

	Cape May County Sheriff's Office		VOLUME 1	SOP 127	
	S.O.P. Standard Operating Procedure		EFFECTIVE DATE January 22, 2019		
NUMBER OF PAGES 9					
SUBJECT Early Warning System (EWS)					
SPECIAL INSTRUCTIONS In conjunction with S.O.P. 126 - Guardian Tracking System Reference - AG Directive 2018-3					
BY ORDER OF Sheriff Robert A. Nolan		SIGNATURE 			
DISTRIBUTION All Sworn Personnel		REEVALUATION DATE As per DMS / same as 126		ACCREDITATION STANDARD 2.2.3, 2.1.1	
The written directives developed by the Cape May County Sheriff's Office are for internal use only and do not enlarge an Employees' civil or criminal liability in anyway. They should not be construed as to 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 agency and then only in an administrative disciplinary setting.					
REVISIONS					
DATE	PAGE	SECTION	DATE	PAGE	SECTION
01/22/2019	NEW				

1.0 PURPOSE:

- 1.1 The purpose of this policy is to establish an Early Warning System (EWS) designed to detect patterns and trends in police conduct before that conduct escalates and to provide a method of early intervention to correct the inappropriate conduct and;
- 1.2 This policy will comply with the New Jersey Attorney General's Law Enforcement Directive No. 2018-3 which is applicable to all law enforcement agencies in New Jersey.

2.0 POLICY:

- 2.1 It is the policy of the Cape May County Sheriff's Office that an Early Warning System (EWS) is utilized to track and monitor the conduct of officers of this agency to identify a pattern of behavior early before it becomes serious.
- 2.2 The Guardian Tracking System will be utilized by this agency for the purpose of tracking officer conduct. See S.O.P. 126 for terminology and use of the Guardian

Tracking System (GTS).

3.0 DISCUSSION:

- 3.1 An Early Warning 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. Early Warning Systems, therefore, serve to not only increase public safety and public confidence in law enforcement, but also to assist officers through early intervention. For all these reasons, the Attorney General has mandated that all law enforcement agencies in New Jersey adopt and implement an EWS consistent with the requirements set forth.
- 3.2 The Attorney General Directive No. 2018-3 and Early Warning Systems generally, are focused on corrective actions to remediate officer behavior and to provide assistance to the officer.

4.0 PROCEDURE:

4.1 Selection of Performance Indicators

- 4.1.1 The following performance indicators shall be included in all EWS, but also can be supplemented based upon the unique characteristics of the agency and the community it serves:
- 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 investigation 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 investigation in which the officer is an alleged subject;
 - f. An arrest of the officer, including charges of a driving under the influence charge, on or off duty;
 - 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, and;
- n. Unexcused absences by the officer;
- o. Abuse of sick time;
- p. Any cases involving agency fiduciary matters.

4.1.2 The Sheriff shall determine any supplemental performance indicators to be used.

- a. To the extent possible, supplemental performance indicators should be objectively measurable and reasonably related to potentially escalating harmful behavior by the officer.

4.2 Initiation of the Early Warning Process

4.2.1 At a minimum, the EWS shall provide that three (3) separate instances of performance indicators (as listed in section 4.1.1) within any twelve month period (365 days) will trigger the EWS review process.

4.2.2 The Sheriff may, in his/her discretion, determine that a lower number (1 or 2) of performance indicators within a twelve-month period will trigger the EWS review process.

4.2.3 The EWS review process shall include the subject officer's immediate supervisor, up through the chain of command, to the Executive Undersheriff, who shall make the final decision on the validity of the active review.

- a. 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.

4.3 Administration and Tracking

- 4.3.1 The Executive Undersheriff shall assign personnel to conduct the EWS function.
- a. The EWS Function shall be carried out by Internal Affairs personnel.
- 4.3.2 The Guardian Tracking System (GTS) will be utilized to accommodate the standards set forth in this policy. (See S.O.P. 126 Guardian Tracking, for use and terminology.)
- a. The Guardian Tracking System will be updated to include all, but not limited to, performance indicators listed in section 4.1.1 above and additional performance indicators set by S.O.P. 126.
 - b. Three (3) incidents in Twelve Months (365 days) Early Intervention flags will be set on GTS to initiate an EWS review process in accordance with the standards set forth by the Attorney General's Directive No. 2018-3.
- 4.3.3 An EWS is only as good as the information entered into it. Supervisors are required to enter any incident by an officer that meets the criteria outlined in section 4.1.1
- 4.3.4 At least every six months, personnel assigned to manage the EWS shall audit the agency's tracking system and records to assess the accuracy and effectiveness of the tracking system.
- a. Form 127-A (Appendix A) will be completed by assigned personnel to verify completion of the semi-annual audit.
- 4.3.5 S.O.P. 127, Early Warning System (EWS) shall be reviewed in conjunction with S.O.P. 126 to maintain consistency.

4.4 Notification to Officer

- 4.4.1 Once an EWS review has been triggered, the Executive Undersheriff, will formally notify the subject officer, in writing, that an EWS process has been triggered and shall include at a minimum:
- a. The subject Officer's name;
 - b. Title;
 - c. Current assignment;

- d. A brief description of the performance indicators triggered;
- e. The time period that triggered the review process, and;
- f. The planned remedial program, or;
- g. The review process triggered is not valid.

4.4.2 If an EWS notification to the officer could jeopardize an ongoing criminal investigation, the County Prosecutor may in his/her discretion permit delayed notification to the officer or delayed initiation of the EWS review process.

