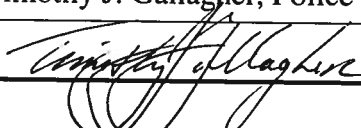


NEW JERSEY STATE HUMAN SERVICES POLICE POLICIES AND PROCEDURES			
TITLE:	Member Early Warning System	INITIAL ISSUE DATE:	03/05/2019
NUMBER:	213.0	REVISION DATES:	N/A
REFERENCE:	NJ Attorney General Law Enforcement Directive 2018-3 NJSHSP Standard Operating Procedure Volume 2; Chapter 4 (Internal Affairs Policy and Procedures)		
APPLICABLE TO:	All Sworn Members		
RESERVED			
ISSUING AUTHORITY:	Timothy J. Gallagher, Police Director		
SIGNATURE:		DATE:	03/05/2019

PURPOSE: The purpose of this policy is to establish a Member Early Warning System (MEWS). The MEWS is an important tool designed to detect patterns and trends in police conduct before that conduct escalates. The MEWS will assist the New Jersey State Human Services Police (NJSHSP) in identifying and remediating problematic conduct by sworn members that pose a potential risk to the public, the Department of Human Services, the NJSHSP, stakeholders served by the NJSHSP, and/or the member themselves. The MEWS serves to not only increase public safety and public confidence in the NJSHSP, but also to assist our members through early intervention.

POLICY: It is the policy of the NJSHSP to implement and utilize an early warning system for tracking and reviewing incidents of risk and provide timely intervention. This policy provides a proactive program designed to identify and positively influence conduct or performance-related problems exhibited by sworn members of the NJSHSP. 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 method to correct conduct inconsistent with organizational values, mission, and/or policy. The MEWS is further 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 the MEWS does not necessitate that the NJSHSP use this method prior to disciplinary proceedings for any particular event.

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I. APPLICABILITY

This policy shall be applicable to all sworn members of the New Jersey State Human Services Police (NJSHSP), regardless of rank or assignment, who are responsible for enforcing the criminal laws in New Jersey, come under the jurisdiction of the Police Training Act, and are authorized to carry a firearm under N.J.S.A. 2C:39-6.

II. MEMBER EARLY WARNING SYSTEM (MEWS)

- A. This policy establishes the NJSHSP Member Early Warning System (MEWS) consistent with the New Jersey Attorney General's Law Enforcement Directive No. 2018-3.
- B. The MEWS is designed to detect patterns and trends before conduct escalates into more serious problems. The primary intent is to address potential problems through the use of appropriate management and supervisory intervention strategies before negative discipline become necessary.
- C. The MEWS will monitor many different categories of member conduct (See Section III – Performance Indicators) which indicate potentially escalating risk of harm to the public, the Department of Human Services, the NJSHSP, stakeholders served by the NJSHSP, and/or the member themselves.
- D. The Office of Internal Affairs (OIA) shall be responsible for maintaining and administering the MEWS.

III. PERFORMANCE INDICATORS

- A. Although no specific and universal criteria can determine job stress and/or performance problems, it is important that certain types of performance indicators be reviewed.
- B. As part of the ongoing performance evaluation process, a member's supervisor shall attempt to identify and note any pattern of inappropriate behavior or performance deficiencies to include, but not be limited to the following:
 - 1. Internal affairs complaints, whether initiated by another member or a member of the public;
 - 2. Civil actions filed against the member;
 - 3. Criminal investigations of or criminal complaints against the member; (Adherence to this policy shall never jeopardize an ongoing criminal investigation, at the Chief Executive Officer's discretion, notification to the involved member or delay of the activation of the MEWS may be permitted until completion of the criminal investigation.)

