



General Order 2018-01	
Title:	Early Warning System
Date Effective:	May 15, 2018
Review Date:	
Revised Date:	

Obligation To Review Policy and Seek Assistance As Needed

It is the policy of the Northfield Police Department that all officers and applicable employees will thoroughly review and fully familiarize himself/herself with the attached policy and will adhere to the procedures as described in this policy. Any employee shall request assistance from their supervisor if they should be in need of further explanation or training regarding this policy

Contingencies and Unforeseen Circumstances

Officers are occasionally confronted with situations where no written guideline exists and supervisor advice is not readily available. As it would be impossible to address all possible situations with written guidelines, considerable discretion is given to the officer handling the situation. Faced with the need to make decisions or take an action where no guidelines exist, officers should rely on their experience and training, and the following resources:

1. Attorney General guidelines, memorandums, and directives
2. Departmental SOP's, General Order, Special Orders, Personnel Orders, Department Memos, Instructional Material
3. New Jersey Title 39 and 2C
4. Current Search and Seizure directives

PURPOSE

It is the policy of the Northfield Police Department that it will adopt and comply with New Jersey Attorney General Law Enforcement Directive No. 2018-03, Statewide Mandatory Early Warning Systems by amending their current "Early Warning Systems" policy and procedures to ensure compliance.

All Atlantic County law enforcement agencies were required to adopt an Early Warning System (EWS) in 2013 pursuant to PD-0006-91 Internal Affairs Complaints Case Reporting. On March 20, 2018, the N.J. Attorney General issued Law Enforcement Directive No. 2018-03 (AX-01259-18) requiring all law enforcement agencies in the state to adopt an Early Warning System.

POLICY

I. Early Warning System Performance Indicators

1. An EW 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 included in the Northfield Police Department EW 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; *I*
- 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.

2. In accordance with letter "d" above, the Northfield Police Department will administratively review all use of force incidents to determine whether the use of force was appropriate, or whether policy, training, equipment or disciplinary issues need to be addressed.

1. If EW System notification to the officer could jeopardize an ongoing criminal investigation, the County Prosecutor may in his or her discretion permit delayed notification to the officer or delayed initiation of the EW System review process.

3. In accordance with letter “h” above, the Northfield Police Department will administratively review each officer involved motor vehicle crash to determine if the crash was the fault of the officer and whether policy, training, equipment or disciplinary issues need to be addressed.

4. In accordance with letters “j” and “k” above, the intent of this indicator is to cause an entry into the EWS where an officer’s lack of candor or misleading testimony results in a court’s suppression of evidence or rejection of the case. All officers should be aware that cases that rise to this level, may lead to a formal internal affairs investigation. Court records will be monitored by the agency at the municipal level and by the Atlantic County Prosecutor’s Office at the superior court level.

5. In accordance with letter “n” above, unexcused absences by an officer are to be entered into the EWS. The intent of this performance indicator is to cause an entry into agency’s EWS where there exists a pattern of unexcused absences as defined by Northfield Police Department Rules and Regulations. This shall also include, for purposes of the EW System, a pattern of violations of rules and regulations and/or the prevailing collective bargaining agreement as they relate to sick leave.

II. Initiation of Early Warning Process

1. The Northfield Police Department EW System policy provides that three separate instances of performance indicators (as listed in Section I, above) within any twelve-month period will trigger the EW 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.

III. Administration and Tracking

1. The Northfield Police Department EW System will be administered by the agency's internal affairs unit. The following records shall be used to enable the department to identify officers who display the requisite number of performance indicators necessary to trigger the EW System review process.

- a. Internal Affairs Records;
- b. Attendance Records;
- c. Court Records;
- d. Police Records

2. The Internal Affairs Officer shall audit the agency's tracking system and records to assess the accuracy and efficacy of the tracking system on a semi-annual basis at a minimum.

IV. Remedial/Corrective Action

1. Once an officer has displayed the requisite number of performance indicators necessary to trigger the EW System review process (as set forth in Section I, above) the Internal Affairs Officer shall initiate remedial action to address the officer's behavior.

2. When an EW System review process is initiated, the Internal Affairs Officer should
- a. Formally notify the subject officer, in writing;
 - b. Conference with the subject officer and other appropriate supervisory personnel;
 - c. Develop and administer a remedial program including the appropriate remedial/corrective actions listed below;
 - d. 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);
 - e. Document and report findings to the appropriate supervisory personnel and, if warranted, the internal affairs unit. 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.

3. Remedial/Corrective Action

1. Remedial and/or corrective action may include but is not limited to the following:

- a. Training or re-training;
- b. Counseling;
- c. Intensive supervision;
- d. Fitness-for-duty examination;
- e. Employee Assistance Program (EAP) referral; and
- f. Any other appropriate remedial or corrective action. 2

V. Notification to Subsequent Law Enforcement Employer

1. If any officer who is or has been subject to an EW System review process applies to or accepts employment at a different law enforcement agency other than the one where he or she underwent the EW 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 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.

2 This Directive, and EW Systems generally, are focused on corrective actions to remediate officer behavior and to provide assistance to the officer. This Directive, and EW Systems generally, do not address disciplinary actions that might be warranted against an officer. Such disciplinary actions — to include the decision to suspend, terminate or, if applicable, charge an officer with criminal conduct — remain within the purview of the agency's internal affairs function, and may be imposed in accordance with existing internal affairs guidelines and applicable law, separate from and independent of the EW System.

VI. Notification to County Prosecutor

1. Upon initiation of the EW System review process, the agency's chief executive 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 EW System review process, the agency's chief executive 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

VII. Annual Report to Attorney General

1. By January 31st of each year, each County Prosecutor shall submit a report to the Attorney General, through the Division of Criminal Justice's Prosecutors' Supervision and Training Bureau. This summary shall include a statement indicating those agencies under the County Prosecutor's supervision that are in compliance with this Directive and those that are not.

VIII. Public Accessibility and Confidentiality

1. All EW System policies adopted by law enforcement agencies shall be made available to the public upon request and shall be posted on the agency's website.

2. Annual reports from the County Prosecutors to the Attorney General (as required by Section VII.I, above) also shall be made available to the public upon request and shall be posted on the agency's website.

3. All written reports created or submitted pursuant to this Directive that identify specific officers are confidential and not subject to public disclosure.

By Order Of:



Paul S. Newman
Chief of Police