

# **The Oaklyn Police Department uses an early warning system to identify and remediate problematic officer's conduct**

## **V. EARLY WARNING SYSTEM**

An Early Warning System ("EW System") is an important management tool designed to detect patterns and trends in police conduct before that conduct escalates. An effective EW System 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. EW Systems, therefore, serve to not only increase public safety and public confidence in law enforcement, but also to assist officers through early intervention.

- A. This agency has established a protocol to monitor and track the conduct of each individual officer. This log will be maintained by the officer assigned to the Internal Affairs function and document each officers' complaints.
- B. Selection of Performance Indicators, an EW System may monitor 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 are included in our EW System.
  - 1. Internal affairs complaints against the officer, whether initiated by another officer or by a member of the public.
  - 2. Civil actions filed against an officer.
  - 3. Criminal investigations of or criminal complaints against an officer.
  - 4. Any use of force by an 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 officer is an alleged subject.
  - 6. An arrest of the officer, including on a driving under the influence charge.
  - 7. Sexual harassment claims against an officer
  - 8. Vehicular collisions involving an officer that are formally determined to have been the fault of the officer.
  - 9. A positive drug test by an officer.
  - 10. Cases or arrests by an 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 officer.
13. Neglect of duty by the officer
14. Unexcused absences by an officer
15. Any other indicators as determined by the chief of Police.

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.

#### C. Initiation of Early Warning Process

When there have been three separate instances of performance indicators (as listed in Section B, above) within any twelve-month period the Internal Affairs Officer 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. The agency's chief of police may in his or her discretion determine that a lower number of performance indicators within a twelve-month period (i.e., one or two performance indicators) will trigger the EW System review process.

#### D. Administration and Tracking

The Internal Affairs Officer will conduct the EW System function. A sergeant in charge of the subject officer's squad will be directly involved in any EW System review process.

#### E. Remedial/Corrective Action

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

When an EW System review process is initiated, personnel assigned to oversee the EW System should (1) formally notify the subject officer, in writing; (2) conference with the subject officer and appropriate supervisory personnel; (3) develop and administer a remedial program including the appropriate remedial/corrective actions listed below; (4) 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); (5) 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.

Remedial/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.

#### F. Notification to Subsequent Law Enforcement Employer

If any officer who is or has been subject to the EW System review process applies to or accepts employment at a different law enforcement agency it is our responsibility to notify the subsequent employing law enforcement agency of the officer's EW System review process history and outcomes. Upon request, we will share the officer's EW System review process files with the subsequent employing agency.

#### G. Notification to County Prosecutor

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.

#### H. Public Accessibility and Confidentiality

This policy will be posted on the Oaklyn Police Department website and will be made available to the public upon request.

County Prosecutors and Attorney Generals reports will be made available to the public upon request and will be posted on the Oaklyn Police Department website.

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