda, case reports, and other departmental reports or forms.
6. The Chief of Police shall maintain and control all records of completed PEWS within the officer's personnel file.

B. PEWS Components

1. The agency has an early warning system program to provide systematic reviews of specific, significant events involving agency employees. The system will have the following components:
 - (a) A provision to initiate a review based on current patterns of collected material;
 - (b) Reporting requirements of conduct and behavior;
 - (c) Documented Annual evaluation of the system;
 - (d) Identification of the role of first and second level supervision;
 - (e) Remedial action and, some type of employee assistance such as a formal Employee Assistance Program, peer counseling
2. The early warning system program is designed to identify critical performance indicators, patterns or trends and evaluate the data in a manner that is constructive to the employee and the agency. This program will assist supervisors and managers in highlighting behaviors that may be otherwise overlooked.
3. *The Internal Affairs Officer shall serve as the Coordinator for the program.* The Coordinator shall be responsible for conducting periodic reviews of required agency records as outlined in F, 1. The Coordinator shall have access to these reports through the normal course of work.

C. Supervisors

1. An employee's first line supervisor is usually the first member of the agency to encounter and document specific incident that affect an employee's performance. It is essential for the supervisor to speak with the employee, document the incidents and report findings to the appropriate unit/squad/division commander and if warranted, the internal affairs unit. The success of this program relies heavily on the first line supervisor's participation and involvement.
2. If a supervisor has initiated remedial/corrective intervention; personnel assigned to the early warning system shall be formally notified of such efforts. This information shall be documented and appropriate copy forwarded to the internal affairs unit for filing. No entry should be made in the employees formal personnel file, unless the action results in disciplinary/corrective action.
3. If the remedial/corrective intervention was training, documentation shall be filed in accordance with the agency's written directives governing training (remedial training).
4. Supervisors shall forward all documentation as required by agency written directives established to assist in a comprehensive audit. This data shall minimally include: use of force reports, vehicle pursuit reports, and attendance records.

D. Responsibilities

1. The following components are identified as having specific responsibilities for ensuring the PEWS process is followed;
2. The officer's supervisor will notify via email memorandum the Platoon Commander when an officer receives a job performance rating as defined in E, 1 and 2.
3. The Platoon Commander shall maintain a file on any/all officer job performance Memorandum to include any/all files relating to the criteria in E, 1 and 2. The Platoon Commander will notify the Coordinator when an officer's triggers criteria in E, 1 and 2 and surrender all documentation to the Coordinator.

E. Triggers and Initiation Procedure

1. The following *triggers/criteria* will result in an officer PEWS tracking memorandum being initiated by a Platoon Commander or in his/her absence or urgency a supervisor and forwarded to the Coordinator.
 - (a) Two sustained complaints within 12 months, or;

- (b) Three or more complaints, regardless of disposition within 12 months, or;
 - (c) Any use of force report which is found to be improper conduct, or;
 - (d) Any vehicle pursuit which is found to be in violation of policy, or;
 - (e) Two formal disciplinary actions within 12 months, or;
 - (f) An employee job performance evaluation, which rates the employee as below a #2 rating (unsatisfactory) in two or more categories.
 - (g) Or on a single “significant” event or based on an on-going pattern(s) of identified behavior(s). Section E will act as a guide for areas of evaluation.
2. Materials to be evaluated on an ongoing basis to determine whether to initiate a PEWS review include but are not limited to:
 - (a) Agency Performance Evaluations
 - (b) Citizen Complaints
 - (c) Disciplinary actions
 - (d) Use of Force incidents, including use of less lethal force
 - (e) Internal Affairs Investigations (regardless of outcome)
 - (f) Supervisory/Employee reports and memorandums
 - (g) Traffic accidents
 - (h) Workmen’s compensation claims
 - (i) Motor Vehicle Pursuits
 - (j) Absenteeism
 - (k) Tardiness
 - (l) Sick usage/officer injury (temp. disability)
 - (m) Assault on Officer.
 - (n) Civil Litigation (regardless of outcome)
 - (o) Warrantless search data
 - (p) Firearms discharges
 - (q) Instances of resisting arrest
 - (r) Arrests or additional charges for assault on a law enforcement officer
 - (s) Criminal investigations or complaints made against the employee
 - (t) Domestic Violence investigations (as an alleged actor)
 - (u) Off-Duty Contact with Law Enforcement agencies as a result of personal conduct
 - (v) Cases rejected or dismissed by a court
 - (w) Evidence suppressed by a court
 3. When an officer triggers the PEWS, the Coordinator shall conduct a documented meeting/counseling session with the officer within seven (7) days of receiving the notice. In addition, the officer’s supervisor and Section Commander shall be involved in the meeting. If extenuating circumstances present themselves during the seven day period, approval of an extension should be signed by the Operations Captain stating why the extension is needed.
 4. Employee PEWS program meetings/counseling session will be conducted to inform the employee that they have been identified for follow-up in the program, purpose of the meeting, and that these meeting are to be facilitative and non-disciplinary in nature.
 5. *The Coordinator* will forward a report within 15 days of identifying targeted indicators to the Chief of Police. The report shall contain the identity of the officer, the date of events and a brief description of the incident.
 6. The PEWS program meetings will result in options or course of actions being determined and established by the Chief of police with input from the *Coordinator, and any other Section Commander or supervisor involved*. Options or course of action include, but not limited to:

