



# PINE HILL POLICE DEPARTMENT POLICY MANUAL

<b>TITLE:</b>	<b>Professional Standards / Early Warning System</b>	<b>NEW</b>	<b>REVISED</b>
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**ISSUING AUTHORITY:** *Chief Christopher J. Winters*

<b>ELECTRONIC DISTRIBUTION</b>	<b>ALL PERSONNEL</b>	<b>SWORN PERSONNEL</b>	<b>SLEO II PERSONNEL</b>	<b>CIVILIAN PERSONNEL</b>	<b>POLICE CLERKS</b>
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<b>PAPER DISTRIBUTION</b>	<b>POLICY MANAGEMENT SYSTEM</b>	<b>CHIEF'S OFFICE</b>	<b>PATROL ROOM</b>	<b>INTERNAL AFFAIRS UNIT</b>	<b>OTHER</b>
	X	X	X	X	

### OBLIGATION TO REVIEW POLICY AND SEEK ASSISTANCE AS NEEDED

It is the policy of the Pine Hill Police Department that all officers and applicable employees will thoroughly review and fully familiarize themselves with the attached policy and will adhere to the procedures as described in this policy. Any employee shall request assistance from their supervisor if they should be in need of further explanation or training regarding this policy.

### CONTINGENCIES AND UNFORESEEN CIRCUMSTANCES

Officers are occasionally confronted with situations where no written guideline exists and supervisor advice is not readily available. As it would be impossible to address all possible situations with written guidelines, considerable discretion is given to the officer handling the situation.

Faced with the need to make decisions or take an action where no guidelines exist, officers should rely on their experience and training, and the following resources;

1. NJ Attorney General & Camden County Prosecutor's guidelines, memorandums, and directives
2. Departmental General Order, Special Orders, and Training Bulletins
3. New Jersey Title 39 and 2C
4. Current Search and Seizure Directives

The written directives developed by the Pine Hill 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.

## I. PURPOSE

The purpose of the Employee Professional Standards Process (EPSP) is a pro-active process designed to identify exceptional and dedication performance as well as early identification of employee performance that may need improvement. When appropriate this process will assist police supervisors in identifying officers and other employees who will benefit from further training. This comprehensive Employee Professional Standards Process is an essential component of a well-managed law enforcement agency where the creation of an atmosphere for all employees to reach their fullest potential is paramount. The early identification of employees who need additional training or who are not conforming to the Pine Hill Police Department's rules and regulations and are subject to a menu of remedial actions which greatly offers employees assistance in improving their performance and often the prevention of formal discipline.

The Employee Professional Standards Process is a tool that consists of the Positive Performance Recognition System, the Performance Standards System (PSS), and the Early Warning System (EWS) to assist supervisory personnel in monitoring and when necessary correcting employee performance. The Professional Standards System does not alter the critical role of line supervisors to directly monitor the performance and behavior of personnel under their charge on a daily basis nor comply with the department's Internal Affairs Policy, V1C03 of the Department Manual.

Supervisory personnel shall be familiar with alternatives and authorized actions they may take in response to personnel exhibiting behavioral problems with or without information provided through the Professional Standards System.

## II. POLICY

It is the policy of the Pine Hill Police Department to establish a system for tracking and reviewing incidents of risk to the agency and involved employees. The Performance Standards System and the Early Warning System shall be used as a means to identify and assess employee performance when involved in potential risk incidents and intervene where appropriate.

## III. DEFINITIONS AND TERMS

- A. Documented Counseling-** Documented counseling shall be forwarded to the Chief of Police via the Chain of Command and retained by the Internal Affairs Unit Commander to assist with the development of relevant training programs. Documented Counseling shall be kept separate and apart from an employee's personnel and discipline files.
- B. Early Warning System (EWS)-** The EWS is designed to monitor officer conduct using objective measures that indicate a potentially escalating risk of harm to the public, the agency, and/or the officer. They are intended to increase public safety and public confidence, while assisting officers through early intervention.
- C. Early Warning System Activation-** A process guided by this policy which results in notice to the County Prosecutor upon the direction of the Chief of Police.
- D. Evaluation System-** The current evaluation system of employees of the Pine Hill Police Department as directed by the Chief of Police.
- E. Formal Discipline-** Formal discipline for administrative complaints shall be initially documented on a Preliminary Notice of Disciplinary Action (PHPD Form #77)

