

MORRIS TOWNSHIP POLICE DEPARTMENT

STANDARD OPERATION PROCEDURE

151

PERSONNEL EARLY WARNING SYSTEM



EFFECTIVE REVISION	DATE	AUTHORITY	GENERAL ORDER #	ACCREDITATION STANDARDS:
Effective	April 2014	957	14-008	2.2.3
Revised:	April 2018	997	18-006	Removed Grievances
Revised:	October 2022	111	22-006	
Revised:				
Revised:				
Revised:				

Comments: NEW POLICY 4/2014
Revised in April 2018 to comply with NJ AG and MCPO directives

151.1 PURPOSE

151.1 PURPOSE AND SCOPE

The Department's Personnel Early Warning System (PEWS) purpose is to provide a pro-active, non-disciplinary program designed to identify and positively influence conduct or performance-related problems exhibited by civilian employees, patrol officers and supervisory personnel. By applying professionally accepted intervention strategies at an early stage, it is intended that the value of each employee be recognized by providing guidance, coaching, counseling, training, professional referral, or any other recognized methods to correct conduct inconsistent with organizational values, mission, or policy. The PEWS is intended to be a positive approach for supervisors and managers to address behavior before it results in discipline, lawsuits, injuries or other negative consequences.

Establishment and activation of a Personnel Early Warning System, does not necessitate that the Department use this method prior to disciplinary proceedings for any particular event.

151.1.2 ACCREDITATION STANDARDS

This policy pertains to the following Accreditation Standards: 2.2.3

151.2 GENERAL GUIDELINES

151.2.1 RESPONSIBILITIES

The Internal Affairs Commander (Internal Affairs function) is responsible for maintaining and administering the Personnel Early Warning System. The Internal Affairs Commander has the responsibility to notify the Chief of Police of any early warning issues that may need to be addressed. The Division Commander of the involved employee, once notified by the Chief of Police, is responsible for ensuring an appropriate response is developed and carried out as outlined in this policy.

a. The Internal Affairs Commander will conduct an annual evaluation of the Personnel Early Warning System. The findings will be included in the Internal Affairs Division Annual Report.

b. The immediate supervisors (Sergeant / Lieutenant) of the employee recommended for intervention will be responsible for the implementation and may assist in the development of any Actions Plans. The supervisors will also conduct written assessments of any intervention as assigned by the Division Commander.

151.2.2 EARLY INTERVENTION

The Morris Township Police Department has established "thresholds" to determine possible training or other needs of employees. The system is designed to be a confidential process at both the administrative and application levels. The components of the PEWS include:

- a. Performance Indicators;
- b. Identification and Selection;
- c. Intervention;
- d. Follow-up Monitoring.
- e. Disposition
- f. Notification

151.2.3 PERFORMANCE INDICATORS

Performance Indicators represent the category of employee performance activity that the Morris Township Police Department has selected to monitor. Incidents used as indicators may include but are not limited to:

- a. Internal affairs complaints, whether initiated by another officer or 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 formally determined to be or adjudicated to have been excessive, unjustified or unreasonable
- e. Domestic Violence investigations in which the officer is the alleged subject
- f. Arrest of the officer, including a DWI 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. Positive drug test by the officer
- j. Cases or arrests that are rejected or dismissed by a court. (NOTE: This should not normally include cases in which the County Prosecutor or Municipal Prosecutor has determined to dismiss a charge as a matter of professional discretion).
- k. Cases in which evidence obtained by an officer has been suppressed by a court.
- l. Insubordination by the officer.
- m. Neglect of duty by the officer
- n. Unexcused absences by the officer.
- o. Vehicle Pursuits.
- p. Workers Compensation Claims

151.2.4

IDENTIFICATION AND SELECTION

The threshold is three (3) performance indicators in a twelve-month period, this will result in the activation of the Personnel Early Warning System. Please note, if one incident triggers multiple performance indicators, it shall count as only one performance incident. However, the Chief of Police may exercise discretion to determine that a lower number of indicators within a twelve-month period may trigger the Personnel Early Warning Review process. In the case of an activation, the Internal Affairs Commander will advise the affected employee's Division Commander, assigned Supervisor(s) and the Chief of Police.

The aforementioned will conduct a careful evaluation of any related documentation to determine if the employee's performance is problematic and requires intervention. If necessary, a meeting with the employee's immediate supervisor is recommended.

- a. A non-disciplinary interview with the employee may also be conducted. After a review, it may be determined that an intervention is not appropriate as the behavior did not require such. In either case, the Chief of Police will be made aware of the final disposition. Documentation of this review and

disposition will be placed in the personnel file of the employee.