- (a) No additional action;
 - (b) Informal counseling and monitoring by employees' rater;
 - (c) Peer counseling;
 - (d) Formal counseling or corrective actions as appropriate;
 - (e) Performance Improvement Plan with reviews and reports;
 - (f) Fitness for duty examination;
 - (g) Visit to the department's health care professional;
 - (h) Mandatory remedial or additional training designed to improve employees' skill;
 - (i) Voluntary or mandatory referral to the department's mental health professional;
 - (j) Employee assistance program referral, when warranted and if available;
 - (k) Intense supervision;
7. Internal disciplinary action, remedial/corrective intervention, and fitness for duty examinations are not mutually exclusive and should be jointly pursued if and when appropriate.
 8. When remedial/corrective intervention has been undertaken, the Chief or Coordinator shall ensure that such actions are documented in writing. No entry should be made in the employees formal personnel file, unless the action results in a sustained internal affairs investigation. If the remedial/corrective intervention is a training program, attendance and successful completion of the program should be noted in the employees training record.
 9. The Coordinator, Section Commander or supervisor conducting the meeting shall document the counseling session using an email Memorandum addressed to the Chief or his/her designee through the Chain of Command, with a copy sent to the employee. Additionally, a copy shall be placed in the employee's personnel file, located in the Chief's office. This Memorandum shall include:
 - (a) The criteria used to trigger the Early Warning System, and the date of the counseling session.
 - (b) The status of personnel complaints presently under investigation.
 - (c) A summary of personnel complaints already completed.
 - (d) A summary of use of force, vehicle pursuits, unsatisfactory job performance ratings received by the Administrative Services Bureau.
 - (e) The details of any formal disciplinary action within the past 12 months.
 - (f) A summary of the employee's response during the meeting.
 - (g) Specific recommendations for improved performance and/or future actions.
 10. These reports have the same confidential status as internal affairs documents and are subject to the same disclosure and retention regulations and guidelines.
- F. Annual review
1. All Monmouth County law enforcement agencies are required to review its early warning system on an annual basis during the month of January. The Chief/designee shall provide a letter to the Monmouth County prosecutor's office documenting proof of such review the review shall include, but not limited, to the following:
 - (a) Number of audits conducted;
 - (b) Number of employees flagged;
 - (c) Number of instances where remedial/corrective action was taken;
 - (d) Number of internal affairs case is open as result of early warning system;
 - (e) Changes in number of internal affairs complaints with reference to flagged indicators and whether they have increased/decrease;
 - (f) Number of notifications made to the Monmouth County prosecutor's office.

G. Job Security and Confidentiality

1. All communication between a counselor and an employee will be considered privileged by the department except:
 - (a) Matters which involve violations of the law.
 - (b) There is an indication that the employee presents an immediate physical danger to himself/herself or others.
 - (c) In the event of such occurrences, the chief of police shall be notified, or action taken to ensure the protection of those concerned and the welfare of the department.
2. Job security and promotional opportunities shall not be jeopardized by an employee's participation in psychological counseling services. However, failure to correct deficiencies in job performance may eliminate promotional consideration or jeopardize continued employment.

H. Appeal

1. Employees, who disagree with the results of PEWS, may file a grievance with the Chief of Police following their collective bargaining unit's grievance procedure.

I. Program Evaluation

1. The PEWS program will be continuously evaluated by the Coordinator and Administration to determine the programs effectiveness and propose any necessary changes.

By order of: _____

Bruce E. Hall
Chief of Police