4. Any use of force by the member that is formally determined or adjudicated to have been excessive, unjustified or unreasonable;
5. Domestic violence investigations in which the member is the alleged subject;
6. The arrest of a member, including for driving while intoxicated;
7. Sexual harassment claims against the member;
8. Vehicular collisions involving the member, that are formally determined to have been the fault of the member;
9. Vehicular pursuits involving the member;
10. Suspicion of substance abuse by the member;
11. A positive drug test result by the member;
12. Cases or arrests by the member that are rejected or dismissed by a court;
13. Cases in which evidence obtained by the member has been suppressed by a court;
14. Insubordination by the member;
15. Attitude or demeanor problems of the member;
16. Neglect of duty by the member;
17. Unexcused absences by the member;
18. Repeated tardiness;
19. Extreme or sudden decline in behavior performance, appearance, or hygiene;
20. Personal problems (domestic, health, family issues, etc.) affecting performance;

C. The Chief Executive Officer reserves the right to determine additional performance indicators and add such to the list above, consistent with evolving standards of sound public policy. To the extent possible, all additional performance indicators should be objectively measurable and reasonably related to potentially escalating harmful behavior by the member.

IV. INITIATION OF THE MEWS REVIEW PROCESS

- A. The OIA will conduct evaluations of members based on the performance indicators in Section III. These evaluations shall be conducted at least two (2) times per calendar year but may be done more frequently as incidents dictate.
- B. For most, the threshold shall be three (3) incidents of a *single* performance indicator in a twelve (12) month period that will result in triggering the MEWS review process.
- C. If one (1) incident triggers multiple performance indicators, that incident shall not be double or triple-counted, but instead shall count as only one (1) performance indicator.
- D. A combination of five (5) of *any* performance indicators in a twelve (12) month period may also result in triggering the MEWS review process.
- E. The thresholds listed above shall not hinder the Chief Executive Officer or the Office of Internal Affairs' ability or discretion to trigger the MEWS for a lower number of performance indicators based upon such factors as previous participation in the MEWS or prior disciplinary issues.
- F. Once an OIA evaluation has determined that the thresholds have been met to initiate the MEWS review process, the OIA Supervisor shall notify the Chief Executive Officer.
- G. The OIA Supervisor shall review the member's OIA file and consult with the Department of Human Services' Office of Employee Relations to determine if there has been any prior history of related behavioral performance problems, court litigation, arrests, EEO investigations and/or disciplinary actions in order to determine the appropriate course of action.
- H. The OIA Supervisor and the Chief Executive Officer shall meet and a careful evaluation of any related documentation will be conducted. This will be to determine if the member's performance is problematic and requires intervention. If necessary, a meeting with the member's immediate supervisor and/or Region Commander may be considered. The OIA Supervisor and Chief Executive Officer shall determine the appropriate course of action to be taken, that shall include the following:
 - 1. A determination that activation of the MEWS is not necessary based on the indicators and/or the remediation plan for the member's behavior that had already been placed in action.

2. Classifying and handling the matter in accordance with the Internal Affairs Policy and Procedures (NJSHSP Standard Operating Procedure Volume 2; Chapter 4); and/or
 3. Activation of the MEWS for the member.
- I. Activation of the MEWS generally focuses on corrective actions to remediate member behavior and to provide assistance to the member. This policy and a MEWS activation generally do not address disciplinary actions that may be warranted against a member. However, disciplinary actions, if warranted (i.e. decision to suspend, terminate, or, if applicable, charge an employee with criminal conduct), remains within the purview of the OIA and may be imposed separate from and independent of the MEWS.
 - J. It is the responsibility of supervisors to monitor the performance and behavior of members under their supervision on a daily basis. Therefore, nothing above shall preclude a member's immediate supervisor, another supervisor, a Region/Unit Commander, and/or a peer member, from requesting a MEWS review of a member's conduct. Any member may contact the OIA to request a MEWS review.
 - K. Upon receipt of a MEWS review request, the OIA Supervisor shall follow the same procedure outlined in this section.