151.3 INTERVENTION

151.3.1 INTERVENTION

If an intervention is determined to be the course of action, the Internal Affairs Commander and/or designee will be responsible for developing an Action Plan. The Action Plan will include specific examples of what performance requires improvement as well as the performance expectations. The plan will also identify the activities, support systems, and resources that will be provided to assist the employee. The Performance Notice form may be used for this purpose.

a. The Command staff will have access to the Personnel Early Warning System Tracking database of each employee. The Internal Affairs Commander and/or Command Staff will periodically review (quarterly at a minimum) the Personnel Early Warning System Tracking database of their immediate subordinates in an attempt to identify employees who may need intervention and initiate a more in-depth review based on current patterns of collected material.

1. The database will be maintained in a secure Command network drive.

b. After the employee, in need of intervention is formally notified, the Supervisor(s) assigned to the intervention, may consult with the employee to obtain his/her input when developing the intervention plan. The Internal Affairs Commander and/or Division Commander of the employee will determine the amount of time that the intervention plan will be in place.

1. Unless otherwise determined by the Internal Affairs Commander/Division Commander, the Supervisor assigned to the intervention is responsible for coordinating the employee's participation in the course of assistance, verifying participation in and completion of the approved plan.

b. The Supervisor assigned to monitor the Action Plan will provide the Internal Affairs Commander and/or Division Commander with monthly updates on the employee's performance. Intervention may include, but is not limited to; trainings, counseling, departmental changes or re-assignments. Training options include, but are not limited to:

1. Defensive Tactics
2. Legal Updates
3. Report Writing
4. Anger Management

5. Cultural Diversity
6. Tactical Communications
7. Driver/Pursuit Training
8. Physical Fitness Training
9. Field Training Program Re-medialization

d. Counseling options include, but are not limited to:

1. Supervisor Coaching or Counseling
2. Peer Counseling
3. Employee Assistance Program Referral
4. Referral to Human Resources for additional resources
5. Stress Reduction Training
6. Critical Incident Stress Management
7. Fitness for Duty Examinations

e. Departmental change options may include, but are not limited to:

1. Review/Modify Training
2. Review/Modify Policy
3. Equipment Purchase

f. Re-assignment options include, but are not limited to:

1. Temporary Re-assignment
2. Alternate Shift Re-assignment
3. Permanent Re-assignment

151.3.2

POST-INTERVENTION MONITORING

Once the intervention plan has been completed, the Internal Affairs Commander will review the employee's performance on a quarterly basis to ensure that the plan has been successful. As a guide, this quarterly review should last for a twelve-month period, but may be more or less depending upon the circumstances.

151.3.3

DISPOSITION

The Division Commander assigned to Internal Affairs shall maintain the review and all reports related to the Personnel Early Warning System in the Personnel file of the employee.

- a. Any activities performed to affect the problem behavior (i.e. monthly evaluations, training, counseling, etc.) will be maintained and verified by the

Commander assigned to Internal Affairs. The review and findings are subject to review by the Chief of Police if, in the opinion of the Commander assigned to Internal Affairs, the findings or measures being taken to intervene are not or will not effectively address the issues.

- b. Recommended referrals for counseling or other resources voluntary or involuntary will be first approved by the Chief of Police. Refer to SOP 140 Employee Mental Health Resources and SOP 022 Human Resources for the scope of referrals available for employees.
- c. The Division Commander assigned to Internal Affairs will submit to the Chief of Police an annual review and evaluation of the Personnel Early Warning System. The report shall detail the number of instances where department Intervention, in regard to employees, was required and an evaluation of the system's effectiveness. Should revisions in the system be needed to make it more effective, they shall be documented and forwarded to the Chief of Police for staff discussion.

151.4 NOTIFICATIONS

151.4.1

NOTIFICATION TO SUBSEQUENT LE EMPLOYER

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

151.4.2

NOTIFICATION TO COUNTY PROSECUTOR

- a. Upon initiation of the Early Warning 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 PEWS 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 PEWS review, including any remedial measures taken on behalf of the subject officer.

- b. On January 5th of the calendar year, each law enforcement executive, or his/her designee, of a law enforcement agency located in Morris County shall report, in writing, to the Morris County Prosecutor the total number of Early Warning reviews that were undertaken for the previous year.
- c. All Early Warning System policies shall be made available to the public upon request, and shall be posted on the Morris Township Police website. However, all written reports created or submitted that identify specific officers are confidential and are not subject to public disclosure.

151.5 FORMS

151.4.1 PERFORMANCE INDICATOR MATRIX

151.4.2 PERFORMANCE NOTICE

151.4.3 PEWS INDICATOR REPORT