

DEPARTMENT POLICIES AND PROCEDURES

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POLICY:

The department recognizes the need to provide assistance to employees exhibiting below-standard, unusual, or less than professional job performance attributable to trauma or personal stressors. Due to the need to avoid harm to themselves, fellow employees or the general public, and because of the scope of responsibility of law enforcement employees, psychological fitness must be maintained at all times. Therefore, the department shall have an Early Warning System program in place to assist employees with meeting their personal and career goals.

PURPOSE:

The purpose of this policy is to identify early warning signs from those employees whose job performance alters or deteriorates noticeably, thereby requiring agency intervention.

I. Definitions:

A. Chief Executive Officer- that person who is responsible to serve as the head of the law enforcement agency. The chief executive officer in the Lambertville City Police Department is the Police Director.

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Counselor—a licensed psychologist, psychiatrist, peer counselor, police chaplain, or physician who gives advice and recommends a course of conduct.

- A. Employee—everyone employed by the Lambertville City Police Department, including sworn and civilian personnel. Volunteers, though not “employees,” are also members of the agency when performing a function in the course of their official responsibilities.
- B. Employee Assistance Program—a confidential, non-disciplinary program provided by the city whereby a counselor can assist employees in resolving suspected personal or work-related issues such as, but not limited to, drug, alcohol, anger management, family, and finance problems.
- C. Supervisor—a member of the agency assigned to a position requiring the exercise of immediate supervision over the activities of employees.
- D. Superior Officer—Sergeant and Lieutenant.

PROCEDURE:

II. Early Warning System Program

- A. The department has an Early Warning System program to provide systematic reviews of specific, significant events involving agency employees. The system shall have the following components:
 - 1. A provision to initiate a review based on current patterns of collected material.
 - 2. Reporting requirements of conduct and behavior.
 - 3. Semi-annual evaluations of the Early Warning System to determine its effectiveness and to provide a method to implement necessary changes.
 - 4. Identification of the role of first- and second-level supervision.
 - 5. Remedial action and some type of employee assistance, such as a formal Employee Assistance Program or peer counseling.
- B. The Early Warning System is designed to identify critical performance indicators, patterns, or trends, and to evaluate the data in a manner that is constructive to both the employee and the

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department. This program will assist supervisors in highlighting behaviors that may otherwise be overlooked.

- C. Superior Officers shall serve as co-coordinators for the Early Warning System program. They shall be responsible for conducting periodic reviews of agency records as outlined in Table 1. The Early Warning System Program will be administered under the department’s Internal Affairs Unit.

Table 1

Number of Incidents	Type of Incident	Reporting Reference Policy
2 in 12 months	Preventable Officer Involved MVA	Accidents Involving Police Vehicles/ Motor Vehicle Use Policy
3 in 12 months	Citizen Complaints/Departmental Complaints	Internal Affairs
3 in 12 months	Use of Force Incident	Use of Force
3 in 12 months	Vehicle Pursuit Incident	Pursuit Procedures & Road Blocks
2 in 12 months	Unacceptable Performance Rating	Evaluation Process
Identified Pattern	Sick Time Use/Unexcused Absences	Supervisor Discretion
2 in 12 months	Civil Actions Filed Against the Employee	Internal Affairs
Any Incident	Criminal Investigations of/Criminal Complaints Against the Employee¹	Internal Affairs
Any Incident	Arrest of Employee, Including Driving Under the Influence	Internal Affairs/Motor Vehicle Use Policy
Any Incident	Positive Drug Test of Officer	Drug Screening for Law Enforcement

¹ If Early Warning System notification to the employee could jeopardize an ongoing criminal investigation, the County Prosecutor, in his or her discretion, may permit delayed notification to the employee or delayed initiation of this Early Warning System.

