



Frank Culmone
Chief of Police

LONGPORT POLICE DEPARTMENT

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S.O.P. Title: Early Warning System (EWS)				Effective Date: 05.08.2018
				Number: 3.17
Issuing Authority: Chief Frank Culmone				Evaluation Date: 05.08.2019
Accreditation:				
Accreditation Standards:				
Issue Date 09.24.2015	Revision Date 05.08.2018	Page Numbers 1-12	Sections Complete Revision	Approved FC

SUBJECT: Early Warning System
3.17 (12 pages)

I. PURPOSE:

The purpose of this policy is to establish an Early Warning System (EWS) with consistent practices for documenting and managing employee performance and early intervention through Guardian Tracking software. This policy is intended to standardize documentation for both positive and negative performance indicators and to identify employees who have developed a pattern of behavior which indicates intervention efforts may be necessary.

The Early Warning System (EWS) is designed to detect patterns and trends before the conduct escalates into more serious problems. 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. The primary intent of an



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early warning system is to address potential problems through the use of appropriate management and supervisory strategies before formal discipline is warranted.

II. POLICY:

It is the policy of the Longport Police Department to implement and utilize an early warning system, as described in the Attorney General's Internal Affairs Policy, Atlantic County Prosecutor's Office Directive AX-01259-18, and Risk Management Procedures (revised July 2014), for tracking and reviewing the indicators of increased risk and provide timely, non-punitive intervention consistent with best practices.

III. PROCEDURE:

A. Applicability:

This policy shall apply to Longport Police Department sworn officers 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

B. Selection of Performance Indicators

1. The Early Warning System (EWS) shall be used to monitor many different categories of officer conduct which indicate potentially escalating risk of harm to the public, the agency, and/or the officer.
2. The following performance indicators shall be included in all EWS, but also can be supplemented based upon the unique characteristics of the department and the community. The chief shall determine any such supplemental performance indicators. To the extent possible, supplemental performance indicators should be objectively measurable and reasonably related to potentially escalating harmful behavior by the officer.



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- 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 internal affairs 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; and



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- o. Other indicators, as determined by the Chief of Police.

C. Initiation of Early Warning Process

1. At a minimum, three separate instances of performance indicators (as listed in Section C, above) within any twelve-month period will trigger the EW System review process.
2. 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.
3. The EWS will be triggered for each performance indicator as listed below:
 - a. Internal affairs – 3/365 days
 - b. Civil actions – 1/365
 - c. Criminal investigations – 1/365
 - d. Use of force – 3/365
 - e. Domestic violence – 1/365
 - f. Arrest of officer – 1/365
 - g. Sexual harassment – 1/365
 - h. Vehicular collisions (MVC) – 2/365
 - i. Positive drug test – 1
 - j. Cases or arrest dismissal/rejection – 3/365
 - k. Insubordination – 2 /180
 - l. Neglect of duty – 1/365
 - m. Unexcused absence – 3/365

D. Administration and Tracking

1. The EWS shall be administered by the internal affairs unit. Supervisory officers in the subject officer's chain of command also should be directly involved in any EWS review process.



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2. The Tracking of performance deficiencies shall be conducted through the Guardian Tracking System, which has been set up to comply with this policy to flag emerging behavioral patterns.
3. At least every six months, IA shall audit the EWS and records to assess the accuracy and efficiency of the system.

E. Remedial/Corrective Action

1. Once an officer has displayed the requisite number of performance indicators necessary to trigger the EWS review process (as set forth in Section III.C, above) assigned supervisory personnel shall initiate remedial action to address the officer's behavior
2. When an EWS review process is initiated, personnel assigned to oversee the EWS should:
 - a. Formally notify the subject officer, in writing;
 - b. Conference with the subject officer and appropriate supervisory personnel;
 - c. Develop and administer a remedial program including the appropriate remedial/corrective actions listed below;
 - 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 and, if warranted, the internal affairs unit. Any statement made by the subject officer in connection with the EWS review process may not be used against the subject officer in any disciplinary or other proceeding.



