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SOP 35 Early Warning System

I. Purpose

To provide guidelines for establishing an Early Warning System (EW System or EWS) to identify employees who may require proactive intervention efforts.

II. Policy

It is the policy of the Woodbury City Police Department to provide early intervention to employees who meet established criteria. The Woodbury City 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 Woodbury City 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.

III. Procedures

A. Early Warning System

1. The EW System is a non-disciplinary system that is designed to improve the performance of the Department and its employees through counseling, training and types of professional development as described in this directive.

B. Performance Indicators

1. An EW System may monitor many different categories of officer conduct which indicate potentially escalating risk of harm to the public, the agency, and/or the

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officer. These performance indicators include, but are not limited to, the following documented indicators:

- 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
- o. Any other indicators, as determined by the agency's chief executive.

C. Initiation of Early Warning System

1. Three separate instances of the performance indicators listed above within any twelve-month period will trigger the EW System 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 performance indicator. The Chief of Police, may, at their discretion determine that a lower number of performance indicators within a twelve-month period (i.e., one or two performance indicators) will trigger the EW System review process.
2. Once an officer has displayed the requisite number of performance indicators necessary to trigger the EW System review process; assigned supervisory personnel shall initiate remedial action to address the officer's behavior.
3. When an EW System review process is initiated, personnel assigned to oversee the EW System should:
 - a. Formally notify the subject officer, in writing;
 - b. Conference with the subject officer and appropriate supervisory personnel;

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- 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 EW System review process may not be used against the subject officer in any disciplinary or other proceeding.

D. Administration and Tracking

1. Typically, the EW System should be administered by the internal affairs unit. Supervisory officers in the subject officer's chain of command also should be directly involved in any EW System review process.
2. The department utilizes an automated systems that is capable of flagging emerging behavioral patterns. At least every six months, personnel assigned to manage the EW System shall audit the tracking system and records to assess the accuracy and efficacy of the tracking system.

E. Review of Index File

1. If the review reveals that an employee has violated department directives, the department may proceed with an internal investigation. If the review reveals that the employee has engaged in conduct that indicates a lack of understanding or inability to comply with accepted procedures, the department shall determine the appropriate course of remedial action.
2. All action taken will be documented and submitted to the Captain of Police who will maintain Early Warning System records along with Internal Affairs records.

F. Command Responsibilities

1. The Captain will notify each affected Supervisor of the employees who meet the criteria for EWS. The Captain will then submit to each Supervisor all related reports for EWS on those employees.
2. The Captain will refer to the Index File and make a timely and accurate summary of the actions of the particular employee and recommendations for intervention, if necessary. The Captain's report will be submitted to the Chief of Police for final approval.

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3. The Captain will maintain the Early Warning System File on every employee selected for Early Warning System. This file will be the repository for documented incidents that meet the criteria for EWS considerations.
 - a. The file will included completed Intervention Reports along with any applicable reports pertinent to the incidents (e.g. Use of Force, Pursuits, etc.).
 - b. The EWS Files will be maintained by the Captain and will be retained for four years.
 - c. The files will be secured in a separate and secure filing cabinet in the Captain's office.
 - d. EWS files are considered confidential.
 - e. EWS file is on a need-to-know basis
4. The Command staff shall attempt to follow the following steps in the Early Warning System process:
 - a. Review of the Employee's index file and personnel file
 - b. Intervention and counseling, in the form of a meeting between the employee, their direct supervisor, and a member of the administrative staff. This meeting should focus on identifying any problems or potential problems.
 - c. Meeting with the Chief of Police, the member of the Command Staff that attended the meeting with the employee shall meeting with the Chief of Police as early as possible to discuss the outcome of the previous meeting. The Chief and the command staff shall discuss the outcome of the counseling and/or recommendations for additional intervention, (i.e. training, employee assistance program).
 - d. The member of the Command Staff shall complete a report detailing the response to the employee's behavior, if any, and the department's recommendations for intervention. This report should be completed as soon as possible after a plan has been created for the employee.
 - e. The member of the Command Staff shall complete a follow up report, to be forwarded to the Chief of Police, once the employee has completed the recommendations. This report shall serve as a status update. The report should include whether further recommendations are

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required or if the employee shall be removed from the Early Warning System process.

G. Supervisor Responsibilities

1. An employee's first line supervisor is usually the first member of the department to encounter and document specific incidents that affect an employee. It is essential for the supervisor to speak with the employee, document these incidents and report findings to the Captain. The success of this program relies heavily on the first line supervisor's participation and involvement.
2. Supervisors shall forward all documentation required by the Early Warning System Policy pursuant to written directives already established - Use of Force, Internal Affairs Investigations, Investigating and Reporting Damage to Police Vehicles, Personnel Policies and Procedures, Vehicle Pursuit Actions, Sick Leave and Tardiness.
3. Supervisors will have input on recommendations affecting their employees such as required remedial training and counseling services through the Employee Assistance Program and disciplinary action.
 - a. Referrals to the Employee Assistance Program shall be made in accordance with the Employee Assistance Program protocols. Personal problems may adversely affect an employee's personal and professional well-being and job performance. The most effective means of handling these problems may be through this program.
 - b. The affected employee and their supervisor shall meet periodically to discuss the employees' progress and goals.
 - c. All employee-supervisor meetings shall be thoroughly documented and submitted to the Captain as soon as possible. These reports have the same confidential status as Internal Affairs documents and are subject to the same disclosure and retention regulations and guidelines.

H. Notification to Subsequent Law Enforcement Employer

1. If any officer who is or has been subject to an EW System review process applies to or accepts employment at any law enforcement agency other than the Woodbury City Police Department, it is the responsibility of the Woodbury City Police Department to notify the subsequent employing law enforcement agency of the officer's EW System review process history and outcomes. Upon request, the Woodbury City Police Department shall share the officer's EW System review process files with the subsequent employing agency.

I. Remedial/Corrective Action

1. If any of the indicator's outlined in this SOP warrant the activation of the Early Warning System remedial action will occur as follows. The Captain and the employee's Supervisor, will implement the appropriate remedial training with the approval of the Chief of Police.

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

- a. Training or re- training;
- b. Counseling;
- c. Intensive supervision;
- d. Fitness for duty examination;
- e. Employee Assistance Program;
- f. Any other appropriate remedial or corrective action.

Internal disciplinary action, remedial action, and fitness for duty examinations are not mutually exclusive and should be jointly pursued if and when appropriate.

2. When remedial action has been undertaken, the Captain shall ensure that such actions are documented in writing. No entry should be made in the employee's personnel file unless the action results in a sustained complaint. If the remedial action is a training program, attendance and successful completion of that program should be noted in the employee's training record.

J. Notification to County Prosecutor

1. Upon initiation of the EW System review process, the Chief of Police 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 EW System 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 EW System review, including any remedial measures taken on behalf of the subject officer.

K. Public Accessibility and Confidentiality

1. All EW System policies adopted by the Woodbury City Police Department shall be made available to the public upon request and shall be posted on the agency's website. 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 agency's website.

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