



# TRENTON POLICE DEPARTMENT GENERAL ORDER



## EARLY WARNING SYSTEM

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**EFFECTIVE DATE:**  
February 5, 2020

**ACCREDITATION STANDARDS:**

**BY AUTHORITY OF:**  
Police Director Sheilah A. Coley

**SUPERSEDES:**  
This order supersedes the tenants of any previously issued order which may be in conflict

I. Purpose:

The purpose of this general order is to establish a personnel early warning system, which is consistent with Attorney General Law Enforcement Directive 2018-3, regarding Early Warning Systems.

II. Policy:

It is the policy of this department to implement and utilize IA Pro software as an early warning system for tracking and reviewing incidents of risk and provide timely intervention, all consistent with Attorney General Law Enforcement Directive 2018-3, regarding Early Warning Systems.

III. Procedure:

A. Early Warning System

1. The early warning (EW) 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 may be related to, but is distinct from 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 the 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.

2. Many different measures of employee performance (actions or behavior) can be regularly examined for patterns or practices which indicate potentially escalating risk of harm to the public, the agency, and/or the officer. These performance measures include, but are not limited to, the following documented indicators:
  - 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;\*
  - 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. Sustained violation of sick policy;
  - o. Unexcused absences by the officer; and
  - p. Any other indicators, as determined by the agency's chief executive.

\*NOTE: 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. It is imperative that the supervisor, or appropriate command level officer, make notification to the Internal Affairs unit through the chain of command via administrative reporting upon learning that one of the above triggers has been met.
4. Three separate instances of performance indicators (as listed in Section 2, 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. The Police Director may in their 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.

#### B. Administration of Early Warning System

1. The early warning system is primarily the responsibility of the Internal Affairs Unit; but, any supervisor may initiate the early warning process upon their own observations. Emphasis should be placed on anticipating employee problems before it results in improper performance or conduct.
2. Internal Affairs shall be alerted by the IA Pro software if an employee has the emergence of a pattern, practices or trends of inappropriate behavior or misconduct. In addition, Internal Affairs shall query the IA Pro software and review an individual employee's history at any time a new complaint is received.
3. Using this information and their experience, Internal Affairs may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the IA Pro software.
4. If the IA Pro system indicates the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, Internal Affairs shall, when appropriate, consult with the employee's supervisor and/or bureau commander.
5. Internal Affairs and, when appropriate, the employee's supervisor and/or bureau or section 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.

6. If an employee has violated department rules and regulations or general orders, the supervisor in consultation with the Internal Affairs officer should proceed with an internal investigation and possible disciplinary action.
7. If an employee has engaged in conduct which indicates a lack of understanding or inability to comply with accepted procedures, the Internal Affairs unit shall consult with the supervisor to determine the appropriate course of remedial/corrective intervention.
8. At least every six months, Internal Affairs shall audit the agency's tracking system and records to assess the accuracy and efficacy of the tracking system.
9. Upon initiation of the EW System review process, Internal Affairs 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.
10. Upon completion of the EW System review process, Internal Affairs 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.

#### C. Remedial/Corrective Action

1. When it has been determined that an officer has displayed the requisite number of performance indicators necessary to trigger the EW System review process (as set forth in Section III.B, above) assigned supervisory personnel shall initiate remedial action to address the officer's behavior.
2. When an EW System review process is initiated, Internal Affairs should:
  - a. Formally notify the subject officer, in writing;
  - b. Conference with the subject officer and appropriate supervisory personnel;
  - c. Identify problems or potential problems
  - d. Determine short and long-term goals for improvement
  - e. Come to a consensus commitment on a plan for long-term improved performance
  - f. Advise of the monitoring process and the repercussions of future sustained transgressions



- g. Develop and administer a remedial program including the appropriate remedial/corrective actions listed below;
- h. 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);
- i. The assigned supervisor monitoring the subject officer shall document and report findings to the internal affairs unit.

NOTE: 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 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.
- 4. Internal disciplinary action, remedial/corrective intervention, and fitness for duty examinations ensure that such actions are not mutually exclusive and should be jointly pursued if and when appropriate.
- 5. When remedial/corrective intervention has been undertaken, the Police Director, or designee, shall ensure that such actions are documented in writing. No entry should be made in the employee's personnel file, unless the action results in a sustained investigation. If the remedial/corrective intervention is a training program, attendance and successful completion of that program should be noted in the employee's training record.
- 6. All reports shall be forwarded to the Police Director for review. These reports have the same confidential status as internal affairs documents and are subject to the same disclosure and retention regulations and guidelines.
- 7. This policy and EW Systems generally, are focused on corrective actions to remediate officer behavior and to provide assistance to the officer. This policy 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.

#### D. 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 bureau commander and the Internal Affairs unit. The success of this program relies heavily on the first line supervisor's participation and involvement.
2. It is imperative that the supervisor, or appropriate command level officer, make notification to the Internal Affairs Unit upon learning that one of the above triggers in section III.A.2 above has been met.
3. If a supervisor has initiated remedial/corrective intervention, the Internal Affairs Unit shall be formally notified of such efforts via administrative reporting through the chain of command. The incident entry and narrative placed in the IA Pro software may serve as adequate documentation.
4. Bureau commanders shall periodically review an individual employee's history with Internal Affairs. Using this information and their experience, the bureau commander may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the IA Pro software.

#### E. 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 it is the responsibility of Internal Affairs to notify the subsequent employing law enforcement agency of the officer's EW System review process history and outcomes.
2. Upon request, this agency shall share the officer's EW System review process files with the subsequent employing agency.

#### F. Public Accessibility and Confidentiality

1. This EW System policy shall be made available to the public upon request and shall be posted on the agency's website.



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

G. Training

1. This order shall be the subject of roll call training instruction by every command between February 6, 2020 and March 1, 2020.
2. Supervisors are responsible for insuring that personnel under their command have received and understand the tenets of this order.

By Order of:

  
Sheilah A. Coley  
Police Director