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3. 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 Evaluation (FFDE);
- e. Employee Assistance Program (EAP) referral;
- f. Any other appropriate remedial or corrective action

F. Notification to Subsequent Law Enforcement Employer

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

G. Notification to the County Prosecutor

Upon initiation of the EWS 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 EWS review process, the chief 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.

H. Annual Report to the Attorney General

By January 31st of each year, the County Prosecutor shall submit a report to the Attorney General, through the Division of Criminal



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Justice's Prosecutors' Supervision and Training Bureau. This summary shall include a statement indicating those agencies under the County Prosecutor's supervision that are in compliance with Directive 2018-3 and those that are not.

I. Public Accessibility and Confidentiality

1. All EWS policies shall be made available to the public upon request and shall be posted on the Longport Police Department's website.
2. Annual reports from the County Prosecutors to the Attorney General also shall be made available to the public upon request and shall be posted on the Atlantic County Prosecutor's Office website.
3. All written reports created or submitted pursuant to this Directive that identify specific officers are confidential and not subject to public disclosure.

This by Order of:

Frank Culmone Chief of Police

Attachments:

ACPO Directive PD-01267-18 (EWS)
ACPO Early Warning Systems Review Reporting Form

ATLANTIC COUNTY PROSECUTOR'S OFFICE

PROSECUTOR'S DIRECTIVE

PD-01267-18

EARLY WARNING SYSTEMS (EWS)

BY ORDER OF: Damon G. Tyner, Atlantic County Prosecutor
DISTRIBUTION: All Municipal, County and State Law Enforcement Agencies
 All Atlantic County Prosecutor's Office Employees
ISSUE DATE: May 1, 2018

Revision History:
05/01/18 [Created]

I. POLICY

It is the policy of the Atlantic County Prosecutor's Office that all law enforcement agencies operating within Atlantic County will adopt and comply with New Jersey Attorney General Law Enforcement Directive No. 2018-03, Statewide Mandatory Early Warning Systems by amending their current "Early Warning Systems" policy and procedures to ensure compliance.

All Atlantic County law enforcement agencies were required to adopt an Early Warning System (EWS) in 2013 pursuant to PD-0006-91 Internal Affairs Complaints Case Reporting. On March 20, 2018, the N.J. Attorney General issued Law Enforcement Directive No. 2018-03 ([AX-01259-18](#)) requiring all law enforcement agencies in the state to adopt an Early Warning System.

II. PROCEDURE

1. All Atlantic County Law Enforcement agencies shall adopt and comply with New Jersey Attorney General Law Enforcement Directive 2018-03. Atlantic County Law Enforcement agencies should pay special attention to the following sections: Notification to Subsequent Law Enforcement Employer, Notification to County Prosecutor and Public Accessibility and Confidentiality
2. Section II – C, Selection of Performance Indicators of Attorney Directive 2018-3 contains a mandatory list of 15 "performance indicators" that will be included in all EWS. While most of the "performance indicators" are self-explanatory, the following provides clarification:
 - a. Item #4 requires any use of force that is formally determined or adjudicated (by internal affairs or a grand jury) to have been excessive, unjustified, or unreasonable to be entered into a EWS. Atlantic County law enforcement agencies may choose to enter **any** use of force by an officer into a EWS.

Law Enforcement agencies in Atlantic County that do not administratively review each use of force incident to determine whether the use of force was appropriate, or whether policy, training, equipment or disciplinary issues need to be addressed should consider implementing an administrative reviews of all agency use of force incidents.

