

LEBANON TOWNSHIP POLICE DEPARTMENT

POLICY AND PROCEDURE



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<u>SUBJECT:</u> Employee Early Warning System			May 24, 2018 Sept. 6, 2018	
<u>EFFECTIVE DATE:</u> July 29, 2018		<u>ACCREDITATION STANDARDS:</u> July 1, 2020		
<u>BY ORDER OF:</u> Chief of Police: Erik Rautenberg		<u>REVIEWED BY:</u> Prosecutor: Anthony P. Kearns, III Chief of Detectives: Frank Crisologo First Assistant Prosecutor: Michael J. Williams		
<u>CROSS REFERENCE:</u> Employee Assistance Program -Internal Affairs Policy -Attorney General Guidelines on Police Response in Domestic Violence Cases -Attorney General Directive 2018-3				

POLICY:

The agency 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 agency shall have an employee 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 Tewksbury Township Police Department is the Chief of Police.
- B. Counselor—a licensed psychologist, psychiatrist, peer counselor, police chaplain, or physician who gives advice and recommends a course of conduct.
- C. Employee—everyone employed by the township, 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.¹
- D. Employee Assistance Program—a confidential, non-disciplinary program provided by the county 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.
- E. Supervisor—a member of the agency assigned to a position requiring the exercise of immediate supervision over the activities of employees.
- F. Superior Officer—Chief of Police or other member(s) as determined by the organizational structure.

PROCEDURE:

II. Early Warning System Program

- A. The agency 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

¹ The Lebanon Township Police Department applies its Early Warning System to all employees.

the agency. This program will assist supervisors and managers in highlighting behaviors that may otherwise be overlooked.

- C. Supervisors 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 Section D below.
- D. 1. The following list of performance indicators shall be included in all county and local police agencies' Early Warning System policies:
- Internal Affairs complaints against the employee.
 - Civil actions filed against the employee.
 - Criminal investigations of/criminal complaints against the employee.²
 - Use of force incident formally determined or adjudicated to have been unjustified, excessive, unreasonable.
 - Domestic violence investigations where the employee is the alleged subject.
 - Arrest of employee, including for driving under the influence
 - Sexual harassment claims against the employee.
 - Vehicular collisions formally determined to be the officer's fault.
 - Positive drug test.
 - Court dismissals of officer's cases or arrests.
 - Court suppression of evidence obtained by officer.
 - Insubordination.
 - Neglect of duty.
 - Unexcused absences/abuse of sick time.
 - Vehicle pursuit incident.
 - Unacceptable performance rating.
 - Any other indicators, as determined by the County Prosecutor or Chief Executive Officer.
2. Any additional performance indicators the County Prosecutor or Chief Executive Officer considers must be objectively reasonable and reasonably related to potentially escalating harmful behavior.
3. Given their seriousness, every incident involving criminal investigation of/a criminal complaint against the employee; arrest of the employee, including for driving under the influence; positive drug test; insubordination; and neglect of duty will trigger an Early Warning System review.
4. A total combination of any 3 other performance indicators occurring within a 12-month period will trigger an Early Warning review.

² If Early Warning System notification to the employee could jeopardized an ongoing criminal investigation, the County Prosecutor, in his or her discretion, may permit delayed notification to the employee of delayed initiation of this Early Warning System

- E Supervisors will forward an initial confidential written report to both the County Prosecutor, or his or her designee, and the Chief Executive Officer 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.
- F Supervisors and Superior Officers shall be notified of the activation of the Early Warning System and gather additional information about the employee.
- G A collective follow-up report will be submitted to the County Prosecutor, or his or her designee, and the Chief Executive Officer 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 County Prosecutor, or his or her designee, and the Chief Executive Officer, a meeting will be arranged with the employee and appropriate Supervisors.
- H 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.
- I Early Warning System meetings will result in options or courses of actions being determined and established by the County Prosecutor, or his or her designee, and the Chief Executive Officer with input from the identified employee and the responsible Superior Officer, or the employee's Supervisor. Options or courses of action include, but are not limited to:
 - 1. No additional action.
 - 2. Informal counseling and monitoring by the Superior Officer or the employee's Supervisor.
 - 3. Formal counseling or corrective actions as appropriate.
 - 4. Performance Improvement Plan with reviews and reports.
 - 5. Referral or visit to the department's or county's health/mental health care professional.
 - 6. Voluntary or mandatory referral to the township's Employee Assistance Program.
 - 7. Mandatory remedial or additional training designed to improve the employee's skills.
 - 8. Fitness-for-duty examination.

- 9. Any other appropriate remedial or corrective action.³
- J. The employee will be monitored for at least 3 months, or until his or her Supervisor concludes that the employee's behavior has been remediated, whichever is longer.
- K. Upon completion of the Early Warning System process, the Supervisor or Superior Officer will forward a confidential written report to both the County Prosecutor, or his or her designee, and the Chief Executive Officer of the process' outcome, including any remedial measures taken on the employee's behalf.

III. Psychological Services Process

- A. The County Prosecutor, or his or her designee, and the Chief Executive Officer may implement a course of action (see Section II I 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 County Prosecutor, or his or her designee, and the Chief Executive Officer.
- D. Periodically the County Prosecutor, or his or her designee, and the Chief Executive Officer, 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 County Prosecutor, or his or her designee; the Chief Executive Officer; 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

³ This SOP, and Early Warning System generally, are focused on corrective actions to remediate behavior and to provide assistance to the employee. They generally do not address disciplinary actions that might be warranted against an employee. Such disciplinary actions to include the decision to suspend, terminate, or, if applicable, charge an employee with criminal conduct – remain within the purview of the agency's internal affairs function, and may be imposed in accordance with existing internal affairs guidelines and applicable law, separate from and independent of the Early Warning System.

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.