V. ACTIVATION OF THE MEWS

- A. Once the MEWS review process as set forth in Section IV above has determined the activation of the MEWS the OIA Supervisor shall create a case in the OIA's Record Management System.
- B. The OIA Supervisor and Chief Executive Officer shall determine the appropriate supervisory level for notification and implementation of the remedial action plan to address the employee's behavior.
- C. The assigned supervisory personnel shall develop a remedial action plan to be administered to the employee, including the appropriate remedial/corrective actions listed in Section VI.
- D. The supervisory personnel assigned to oversee the MEWS remedial action plan shall:
 1. Formally notify the employee, in writing, of the MEWS activation and the associated remedial action plan;
 2. Conference with the employee and appropriate supervisory personnel;

3. Administer the developed remedial action plan pursuant to Section V, Part C. above;
 4. Continue to monitor the employee for at least three (3) months or until the supervisor concludes the employee's behavior has been remediated, whichever is longer; and
 5. Document and report findings to the Supervisor of the OIA.
- E. The Supervisor of the OIA shall review all documentation for completeness including:
1. Employee notifications;
 2. Original plan of remediation;
 3. Action plan and monitoring results; and
 4. Final report.
- F. Upon satisfactory review, the Supervisor of the OIA shall:
1. Report the findings to the Chief Executive Officer.
 2. Secure all documentation in the OIA.
- G. Any statement made by the employee in connection with the MEWS review process and/or activation of MEWS may not be used against the employee in any disciplinary or other proceeding.

VI. REMEDIAL / CORRECTIVE ACTION

Remedial/corrective action may include, but is not limited to, the following:

1. Intensive supervision of the member;
2. Training, to include but not limited to:
 - a. Defensive Tactics
 - b. Legal Updates
 - c. Report Writing
 - d. Cultural Diversity Training
 - e. Tactical Communications
 - f. Emergency Vehicle Operations/Pursuit Training
 - g. Physical Fitness Training
 - h. Additional Field Training with a Field Training Officer

3. Counseling, to include but not limited to:
 - a. Supervisor Coaching and/or Counseling
 - b. Peer Counseling
 - c. Employee Assistance Program Referral
 - d. Referral to Human Resources
 - e. Stress Reduction Training
 - f. Anger Management
 - g. Critical Incident Stress Management
 - h. Fitness for Duty Examinations

4. Agency change, to include but not limited to:
 - a. Review and/or Modify Training
 - b. Review and/or Modify Policies and Procedures
 - c. Purchase of Equipment

5. Reassignment, to include but not limited to:
 - a. Temporary Reassignment
 - b. Alternate Shift Reassignment
 - c. Alternate Station/Region Reassignment
 - d. Permanent Reassignment

VII. ADMINISTRATION AND TRACKING

- A. As indicated in Section II, the OIA is responsible for maintaining and administering the MEWS.

- B. The OIA shall track and identify members that display the requisite number of performance indicators necessary to trigger the MEWS.

- C. The OIA shall audit the MEWS records at least every six (6) months to assess the accuracy of the records.

VIII. NOTIFICATION TO SUBSEQUENT LAW ENFORCEMENT EMPLOYERS

- A. Pursuant to Attorney General Law Enforcement Directive No. 2018-3, if any law enforcement officer who is or has been subject to a MEWS review process applies to or accepts employment at a different law enforcement agency than the one where he/she underwent MEWS review/activation, it is the responsibility of the prior or current employing law enforcement agency to notify the subsequent employing law enforcement agency of the law enforcement officer's MEWS activation history and outcomes.

- B. Upon request, the prior or current employing law enforcement agency shall share the law enforcement officer's MEWS activation files with the subsequent employing law enforcement agency.
- C. All notifications to subsequent law enforcement employers matters pursuant to this section shall be handled by the Supervisor of the OIA.

IX. NOTIFICATION TO THE COUNTY PROSECUTOR'S OFFICE

- A. Upon activation of the MEWS, the OIA Supervisor shall make a confidential written notification to the County Prosecutor's Officer, where the involved member is regularly stationed (unless otherwise directed), of the identity of the member, the nature of the triggering performance indicators, and the planned remedial program.
- B. Upon completion of the MEWS, the OIA Supervisor shall make a confidential written notification to the same County Prosecutor's Office of the outcome of the MEWS activation, including any remedial measures taken on behalf of the member.

X. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY

- A. This policy shall be made available to the public upon request, and shall be posted on the New Jersey Department of Human Services' website under the Police Section.
- B. All written reports created or submitted that identify specific members are confidential and are not subject to public disclosure.