


<b>Number:</b> 2016-13	<b>Delanco Township Police Department</b> Standard Operating Procedure		
<b>VOLUME:</b> 2.3	<b>CHAPTER:</b> 2	<b># OF PAGES:</b> 8	
<b>SUBJECT:</b> Early Warning & Intervention System			
<b>EFFECTIVE DATE:</b> 06/22/2016	<b>ACCREDITATION STANDARDS:</b> 2.2.3	<b>REVISION DATE:</b> 04/26/2018	<b>PAGE #</b> 2-8
<b>EVALUATION DATE:</b> 05/01/2019		<b>2.2.3A: thru 2.2.3H:</b>	
<b>BY THE ORDER OF:</b> Chief Jesse A. DeSanto <i>Chief Jesse A. DeSanto</i>			
<b>SUPERSEDES ORDER #:</b>			

**PURPOSE:** To provide guidelines for establishing an Early Intervention System to identify employees who may require proactive intervention efforts.

**POLICY:** It is the policy of the Delanco Township Police Department to provide early intervention to employees who meet established criteria. The Delanco Township Police Department has a responsibility to its employees and the community to identify and assist employees who show symptoms of job stress or personal problems. Such symptoms may be exhibited in on-the-job performance behaviors that results in complaints from citizens or may be indicated in the frequency of use-of-force incidents. The Delanco Township Police Department has existing programs available to assist employees, including- Cop-2-Cop Assistance Program, and other counseling, which are available to employees on a voluntary and policy-mandated basis. In order to enhance these services, the Department has implemented the Early Intervention System (EI System).

It is the policy of the Department to provide for the protection and confidentiality of the Early Intervention Program records maintained by the Department that are Personnel Records.

**DISCUSSION:**

An Early Intervention Program (EIP) is an essential component in a well-managed law enforcement agency. The early identification of potential problems and a menu of remedial actions can increase accountability and offer employees a better opportunity to meet the agency’s values and mission statement. Any time the Early Intervention System is activated pursuant to this general order, the totality of the circumstances surrounding each incident and/or complaint shall be considered

separately, drawing on general knowledge of human behavior, agency policies and procedures, and wisdom gained from years of law enforcement experience. The process should include recognition that there are circumstances when use of force is necessary and proper, and that there are occasions when false accusations may be made against employees by citizens. The intent of this system is to provide non-disciplinary intervention, whenever possible, to assist our employees in their professional development in order to provide the highest level of service and satisfaction to the public. The Early Intervention System will not be used for disciplinary purposes. The activation of the EI System does not necessarily indicate a problem with the involved employee, nor is it intended to be punitive, but may merely suggest a pattern exists that bears investigation or monitoring.

### **2.2.3A: Early Intervention System Tracking**

- A. The EI System shall identify and track the following indicators:
1. Internal affairs complaints against the officer, whether initiated by another officer or by a member of the public;
  2. Civil Actions filed against the officer;
  3. Criminal Investigations of or criminal complaints against the officer
    - If Early Intervention System notification to the officer could jeopardize an ongoing criminal investigation, the County Prosecutor may in his or her discretion permit delayed notification to the officers or delayed intervention of the Early Intervention system.
  4. Any use of force by the officer that is formally determined or adjudicated (i.e. by Internal affairs or a Grand Jury) to have been excessive, unjustified, or unreasonable;
  5. Domestic Violence investigation in which the officer is an alleged subject;
  6. An arrest of the officer, including a driving under the influence charge;
  7. Sexual Harassment claims against the officer;
  8. Vehicular collision involving the officer that are formally determined to have been the fault of the officer;
  9. A positive Drug test by the officer;
  10. Cases or arrests by the officer that are rejected or dismissed by a court;
  11. Cases in which evidence obtained by an officer is suppressed by a court;
  12. Insubordination by the officer;
  13. Neglect of duty by the officer;
  14. Unexcused absences by the officer; and

### **2.2.3B: Supervisor Responsibilities**

- A. Supervisors are crucial to a successful Early Intervention System. They work with the individual employees on a day-to-day basis and may be the first to observe and document possible problems with job performance or job/personal-related stress.
  - 1. Such problems may be exhibited through use of unnecessary force, over aggressiveness, improper demeanor towards citizens, unsafe operation of a patrol vehicle, failing to report to an assignment, court cases that are dismissed or evidence is suppressed and insubordination. Although no particular set of criteria can determine job stress and/or performance problems, it is important that certain criteria be routinely reviewed as indicators of behavior patterns.
  - 2. Supervisors are required to report and refer incidents and events that meet the above criteria, along with any other problematic behavior observed, to the IA Bureau Supervisor for documentation in the EI System.

