

Mahwah Police Department – Policies and Procedures		Number 090:05:75
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I. BACKGROUND

A comprehensive personnel early intervention system is an essential component of good discipline in a well-managed law enforcement agency. The early identification of potential problem employees and a menu of remedial actions can increase agency accountability and offer employees a better opportunity to meet the agency’s values and mission statement.

The failure of the agency to develop a comprehensive early intervention system can lead to the erosion of public confidence in the agency’s ability to investigate itself, while putting the public and agency employees in greater risk of danger.

The first and second levels of supervision are crucial elements to a successful Early Intervention System. Supervisors are expected to recognize potentially troublesome officers, identify training needs of officers and provide professional support in a consistent and fair manner.

II. POLICY

It is the policy of this Department that the Early Intervention System should identify any pattern or practice by any member of the agency which warrants intervention or remediation before it develops into a glaring problem. There EIS will be built on an evaluation of collected material, such as performance evaluations, citizen complaints, disciplinary actions, use of force incidents, internal affairs investigations, supervisory and employee reports (such as workmen’s compensation claims), traffic accidents, sick time, vehicular pursuits, missed training classes and/or resisting arrest charges (with or without physical force). This policy conforms to the New Jersey Attorney General’s Internal Affairs Policy and Procedure guideline as of July 2014.

III. ACTION

A. OVERVIEW

The EIS is not a method of discipline, meant to be punitive, a tool to get rid of someone or a panacea for Departmental problems. The purpose of the EIS is to detect patterns and trends before the conduct escalates into more serious infractions. As such, employees must understand that the early warning 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 the primary intent of the system.

B. INITIATION

The Mahwah Police Department Personnel Early Intervention System (MPD EIS) will be administered by the Office of Professional Standards. Initiation of the EIS will be based on a review of current patterns of the above collected material through statistical analysis or comparison with department averages.

In the event that the early intervention system reveals a potential problem, the appropriate supervisor will be notified and provided with all relevant information from the system.

Anytime a new complaint is made the internal affairs officer will query the early intervention system and review the individual employee's history. Using this information the internal affairs officer may be able to identify employees who may need counseling, training or other remediation even before such is indicated by the early warning system's ongoing data review.

C. REPORTING REQUIREMENTS

The threshold or trigger levels for activation of the early intervention system will be determined by the Office of Professional Standards and may consist of but not be limited to the following: two or more citizen complaints within a six month period, two internal affairs investigations within six months, two or more Township owned motor vehicle accidents within six months, two or more vehicle pursuits within six months, two or more use of force incidents in six months, three or more assault on police officers charges or resisting arrest charges within six months, or a combination of any of the above four incidents in twelve months.

D. ANNUAL EVALUATION

A documented annual evaluation of the EIS will be made by the Chief of Police or his designee to determine if any changes are required to the present system. In the event any changes are made, the review will be made available to all supervisors.

E. ROLE OF FIRST AND SECOND LEVEL SUPERVISORS

The first and second levels of supervision are crucial elements to a successful Early Intervention System.

The supervisor must review the data provided by the Office of Professional Standards, along with any more detailed information available from department records, in consultation with the Professional Standards officer. If this review indicates that the early warning system has returned a 'false positive', the supervisor should report that, in writing, to the Office of Professional Standards.

If the review reveals that an officer has violated department rules and regulations or SOP's, the supervisor in consultation with the internal affairs unit should proceed with an internal investigation and possible disciplinary action.

If the review reveals that the officer has engaged in conduct which indicates a lack of understanding or inability to comply with accepted procedures, the supervisor shall consult with the Office of Professional Standards to determine the appropriate course of remedial action. Remedial intervention may include training, retraining, counseling and intensive supervision. In addition, the actions of the officer may indicate a question about the officer's fitness for duty. In that case, the officer should be examined for his fitness for duty, either physically or psychologically. Internal disciplinary action, remedial action and fitness for duty examinations are not mutually exclusive, and should be jointly pursued if appropriate.

When remedial action has been undertaken, the Office of Professional Standards should be formally notified of such efforts. A report in the form of a memorandum will

be submitted by the supervisor detailing the action undertaken. This information shall be recorded in the internal affairs index file system. No entry will be made in the employee's personnel file, unless the action results in disciplinary actions. If the remedial action was an appropriate training program, attendance and completion of that program should be noted in the officer's training record.

It is incumbent upon first and second line supervisor's to be aware of the actions and problems encountered by the officers under their command. The EIS is simply a system that allows a supervisor to detect and act on problems or situations that would affect the employee and the agency prior to becoming major disciplinary actions. The agency should not be faced with investigating an employee for a serious case of misconduct only to find there was an escalating pattern of less serious misconduct, which could have been abated through intervention.

F. REMEDIAL ACTION

In the event that the EWS report reflects remedial action is required the supervisor conducting evaluation will submit a recommendation to the Professional Standards Officer in the form of a memorandum, who will apprise the Chief of Police of the recommendation. The Chief of Police will decide if the remedial action(s) recommended by the supervisor are appropriate and fitting of the situation. Remedial actions could include training, retraining, peer counseling, intensive supervision or a change in work conditions, if possible, as examples.

G. EMPLOYEE ASSISTANCE

Any employee who requests or requires assistance with respect to personal issues should be referred to the appropriate person or agency including but not limited to one or more of the following: Northwest Bergen Mental Health services, peer counseling arranged through the Office of Professional Standards or the COP TO COP program. If an employee requests assistance, the referral should be noted in the supervisor's memorandum to Internal Affairs. This information will remain strictly confidential.

H. WRITTEN REPORTS

Whenever the early intervention system is activated a written report will be completed by the supervisor of the employee in question. The report will be written in the form of a memorandum and submitted to the Office of Professional Standards. The memorandum should contain a summary of any conversations the supervisor had with the employee after meeting with the Professional Standards Officer, any mitigating or aggravating factors given by the employee for the behavior/action in question and any recommendations for remedial action by the supervisor.

A follow-up memorandum will also be submitted after a pre-determined period of review subsequent to the initial supervisor/employee meeting. The time limit for this follow-up report will be determined by the supervisor and the Professional Standards Officer at the initial conference. The follow-up memorandum should contain progress made toward remediation of the situation, any further problems encountered and conclusions regarding the actions/situation that triggered the early intervention system initially.