

Salem City Police Department Policies

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VOLUME TITLE: OPERATIONS	REFERENCE: NJAG Directive 2018-3
ISSUED BY: CHIEF JOHN A. PELURA III	# OF PAGES: 6
SUBJECT: Early Intervention System	
EFFECTIVE DATE: 1/29/2020	GENERAL ORDER # 77-2020
REVISED: 1/29/2020	REPLACES:
APPLICABILITY: ALL EMPLOYEES	REVIEW DATE: ANNUALLY
The Written Directives developed by the Salem City Police Department are for internal use only, and do not enlarge an officer's civil or criminal liability in any way. They should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of Written Directives can only be the basis of a complaint by this Department, and then only in an administrative disciplinary setting.	
Date revised	Page Section
1/29/2020	All Changed wording from EWS to EIS.

PURPOSE: The purpose of this written directive is to establish a personnel early intervention system.

POLICY: It is the policy of this agency to implement and utilize an early intervention system for tracking and reviewing incidents of risk and provide timely intervention consistent with 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 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 intervention system is to address potential problems through the use of appropriate management and supervisory strategies before formal discipline is warranted.
- 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 affairs complaints against an employee, whether initiated by another employee or by a member of the public;
 2. Civil actions filed against the officer;
 3. Criminal investigations or criminal complaints against an employee;

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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 an alleged subject;
 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 an officer that is 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 the employee;
 15. Vehicular pursuits
- C. Generally, three (3) instances of questionable conduct or performance indicators (as listed in section B, above) within a rolling 12-month period would initiate the early intervention 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.

II. ADMINISTRATION OF EARLY INTERVENTION SYSTEM

- A. The implementation and tracking of the early intervention system is primarily the responsibility of the Internal Affairs Unit; but any supervisor may initiate the early intervention process based upon his or her own observations. Emphasis should be placed on anticipating employee problems before it results in improper performance or conduct.
- B. The Internal Affairs Unit shall conduct a manual or computerized audit of its records to determine if an employee has the emergence of a pattern, practices or trend of inappropriate behavior or misconduct. In addition to the regular data audits by the Internal Affairs Unit (internal affairs), the Internal Affairs Unit Supervisor shall audit an individual employee's history any time a new complaint is received.

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1. Using this information and their experience, Internal Affairs Unit officers may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the early intervention system data audit.
- C. If the audit indicates the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, the Internal Affairs Unit officer shall consult with the employee's supervisor. Internal Affairs shall formally notify the employee in writing of the early intervention review process.
- D. The Internal Affairs Unit Supervisor and the employee's supervisor shall review the information provided by the Internal Affairs Unit along with any other relevant information from agency records for the purpose of initiating a course of intervention designed to correct/interrupt the emerging pattern, practice or trend.
 1. If the audit indicates that the early intervention system has returned an incorrect identification or "false positive," that conclusion should be documented and no further action is needed.
 2. If the audit reveals that an employee has violated agency rules and regulations or written directives, the supervisor in consultation with the Internal Affairs Unit should proceed with an internal investigation and possible disciplinary action.
 3. If the audit reveals that the employee has engaged in conduct, which indicates a lack of understanding or inability to comply with accepted procedures, the supervisor shall consult with the Internal Affairs Unit to determine the appropriate course of remedial/corrective intervention.
- E. At least every six (6) months, internal affair's personnel shall audit the agency's tracking system and records to assess the accuracy and efficacy of the tracking system.

III. SUPERVISORS

- A. An employee's first line supervisor is usually the first member of the agency 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 the Lieutenant and if warranted, the internal affairs supervisor. The success of this program relies heavily on the first line supervisor's participation and involvement.
 1. Although an employee's behavior may be captured through other established systems, (i.e., internal affairs), it is incumbent upon a supervisor to report any of the fifteen behaviors noted in Section I when he/she becomes aware of the identified behavior.
- B. 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.
 1. No entry should be made in the employee's personnel file, unless the action results in disciplinary/corrective action.

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- C. If the remedial/corrective intervention was training, documentation shall be filed in accordance with the agency's written directive governing training (remedial training).
- D. Supervisors shall forward all documentation as required by agency written directives established to assist in a comprehensive audit. This data shall minimally include: use of force reports, vehicle pursuit reports, and attendance records.

IV. LIEUTENANT

- A. The Lieutenant shall monitor employees within his command to determine if an employee may need remedial/corrective intervention.
- B. When under early intervention system monitoring, the Lieutenant and the employee's supervisor shall meet with the employee to discuss the situation in depth to:
 - 1. Identify problems or potential problems;
 - 2. Determine short and long-term goals for improvement;
 - 3. Come to a consensus commitment on a plan for long-term improved performance;
 - 4. Advise of the monitoring process and the repercussions of future sustained transgressions.
- C. 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).
- D. Supervisor/Employee Meeting
 - 1. All supervisor/employee meetings shall be thoroughly documented, which will be forwarded to the Chief or his designee. The affected employee and supervisor shall meet on a regular basis, minimally monthly, to discuss progress towards the agreed upon goals and objectives.
 - 2. All regular monthly progress/status reports shall be submitted to the Chief or his designee through the chain of command.
 - 3. Additional monitoring may be required following removal from the early intervention system.
- E. 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.

V. REMEDIAL/CORRECTIVE INTERVENTION

- A. Supervisory or command personnel may initiate remedial/corrective intervention to correct behavior. Remedial/corrective intervention may include, but is not limited to:

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1. Training;
 2. Retraining;
 3. Counseling;
 4. Intensive supervision;
 5. Fitness for duty examination;
 6. Employee Assistance Program, when warranted, if available;
- B. Internal disciplinary action, remedial/corrective intervention, and fitness for duty examinations are not mutually exclusive and should be jointly pursued if and when appropriate.
- C. When remedial/corrective intervention has been undertaken, the Chief 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.
- D. All reports shall be forwarded to the Chief 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.

VI. 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.

VII. NOTIFICATION TO COUNTY PROSECUTOR

- A. Upon initiation of the Early Intervention System review process, the Chief or a designee shall make a confidential written notification to the County Prosecutor or his designee. The notice shall identify 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 or designee shall make a confidential written notification to the Prosecutor or his designee of the outcome of the Early Intervention System review, including any remedial measures taken on behalf of the subject officer.
- B. By January 15th of the calendar year, the Chief or a designee shall report, in writing, to the County Prosecutor the total number of Early Intervention reviews that were undertaken for the previous year.

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VIII. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY

- A. This EIS policy shall be made available to the public upon request and shall be posted on the agency's website.
- B. All written reports created or submitted pursuant to this directive that identify specific officers are confidential and not subject to public disclosure.