### **2.2.3C: Internal Affairs Bureau Responsibilities – Administration & Tracking**

- A. The IA Bureau Supervisor will coordinate the Early Intervention System. The reports will be generated on an as needed basis. An annual report will be completed and maintained by the Internal Affairs Bureau. Internal Affairs Bureau Supervisor will have the responsibility to ensure that each affected Shift Supervisor receives a copy of the subject officer's EI System file.
- B. The Internal Affairs Bureau Supervisor will identify employees who meet the enumerated criteria as set forth in Section 2.3.3A:A of this SOP and any supervisor referrals for each officer.
- C. If the EI system triggers a review process, the subject officer's supervisors should be directly involved in the review process
- D. The Internal Affairs Bureau Supervisor will maintain an EI System tracking system to enable the department to identify officers who display the requisite number of performance indicators (see Section 2.3.3A:A of this SOP for the list of indicators) necessary to trigger the EI System review process. Since this department does not currently have a system with an automated flagging indicator, the Internal Affairs Supervisor will conduct a review of the system every three months. Additionally, the IA Supervisor will conduct an audit of the tracking system and records every six months to assess the accuracy and efficacy of the tracking system.

### **2.2.3D: Initiation of the Early Warning & Intervention / System**

- A. Number of separate occurrences of performance indicators
  - 1. Three separate occurrences of a performance indicators (see Section 2.3.3.A:A of this SOP) will trigger a review process
    - If one incident triggers multiple performance indicators, that incident shall NOT be double or triple counted, but instead shall count as only one.
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- B. Time Frame which three separate indicators occur
  - 1. The three separate indicators have to occur within a twelve month period in order to trigger a review process.
- C. EI System does not address disciplinary actions that might be warranted against an officer. The performance indicators listed below are not required to occur on three separate instances within a 12 month period for an internal investigation to be initiated or for disciplinary action to be initiated:
  - Internal affairs complaints against the officer, whether initiated by another officer or by a member of the public;
  - Criminal Investigations of or criminal complaints against the officer
  - Any use of force by the officer that is formally determined or adjudicated (i.e. by Internal Affairs or a Grand Jury) to have been excessive, unjustified, or unreasonable;
  - Domestic Violence investigation in which the officer is an alleged subject;
  - An arrest of the officer, including a driving under the influence charge;
  - Sexual Harassment claims against the officer;
  - Vehicular collision involving the officer that are formally determined to have been the fault of the officer;
  - A positive Drug test by the officer;
  - Insubordination by the officer;
  - Neglect of duty by the officer;
  - Unexcused absences by the officer;
  - Cases or arrests by the officer that are rejected or dismissed by a court
  - Cases in which evidence obtained by an officer is suppressed by a court

### **2.2.3E: Review Process**

- A. Once an officer has displayed the requisite number of performance indicators in the prescribed time frame necessary to trigger the EI Review Process, the following will occur:
  - 1. Internal Affairs Supervisor will conference with the subject officer's assigned supervisor in regards to the performance indicators that cause the review process to be initiated
  - 2. When informed of an employee meeting EI System criteria, the Shift Supervisor shall review the documentation provided by the Internal Affairs Bureau Supervisor.
  - 3. Internal Affairs Supervisor should formally notify the subject officer, in writing that his/her immediate supervisor will meet with them to conduct a review process under the EI System.
  