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3 in 12 months	Court Suppression of Evidence Obtained by Officer	Internal Affairs
Any Incident	Insubordination	Supervisor Discretion
Any Incident	Neglect of Duty	Supervisor Discretion
3 in 12 months	Court Dismissal of Officer's Cases or Arrests	Internal Affairs
4 in 12 months	Total of any Combination	

- D. Superior Officers will forward an initial confidential written report to the Police Director within fifteen (15) days after identifying targeted indicators. The report shall contain the identity of the employee, the date of events, a brief description of the incident(s), and a planned remedial course of action.
- E. Superior Officers shall meet with the responsible supervisor to notify him or her of the activation of the Early Warning System and to gather additional information about the employee.
- F. A collective follow-up report will be submitted to the Police Director regarding whether additional intervention is needed. The employee will be formally notified in writing that the Early Warning System has been initiated. Upon approval of the Police Director, a meeting will be arranged with the employee and appropriate supervisors.
- G. Early Warning System meetings will be conducted to discuss with the employee their identification for participation in the system, why they have been identified for participation, and that the meetings are to be facilitative and non-disciplinary in nature.
- H. Early Warning System meetings will result in options or course(s) of actions being determined and established by the Police Director with input from the identified employee, responsible Superior Officer, and the employee's supervisor. Options or course(s) of action include, but are not limited to:
 - 1. No additional action.
 - 2. Informal counseling and monitoring by the employee's supervisor.
 - 3. Formal counseling or corrective actions as appropriate.
 - 4. Performance Improvement Plan with reviews and reports.

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5. Visit to the department's health care professional.
 6. Voluntary or mandatory referral to the city's Employee Assistance Program, if such program is established.
 7. Mandatory remedial or additional training designed to improve the employee's skills.
 8. Voluntary or mandatory referral to the city's mental health professional.
 9. Fitness-for-duty examination.
 10. Any other appropriate remedial or corrective action.
- I. Upon completion of the Early Warning System process, the Superior Officer will forward a confidential written report to the Police Director of the process' outcome, including any remedial measures taken on the employee's behalf.

NOTE: Upon initiation of the Early Warning System review process, the Police Director or 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 EW System, the Police Director shall make a confidential written notification to the county prosecutor or his/her designee of the outcome of the EW system review, including any remedial measures taken on behalf of the subject officer.

III. Psychological Services Process

- A. The Police Director may implement a course of action (see Section II H above) for an employee referred by a supervisor or who is self-referred.
- B. The psychological services will begin the process by administering diagnostic tests to confirm that the employee requires psychological treatment.
- C. Treatment will be administered upon the advice of the counselor and with the approval of the Police Director.
- D. Periodically the Police Director, the counselor, and the employee's supervisor may review the counselor's recommendations as to the employee's placement and status.

- E. If an employee is terminated as a result of his or her inability to regain acceptable job performance, the employee's psychological treatment record will be placed in his or her personnel file.
- F. If an employee regains acceptable job performance, the record of referral will remain only in the files of the Police Director and in the files of the psychological services counselor.

IV. Notification to Subsequent Law Enforcement Employer

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

V. Job Security and Confidentiality

- A. In matters involving "doctor-patient" communications, the applicable law dictates confidentiality parameters.
- B. Due to the nature of the Employee Assistance Program, a program counselor may disclose a general opinion and/or recommendation relating to an employee's continued performance.
- C. Job security and promotional opportunities shall not be jeopardized by an employee's participation with a counselor. However, failure to correct deficiencies in job performance may eliminate promotional consideration or jeopardize continued employment.
- D. Any statement an employee makes in connection with the Early Warning System process may not be used against him or her in any disciplinary or other proceeding.
- E. All written reports created or submitted pursuant to this Policy that identify specific employees are confidential and not subject to public disclosure.

All procedures of the agency that conflict with this Policy are hereby rescinded. Supervisors shall be held accountable for enforcing and applying this Policy, and all employees of the agency are required to follow this Policy. Violations subject employees of the agency to disciplinary action

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