- F. Motor Vehicle Crash Occurrence-** A motor vehicle crash or damage to a vehicle that was in operation, that is the result of an employee's actions or cause.
- G. Official Reprimand-** An action by a supervisor officer or a hearing board officer, documenting an employee's rule infraction, inaction, or other inappropriate action or behavior. Such action shall be documented on a Performance Notice (PHPD Form #69). Supervisors shall utilize the PHPD Performance Notice when employees have failed to adequately respond to verbal counseling or such behavior requires a greater level of documentation to ensure employee behavior has improved (reference V1C03 Internal Affairs Policy).
- H. Performance Standards System (PSS)-** A system designed to assist in training and employee performance improvement through the identification of training needs and correcting behavior in an effort to initiate an early warning system activation.
- I. Performance Standards System Activation (PSSA)-** A process authorized by the Chief of Police to provide enhanced review of an employee's performance based on specified actions in an effort to provide appropriate training and avoid an Early Warning System Activation.
- J. Positive Performance Notice-** The Performance Notice – Commendation (PHPD Form #85), may be submitted whenever a supervisor observes a positive performance of an officer.
- K. Verbal Counseling–** An action by a superior officer verbally counseling an employee regarding a specific action. Supervisors shall utilize every opportunity to correct employee behavior without delay.
- L. Written Reprimand-** A written action by a superior officer documenting an employee's rule infraction, inaction, other inappropriate action or behavior. Such action shall be documented on a Performance Notice (PHPD Form #69).

#### IV. PROCEDURE

##### A. Positive Performance Recognition

Supervisors shall whenever appropriate, submit a positive performance notice, PHPD Form #85, when an officer or police department member is observed to have acted in a manner that exceeds the level of expectation during an incident, call for service or community interaction.

##### B. Performance Standards System

1. Supervisor Responsibilities and Actions: Supervisors shall whenever appropriate in a progressive fashion and consistent with the Pine Hill Police Department's rules and regulations and policy governing Internal Affairs document rule violations in the following manner:
  - a. Verbal and/or Documented Counseling;
  - b. Official Reprimand (performance notice);
  - c. Written Reprimand;
  - d. Formal Discipline (As authorized by the Chief of Police)
2. An Official Reprimand will be removed from an employee's file after a six month period providing the employee has:
  - a. Not received an additional Official Reprimand, Written Reprimand, or Formal Discipline for the same or similar rule infraction or behavior, or

- b. Not received more than one additional Official Reprimand, Written Reprimand, or Formal Discipline for a different rule infraction or behavior.
3. When an employee has received an additional Official Reprimand, Written Reprimand, or Formal Discipline for the same rule infraction or behavior or more than one Official Reprimand, Written Reprimand, or Formal Discipline for a separate rule infraction within a six month period, the Official Reprimands shall remain in the employee's discipline file for a period of one year (365 days) from the date the last discipline action was taken.
4. The Internal Affairs Unit shall document the instances as described below as part of the Performance Standards System review for each member of the Pine Hill Police Department:
  - a. A motor vehicle crash occurrence within a 6 month day period;
  - b. A rating of "2" or lower in one or more categories on the Employee Evaluation Forms of the Pine Hill Police Department;
  - c. A Documented Counseling that has taken place within a 6 month period;
  - d. An issuance of an Official Reprimand which is currently in the employee's discipline file;
  - e. An issuance of a Written Reprimand within a 6 month period
  - f. Formal Discipline within a 6 month period;
  - g. A Body Camera Review Form in which there is any indication that the employee did not follow correct policy within a six month period;
  - h. A sustained Internal Affairs Investigation whether discipline was imposed or not within a 6 month period;
  - i. Civil actions filed against the officer within a six month period
  - j. Criminal investigations of/or criminal complaints against the officer within a six month period;
  - k. Domestic violence investigations in which the officer is an alleged subject with in a six month period;
  - l. An arrest of the officer, including on a driving under the influence charge within a six month period;
  - m. Sexual harassment claims against the officer within a 6 month period within a six month period;
  - n. If a review of firearm displays reveals a pattern of use.
5. A Professional Standards Review shall take place when:
  - a. Any 2 (two) of the above criteria are met, or;
  - b. When an officer is involved in a minimum of 5 (five) use of force incidents or 5 (five) internal complaints within a rotating 365 days.
  - c. 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.
6. The Professional Standards Review Shall consist of:
  - a. A review of:
    1. The Officers use of force history, current and past Internal Affairs Complaints, past discipline and training to determine if remedial training or other corrective action is necessary;
    2. A review with the Officers Sergeant or Operations Lieutenant to determine if there are any performance concerns;
    3. A recommendation to the Internal Affairs Unit Commander if a Professional Standards System Activation is necessary.