- a. The Executive Undersheriff will contact the Prosecutor's Office in writing, for a decision to delay notification.
- b. A copy of the request for a delayed notification and the Prosecutor's written response shall be maintained in the relevant Internal Affairs file.

4.5 Notification to Prosecutor

4.5.1 Upon initiation of the EWS review process, the Sheriff, or his/her designee, shall make a confidential written notification to the Cape May County Prosecutor or his/her designee, to include but not limited to the following:

- a. The identity of the subject officer;
- b. The nature of triggering performance indicators, and;
- c. The planned remedial program, or;
- d. The review process triggered is not valid.

4.5.2 Upon completion of the EWS review process, the Executive Undersheriff, or his/her designee; shall make a confidential written notification to the County Prosecutor, or his/her designee; of the outcome of the EWS review, including any remedial measures taken on behalf of the subject officer.

4.5.3

- a. A copy of the written notice will be maintained in the relevant Internal Affairs file.

4.6 Remedial Corrective Action

4.6.1 Once an officer has displayed the requisite number of performance

indicators necessary to trigger the EWS review process (as set forth in section 4.1.1), the Executive Undersheriff shall review the performance indicators and determine the validity of the process. He/She will then initiate remedial action to address the officer's behavior, if appropriate.

4.6.2 When an EWS review process is initiated, the following actions shall begin:

a. The appropriate supervisor shall determine if the performance indicators that triggered the process, are those outlined in section 4.1.1.

(1.) The supervisor will complete a special report to the Executive Undersheriff, through the chain of command, that a triggered event has occurred per S.O.P. 127, without delay.

(2.) The Supervisor shall not take any further action unless ordered to do so except to respond on GTS acknowledging receipt of the intervention flag.

b. The Executive Undersheriff will send formal notification to the subject officer and the CMC Prosecutor's Office;

(1.) Conference with the subject officer and appropriate supervisory personnel;

(2.) Develop and administer a remedial program *to include* the appropriate remedial/corrective actions listed below:

A The officer's immediate supervisor will continue to monitor the subject officer for at least three (3) months or until the supervisor concludes the officer's behavior has been remediated (whichever is longer), and;

B Document and report findings to the appropriate supervisory personnel, and the Internal Affairs Unit if there is an associated IA investigation.

4.6.3 Remedial/corrective action **may** include but not limited to the following, which may be executed by an administrative officer or an assigned organization or the subject officer's immediate supervisor:

a. Training or re-training;

b. Counseling;

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- c. Intensive supervision;
- d. Fitness-for-duty examination;
- e. Employee Assistance Program (EAP);
- f. Any other appropriate remedial or corrective action deemed necessary by the Executive Undersheriff.

4.6.4 A supervisor who has the responsibility of overseeing a remedial/correctional process that falls under this policy will follow the remedial/correctional action plan as it has been determined by the Executive Undersheriff.

- a. Any deviation to the prescribed remedial/corrective action must be approved by the Executive Undersheriff before implementation.

4.6.5 Any statement made by the subject officer *in connection with the EWS review process* may **not** be used against the subject officer in any disciplinary or other proceeding.

4.6.6 This Policy does not address or limit 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 policy and applicable law, separate from and independent of the Early Warning System.

4.7 Annual Report to Attorney General

4.7.1 By January 31st of each year, the Cape May County Prosecutor is required to submit a report to the Attorney General indicating which agencies under the Prosecutor’s supervision are in compliance with Directive 2018-3.

4.7.2 The Sheriff, or his/her designee, shall provide any reports or supporting documentation requested by the Cape May County Prosecutor’s Office so they may complete the report.

4.8 Notification to subsequent Law Enforcement Employer

4.8.1 If any officer who is or has been subject to an EWS review process, applies to or accepts employment at a different law enforcement agency than the one where he or she underwent the EWS 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

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EWS review process history and outcomes.

4.8.2 Upon written request from the inquiring agency's CEO, the prior or current employing agency shall provide a copy of the officer's EWS review process files to the subsequent employing agency.

4.9 Public Accessibility and Confidentiality

4.9.1 This S.O.P. 127 shall be made available to the public upon proper OPRA request per S.O.P. 1508.

4.9.2 This S.O.P. 127 shall be posted on the Sheriff's Office website as per Attorney General Directive 2018-3 and shall be updated anytime there are revisions to this S.O.P.

4.9.3 All written reports created or submitted pursuant to AG Directive 2018-3, that identify specific officers are **confidential** and **NOT** subject to public disclosure.

Appendices

APPENDIX A – Form 127A, Semi-annual Early Warning System Audit

APPENDIX A **Cape May County Sheriff's Office**
Semi-Annual Audit of the Early Warning System (EWS)

GTS Audit

The Guardian Tracking System (GTS) appears to be in working order and there have been no reports of any problems since the last audit.

There is currently or has been a problem reported since the last audit, which may have affected the Guardian Tracking System (GTS) or the Early Warning System. (See Comments)

EWS Audit

- There has/have been 0 Performance Indicator process(es) initiated since the last audit of the EWS.

Included in the above process(es) is/are 0 Performance Indicator process(es) initiated with delayed notification to the subject officer due to an active criminal investigation.

- At this time, there is/are currently 0 Active Remedial/Corrective Action process(es)
- There has/have been 0 Remedial/Corrective Action process(es) closed since the last audit.
 - 0 Successfully remediated the officer(s)
 - 0 Unsuccessfully remediated, other disciplinary action has been taken. (See Comments)

Notification to the Prosecutor's Office of the **initiation** of all triggered Performance Indicators has been made.

Notification to the Prosecutor's Office of the **conclusion** of Remedial/Corrective actions has been made.

Comments:

Audit conducted by –

Date -

Signature