- B. Assigned Supervisor's Intervention Review:
  - 1. Shift Supervisors are the "early" in the early intervention. It is necessary that there be two-way communication between the employee and the Shift Supervisor in order to address potentially problematic behavior early and/or recognize outstanding performance.
  - 2. The Shift Supervisor shall then schedule a counseling meeting with the employee as soon as possible and review the documentation provided with the employee and discuss any problem areas or performance issues. Internal Affairs Bureau Supervisor will be available for consultation with the Assigned Supervisor as needed.
    - Note: Any statement made by the subject officer may not be used against the subject officer in any disciplinary or other proceedings.
  - 3. After reviewing all the documentation related to the triggering of the review process and meeting with the subject officer, the assigned supervisor will detail the findings in a written Report Titled: "Intervention Review Report". This report will be forwarded to the

Internal Affairs Bureau Supervisor for review and filing in the EI System. When the finding yields issues and concerns requiring remedial/corrective action, the Supervisor will follow the process for Remedial/Corrective Action as listed below (Section 2.2.3F:).

- a. If the assigned supervisor believes that no remedial/corrective action, (listed in Section 2.2.3.F:B) is not needed, the supervisor needs to explain in great detail in his Intervention Review Report why no action is needed due to most Performance Indicators listed in Section 2.2.3.E:C. are serious and multiple would have occurred within a year to trigger a review process.

### **2.2.3F: Remedial/Corrective Action:**

- A. Once an officer has displayed the requisite number of performance indicators in prescribed time frame necessary to trigger the EI System Review Process and Assigned Supervisor has determined that Remediate/Corrective is necessary. That Assigned Supervisor shall initiate remedial action to address the officer's behavior following the process below:
  1. Internal Affairs Supervisor should formally notify the subject officer, in writing that his/her immediate supervisor will develop and administer remedial program.
  3. The subject officer's assigned supervisor will develop and administer a remedial program including appropriate remedial/corrective actions by:
    - a. Completing a written plan (Intervention Report) detailing the actions that will be taken and how the progress will be measured. The supervisor will submit the plan to his immediate supervisor for review and consultation, if necessary, prior to meeting with the subject officer
    - b. Supervisor will meet with the subject officer and review the remedial action plan and how it is to be measured.
      - Notes: Any statement made by the subject officer may not be used against the subject officer in any disciplinary or other proceedings.

4. Subject officer's supervisor is to monitor the subject officer for at least 90 days or until the supervisor concludes that the officer's behavior has been remediated, which is ever is longer.
  5. Subject officer's Supervisor is to document and provide a written report to his/her immediate supervisor of the findings once the subject officer has successfully completed the remedial action plan, and if warranted, the internal Affairs Supervisor.
- B. Remedial/Corrective action may include but is not limited to the following:
- Training or retraining
  - Counseling
  - Intensive supervision
  - Fitness for duty examination
  - Employee Assistance Program
- The EI System is focused on corrective actions to remediate officer behavior and to provide assistance to the officer. This EI System does not address disciplinary actions that might be warranted against an officer. Such disciplinary actions, to include the decision to suspend, terminate or if applicable, charge an officer with criminal conduct remain within the purview of the is agency's internal affairs function and disciplinary policy, and may be imposed in accordance with those existing policies, directives, guidelines and law, separate from and independent of the EI System.

### **2.2.3G: Notifications to Agencies & Prosecutor's Office**

- A. If any officer who is or has been subject to an EI System Review Process applies to or accepts employment at a different law enforcement agency, this department will notify the subsequent employing law enforcement agency of the officer's EI System review process history and outcomes upon the request by the subsequent agency.
- B. Upon the initiation of an EI System review process, as per the AG Directive 2018-3, the Chief of Police shall make a confidential written notification to the County Prosecutor of the identity of the subject officer, nature of the triggering performance indicators, and planed remedial program.

1. Once the subject officer completes the remedial program, as per AG Directive 2018-3, the Chief of Police shall make a written confidential notification to the County Prosecutor of the EI System Review, including the remedial measures that were taken on behalf of the subject officer.

### **2.2.3H: Public Accessibility and Confidentially**

- A.** This EI System SOP shall be made available to the public upon request and shall be posted on the agency's website