

MAPLEWOOD POLICE DEPARTMENT STANDARD OPERATING PROCEDURE		
SUBJECT: EARLY INTERVENTION SYSTEM		
EFFECTIVE DATE: 02/12/2025	NUMBER OF PAGES: 7	
ACCREDITATION STANDARDS: 2.2.3	BY THE ORDER OF: CHIEF OF POLICE	

PURPOSE: The purpose of this written directive is to establish an Early Intervention System.

POLICY: It is the policy of this department to implement and utilize an Early Intervention System for maintaining, retrieving, and analyzing information regarding the performance of employees. The system will identify, reward, and promote professionalism, civil rights, integrity, best practices, as well as identify, intervene, and remediate potentially problematic behavior allowing for timely intervention consistent with the risk management procedures promulgated by the New Jersey Attorney General's Law Enforcement Directive No. 2018-3.

PROCEDURE:

I. EARLY INTERVENTION SYSTEM

- A. The Early Intervention System is designed to detect patterns and trends before the conduct escalates into more serious problems. As such, employees must understand that the Early Intervention System is not discipline. 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 Intervention System is to address potential poor performance through the use of appropriate management and supervisory strategies before discipline is warranted.
1. There are three processes to the Early Intervention 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 shall include, but are not limited to, the following documented indicators:
1. Internal complaints, whether initiated by another employee or by a member of the public and regardless of outcome (***Two (2) or more in a twelve (12) month period***);
 2. Civil actions filed against an officer, regardless of outcome (***One (1) or more in a twelve (12) month period***);
 3. Criminal investigations or complaints made against an employee;
 4. Any use of force by an officer that is formally determined or adjudicated to have been excessive, unjustified or unreasonable (***Three (3) or more in a twelve (12) month period***);
 5. Domestic violence investigations in which the employee is an alleged subject;
 6. Duty related injuries (***Two (2) or more in a twelve (12) month period***);
 7. An arrest of an employee, including on a driving under the influence charge;
 8. Sexual harassment claims against an employee;

9. Vehicular collisions involving an officer that is formally determined to have been the fault of the officer (**Three (3) or more in a twelve (12) month period**);
 10. A positive drug test by an officer;
 11. Cases or arrests by the officer that are rejected or dismissed by a prosecutor or judge during the review period will be assessed with the Prosecutor and Court Administrator for cause;
 12. Cases in which evidence obtained by an officer that is suppressed by a prosecutor or judge during the review period will be assessed with the Prosecutor and Court Administrator for cause;
 13. Court cases with a finding of not guilty by a judge during the review period will be assessed with the Prosecutor and Court Administrator for cause;
 14. Insubordination by the employee;
 15. Neglect of duty by the employee;
 16. Unexcused absences or sick time abuse;
 17. Violation of vehicle pursuit policy (**One (1) or more in twelve (12) months**);
 18. Any other indicators, as determined by the Chief of Police.
- C. Unless indicated above, three (3) instances of questionable conduct or performance indicators (as listed in section B, above) within a 12-month period would initiate the Early Intervention System Identification 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. Early Intervention Review
1. The Early Intervention System Review Process is primarily the responsibility of the Internal Affairs Unit, but any supervisor may initiate the early intervention 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. If the Early Intervention System indicates the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, the Internal Affairs Unit Commander shall consult with the employee's supervisor and/or commander.
 3. When an Early Intervention System review process is initiated, the Internal Affairs Unit Commander shall:
 - a. Formally notify the employee in writing;
 - b. Conference with the employee and their immediate supervisor;

- c. Develop and administer a remedial program, if not a false positive;
- 4. The Internal Affairs Unit Commander 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.
 - a. If the Early Intervention System has returned an incorrect identification or "false positive," that conclusion should be documented.
 - b. If the Early Intervention System reveals that an employee may have engaged in misconduct in violation of the department rules and regulations or written directives, an internal investigation will be initiated.
 - c. If the Early Intervention System reveals that the employee has engaged in conduct, which indicates a performance deficiency or lack of understanding or inability to comply with accepted procedures, the supervisor shall consult with the Internal Affairs Unit Commander to determine the appropriate course of remedial/corrective intervention.
- F. At least every six (6) months, the Internal Affairs Unit Commander shall audit the agency's tracking system and records to assess the accuracy and efficacy of the tracking system.
- G. 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 Commander. 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, the Internal Affairs Unit shall be formally notified of such efforts. This information shall be documented and appropriate copies forwarded to the Internal Affairs Unit for filing.
- H. 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.
 - a. Lieutenants shall assess the performance of employees under their command for purposes of the Early Intervention System outlined in this written directive on a quarterly basis (four times per year). Such

assessment shall consist of identifying and selecting employees to be reviewed for possible early intervention and post intervention monitoring if applicable.

- b. This report shall be submitted no later than the 15th day of the month following the conclusion of the review period; July 15th and January 15th (existing sick time reviews shall continue to be conducted quarterly and shall be included in this process).
 - c. If it becomes known that an individual has triggered a Comprehensive Performance Review outside of the quarterly reviews, the process will be initiated at that time and not delayed until the next review period. The Comprehensive Performance Review will be completed as soon as possible and the process completed in the same manner as if the observation were made during the quarterly review.
- 2. When under Early Intervention System Monitoring Process, the Internal Affairs Unit Commander shall meet with the employee and supervisor to discuss the situation in depth to accomplish the following and thoroughly document the substance of these meetings in the Early Intervention System.
 - 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 intervention flag is triggered or until the supervisor concludes that the employee's behavior has been remediated (whichever is longer).
- 4. Supervisor/ Employee Meetings
 - a. All employee review meetings shall be thoroughly documented in the Early Intervention System, which will be forwarded to the Chief of Police and the Internal Affairs Unit Commander. The affected employee and supervisor shall meet on a regular basis, minimally monthly, to discuss progress towards the agreed upon goals and objectives.
- I. Any statement made by the officer in connection with the Early Intervention 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. Professional counseling or Employee Assistance Program referral, when warranted, if available;
 - 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. CONFIDENTIALITY OF EARLY INTERVENTION SYSTEM DATA

- A. Early Intervention System data is confidential and shall not be disclosed to the public or any unauthorized department employee. Early Intervention System data will not be disclosed to any person not authorized by law or regulation to have access to such information, except governmental representatives acting in connection with their official duties.
- B. All documentation in the Early Intervention System will be retained in accordance with the New Jersey Administrative Code and applicable retention schedule.

III. NOTIFICATION TO SUBSEQUENT LAW ENFORCEMENT EMPLOYER

- A. If any officer who is or has been subject to an Early Intervention System review process applies to or accepts employment at a different law enforcement agency than the one where he or she underwent the Early Intervention 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 Intervention System review process history and outcomes. Upon request, the prior or current employing agency shall share the officer's Early Intervention System review process files with the subsequent employing agency.

IV. NOTIFICATION TO COUNTY PROSECUTOR

- A. Upon initiation of the Early Intervention System review process, the Chief of Police or a designee shall make a confidential written notification to the Essex County Prosecutor's Office of the identity of the subject officer, the nature of the triggering performance indicators, and the planned remedial program. Upon completion of the Early Intervention System review process, the Chief of Police shall make a confidential written notification to the Essex County Prosecutor's Office of the outcome of the Early Intervention System review, including any remedial measures taken on behalf of the subject officer and if the officer successfully completed the

remedial measures.

V. PUBLIC ACCESSIBILITY

- A. The Early Intervention System policy shall be made available to the public upon request and shall be posted on the agency website.