


OFFICE OF THE SHERIFF – COUNTY OF BURLINGTON			
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SUBJECT: EARLY WARNING SYSTEM			
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BY THE ORDER OF: Sheriff James H. Kostoplis			
SUPERSEDES ORDER #:			

PURPOSE An Early Warning/Intervention System (EWS) is an important management tool designed to detect patterns and trends in police conduct before that conduct escalates. An effective EWS can assist a law enforcement agency in identifying and remediating problematic officer conduct that poses a potential risk to the public, to the agency, and to the officer. EWS, therefore, serve to not only increase public safety and public confidence in law enforcement, but also to assist officers through early intervention.

POLICY It is the policy of the Burlington County Sheriff’s Office to identify and remediate unwanted officer behavior as early as possible. To that end, the Sheriff’s Office’s early intervention protocol is an important management tool designed to detect patterns of conduct that pose a potential risk to the public, to this Office, and/or to the sworn officer.

Note: Discipline remains within the purview of the department’s internal affairs function, and may be imposed in accordance with existing internal affairs guidelines and applicable law, separate from and independent of this written directive.

PROCEDURE

I. EARLY INTERVENTION SYSTEM

- A. The Early Intervention System, also referred to as the Early Warning System. is designed to detect patterns and trends before the conduct escalates into more serious problems. As such, employees must understand that the early warning system is not identical to the disciplinary process. Although it is possible that 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.
1. There are three processes to the early warning system, and they are:
 - a. Identification Process - The process of identification of an employee who has triggered the requisite number of flags.
 - b. Review Process - The process of reviewing the data to determine if monitoring of employee is necessary. Not all reviews necessitate the initiation of the monitoring process.
 - c. Monitoring Process - The process of monitoring behavior based upon the review process warranting further monitoring of the employee.
- B. 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;
 2. Civil actions filed against the employee;
 3. Criminal investigations or criminal complaints against an employee;
 4. 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;
 5. Domestic violence investigations in which the employee is involved;
 6. An arrest of the employee, including on a driving under the influence charge;
 7. Sexual harassment claims against an employee;
 8. Vehicular collisions involving the officer that are formally determined to have been the fault of the officer;
 9. A positive drug test by the employee;
 10. Cases or arrests by the officer that are rejected or dismissed by a court;
 11. Cases in which evidence obtained by an officer is suppressed by a court;
 12. Insubordination by the employee;
 13. Neglect of duty by the employee;
 14. Unexcused absences by the employee;
 15. Any allegation of child abuse/neglect in which the employee is an alleged subject.
 16. Any other indicators, as determined by the Sheriff.
- C. Generally, three (3) instances of questionable conduct or performance indicators (as listed in section B, above) within a 12-month period would initiate the early warning system process.

- D. 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.
- E. Any allegation of domestic violence in which the employee is involved, or any allegation of child abuse/neglect in which the employee is an alleged subject will initiate the early warning system process.
- F. Early Warning Review
 - 1. The early warning review process is primarily the responsibility of the Internal Affairs Unit, but any supervisor may initiate the early warning review process based upon his/her own observations. Emphasis should be placed on anticipating employee problems before it results in improper performance or conduct.
 - 2. The Internal Affairs Unit shall recognize if an employee has the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, by conducting periodic review of records.
 - 3. If the emergence of a pattern, practices or trend of inappropriate behavior, or misconduct is observed the Internal Affairs Unit Supervisor shall consult with the employee's supervisor and/or commander.
 - 4. The Internal Affairs Unit Supervisor and the employee's supervisor and/or commander shall review the information provided by the Internal Affairs Unit 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.
- G. Reporting
 - 1. At Least every six (6) months, internal affairs personnel shall audit the agency's tracking system and records to assess the accuracy and efficacy of the tracking system.
 - 2. Internal Affairs shall complete a comprehensive evaluation of the "Early Intervention System" annually, to evaluate its efficacy and regulatory compliance.
 - 3. Both reports shall be submitted in writing to the Sheriff or designee.
- H. Supervisors
 - 1. 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
 - 2. If a supervisor has initiated remedial/corrective intervention, Internal Affairs shall be formally notified of such efforts. The incident narrative placed on a report or counseling form shall serve as adequate documentation.
- I. Command Personnel
 - 1. The commander(s) 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 even before such is indicated by the Early Intervention System.

2. When under early warning system monitoring, the supervisor shall meet with the employee and to discuss the situation in depth to accomplish the following and thoroughly document the substance of these meetings with counseling statements. The supervisor will forward any reports to internal affairs for record keeping.
 - a. Identify problems or potential problems;
 - b. Determine short and long-term goals for improvement;
 - c. Come to a consensus commitment on a plan for long-term improved performance;
 - d. Advise of the monitoring process and the repercussions of future sustained transgressions.
3. 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).
4. Employee Performance Review Meetings
 - a. All employee Performance Review meetings shall be thoroughly documented and forwarded to the Sheriff, designee and the Internal Affairs Officer. The affected employee and supervisors shall meet on a regular basis, minimally monthly, to discuss progress towards the agreed upon goals and objectives.
 - b. All regular monthly progress/status reports shall be submitted to the Sheriff, designee, and Internal Affairs
5. Any statement made by the officer in connection with the early warning system review process may not be used against them in any disciplinary or other proceeding.

J. Remedial/Corrective Intervention

1. Supervisory or command personnel may initiate remedial/corrective intervention to correct behavior. Remedial/corrective intervention may include, but is not limited to:
 - a. Training;
 - b. Retraining;
 - c. Counseling;
 - d. Intensive supervision;
 - e. Fitness for duty examination;
 - f. Employee Assistance Program, or professional counseling referral, when warranted;
 - g. Peer counseling.
2. Internal disciplinary action, remedial/corrective intervention, and fitness for duty examinations are not mutually exclusive and should be jointly pursued if and when appropriate.

II. 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, so long as an execution of a release of information is supplied.

III. NOTIFICATION TO COUNTY PROSECUTOR & ATTORNEY GENERAL

- A. Upon initiation of the Early Warning System review process, the Sheriff or a designee shall make a confidential written notification to the County Prosecutor. The notice shall identify 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 Sheriff 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.
- B. The Burlington County Prosecutor's Office Chief of Detectives shall submit an annual report to the Attorney General, through the division of Criminal Justice's Prosecutor's Supervision and Training Bureau, identifying those agencies within Burlington County that are in compliance with the Attorney General Law Enforcement Directive 2018-3.

IV. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY

- A. This policy shall be made available to the public upon request and shall be posted on the Sheriff's Office website. Annual reports shall be made available to the public upon request and shall be posted on the Sheriff's Office website.
- B. All written reports created or submitted pursuant to this policy that identify specific sworn officers are confidential and not subject to public disclosure.
- C. The contents of an Early Warning System review will be retained separate from an Internal Affairs Investigations file.