### **C. Activation of the Professional Standards System**

1. An employee shall only be subject to a Professional Standards System Activation upon the approval of the Chief of Police.
2. The Professional Standards System Activation is administered by the Internal Affairs Unit and shall consist of:
  - a. Notifying the officer in writing of the PSSA, and;
  - b. a conference with the officer and if appropriate or necessary supervisory personnel of the officer, and;
  - c. development and administration of a remedial training program which may include:
    1. Training or re-training;
    2. Counseling;
    3. Enhanced Supervision to improve performance;
    4. Fitness for Duty Examination, if determined necessary, and;
  - d. Enhanced review of the officer's body worn camera (BWC) as specified in the Pine Hill Body Worn Camera (BWC) Policy, GO-19-02.

### **D. Early Warning System**

1. An early warning system monitors many different categories of officer conduct which indicate potentially escalating risk of harm to the public, the agency, and/or the officer. The following performance indicators are monitored in the early warning system:
  - 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 investigations of/or criminal complaints against the officer
  - d. Any use of force by the officer that is formally determined or adjudicated (for example, by administration investigation or a grand jury) to have been excessive, unjustified, or unreasonable;
  - e. Domestic violence investigations in which the officer is an alleged subject;
  - f. An arrest of the officer, including on a driving under the influence 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. 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;
  - n. Unexcused absences by the officer;
2. The Early Warning System activation provides that 3 (three) separate instances of performance indicators (as listed in Section 1, above) within any twelve-month period (rolling 365 days) will trigger the EWS review process.
3. 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. The Internal Affairs Unit will be responsible for administering the early warning system and tracking the performance indicators that are necessary to trigger an EWS activation. At least every 6 (six) months, Internal Affairs Unit shall audit the tracking system and records to assess the accuracy and efficacy of the tracking system.
5. The Internal Affairs Unit may include supervisory officers in the subject officer's chain of command in the EWS review process.
6. Once an officer has displayed the requisite number of performance indicators necessary to trigger the EWS review process (as set forth in Section D.1) the Internal Affairs Unit shall initiate remedial action to address the officer's behavior.
7. When an EWS review process is initiated, the Internal Affairs Unit shall;
  - a. Formally notify the subject officer, in writing;
  - b. Hold a conference with the subject officer and appropriate supervisor personnel;
  - c. Develop and administer a remedial program including the appropriate remedial/corrective actions listed in Section IV.C.2.c;
  - d. Continue to monitor the subject officer for at least three months, or until the supervisor concludes that the officer's behavior has been remediated (whichever is longer);
  - e. Document and report findings to the appropriate supervisory personnel.
  - f. Any statement made by the subject officer in connection with the Early Warning System review process may not be used against the subject officer in any disciplinary or other proceeding.
8. Remedial /corrective action may include but is not limited to the following:
  - a. Training or re-training;
  - b. Counseling;
  - c. Intensive supervision;
  - d. Fitness for duty examination;
  - e. Employee assistance program (EAP) referral;
  - f. Any other appropriate remedial of corrective action as determined by the Chief of Police
9. Upon initiation of the EWS review process, the Chief of Police or his 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 EWS review process, the Chief of Police 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.
10. If any officer who is or has been subject to an EWS review process applies to or accepts employment at a law enforcement agency other than Pine Hill Police, it is the responsibility of this law enforcement agency to notify the subsequent or new employing law enforcement agency of the officer's EWS review process history and outcomes. Upon request, the Internal Affairs Unit shall share the officer's EWS review process files with the subsequent or new employing agency.
11. All written reports created or submitted pursuant to this policy that identify specific officers are confidential and not subject to public disclosure as per New Jersey Attorney General Directive 2018-3.

**E. Obligation to Report Dismissed Criminal Cases and Evidence**

1. Whenever any sworn officer is informed, advised, or becomes aware that a case or arrest is rejected or dismissed for lack of prosecutorial evidence he shall submit a memo to the Internal Affairs Unit Commander via the chain of command.
2. Whenever any supervisor becomes aware that a case or arrest is rejected or dismissed for lack of prosecutorial evidence he or she shall ensure that the involved officer(s) submits a memo to the Internal Affairs Unit Commander via the chain of command.