- b. Item # 8 cites vehicular collisions involving the officer that are formally determined to have been the fault of the officer to be entered into a EWS. The Attorney General directive assumes that all law enforcement agencies formally review officer involved crashes. Law Enforcement agencies in Atlantic County that do not administratively review each officer (or employee) involved motor vehicle crash are strongly encouraged to implement a process to satisfy this requirement. It is recommended that an administrative review should determine if the crash was the fault of the officer (employee) and whether policy, training, equipment or disciplinary issues need to be addressed.
- c. Items #10 and #11 require cases or arrests by an officer(s) that are rejected or dismissed by a court and cases where evidence obtained by an officer(s) is suppressed by a court to be entered into a EWS. The intent of this indicator is to cause an entry into the EWS where an officer's lack of candor or misleading testimony results in a court's suppression of evidence or rejection of the case. Agencies should be aware that cases that rise to this level, may lead to a formal internal affairs investigation.

All Law Enforcement agencies in Atlantic County will need to determine the best method for tracking cases in their respective municipal court system(s) that meet the criteria set forth in items #4, #10 and #11. The Atlantic County Prosecutor's Office will track those cases and/or investigations that are processed / prosecuted / reviewed by this agency that meet the criteria set forth in #4, #10, and #11 and make formal notifications to Atlantic County Law Enforcement agencies via the Chief of County Detectives or the Prosecutor's Office Internal Affairs Commander.

- d. Item #14 requires unexcused absences by an officer to be entered into a EWS. The intent of this performance indicator is to cause an entry into agency's EWS where there exists a pattern of unexcused absences however defined by the individual police agency.
3. All Atlantic County Law Enforcement agencies are required to confidentially report, in a timely manner, the initiation of an "Early Warning System Review" to the Atlantic County Prosecutor's Office via the Chief of County Detectives on Prosecutor's Office reporting form [FM-01261-18](#). Initial reports to this office shall include: the identity of the subject officer, the nature of triggering performance indicators, and the planned or intended remedial program.

At the completion of the review process, a confidential follow-up report, [FM-01261-18](#), will be forwarded to the Chief of County Detectives with the outcome(s) of the review, including any remedial measures taken.

The new reporting form is self-explanatory and allows for initial and follow-up reporting to be completed on the same form. All reporting will be completed by emailing the forms to the Chief of County Detectives at IA@acpo.org.

4. A.G. Directive 2018-03 requires County Prosecutor's to report to the Attorney General, agency compliance with the directive. To this end, all Atlantic County Law Enforcement agencies shall report the following information in a signed confidential memorandum from the Chief Executive of the reporting agency to the Chief of County Detectives via IA@acpo.org: agency compliance with A.G. Directive 2018-03 and if not in compliance; the reason(s). Those agencies that are not in compliance will provide their corrective action to ensure compliance. This reporting shall be submitted no later than January 15th for the preceding year.

APPENDICES

AX-01259-18	New Jersey Attorney General Law Enforcement Directive No. 2018-03, Statewide Mandatory Early Warning Systems
FM-01261-18	Atlantic County Prosecutor's Office Early Warning Review Reporting form

Atlantic County Prosecutor's Office
Early Warning System Review Reporting

Reporting Agency: _____

Person Reporting: _____

Subject of Reporting: _____ DATE: _____

I. Nature of Triggering Performance Indicators

___ Internal Affairs Complaint

___ Insubordination

___ Court Dismissals

___ Neglect of Duty

___ Civil Action(s) Filed

___ Unexcused Absences

___ Criminal Investigation of or criminal complaint(s) against officer

___ Positive Drug Test

___ Use of Force (deemed excessive, unjustified or unreasonable, if applicable)

___ Domestic Invest. (Target)

___ Officer arrested (included DUI arrest and/or refusal charge)

___ Evidenced Suppressed

___ Sexual Harassment claim against officer

___ Vehicular collision / Fault of officer, if applicable

___ Other or indicators as determined by the agency's chief or executive (explain):

II. Planned Remedial Action

___ Training or re-training

___ Fitness for Duty Examination

___ Counseling

___ Employee Assistance Pro. Referral

___ Intensive Supervision

___ Other appropriate remedial or corrective action (explain):

Atlantic County Prosecutor's Office
Early Warning System Review Reporting

ACPO FM-01260-18

III. Completion of Early Warning System Review Process

Outcome of review, include any remedial measures taken on behalf of subject officer (explain):

IV. Additional Notes