

**COUNTY OF MORRIS
OFFICE OF THE SHERIFF**

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SHERIFF JAMES M. GANNON		05/2018	Various	Various		
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7:1 PURPOSE

The purpose of this policy is to establish guidelines to assist with the early identification of potential problem personnel and to reference other office policies and procedures that must also be utilized to effectively carry out this process. The Early Warning System is nothing more than a consolidated review process of various reports and information generated from policies and procedures already in place within different chapters of the Sheriff's Manual. The other policies that are referenced herein will not, for the most part, be modified in any significant manner as a result of this process being implemented. This policy also serves to illustrate the methods by which the early warning process will be organized and administered.

***NOTE:** Numbers in brackets [] are CALEA Accreditation Standard references.

7:2 POLICY

The Sheriff recognizes that a comprehensive Early Warning System is an essential component of good discipline in a well-managed law enforcement agency. Additionally, the active participation of first and second level supervisors is expected, as this is crucial to the process's success. This process has been designed and implemented toward achieving the goals of increasing agency accountability and offering personnel a better opportunity to meet the agency's values and mission statement.

7:3 PROCEDURES

7:3.1 Oversight and Monitoring

- 1) The Early Warning System will fall under the oversight and control of the Chief. The Chief will, at the end of each year, prepare a documented evaluation of the process utilizing input gathered/received from the following sources: [35.1.9c]
 - A. Sheriff;
 - B. Undersheriff;
 - C. Captain;
 - D. Division Commanders;
 - E. Internal Affairs;
 - F. Sheriff's Operational Services;
 - G. Bargaining Unit Presidents; and
 - H. Any other source deemed appropriate.
- 2) A significant portion of the process will be monitored and reviewed by the [Internal Affairs Section](#) (see section 7:3.2 1C).
- 3) Performance Indicators that will be continually reviewed by this process will include, but are not limited to:
 - A. Internal Affairs complaints against an Officer, whether initiated by another Officer or by a member of the public;
 - B. Civil actions filed against an 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;
- O. Efficiency Reports for counseling sessions;
- P. Performance Appraisals;
- Q. Accidents with county vehicles;
- R. On the job injury reports;
- S. Worker's Compensation Claims;
- T. Patterns involving use of sick leave; and
- U. Any other indicators, as determined by the Sheriff or his designee.

7:3.2 Initiation of the Early Warning System

- 1) Three (3) separate instances of Performance Indicators (listed in 7:3.1 #3) in a twelve (12) month period will trigger the Early Warning System review process.
- 2) The Sheriff or his designee may use his discretion to determine if a lower number of Performance Indicators within a twelve (12) month period will trigger the Early Warning System review period.

7:3.3 Administration and Tracking

The process will be applied as follows:

- 1) Supervisory Personnel **[35.1.9d]**
 - A. The process will be utilized and applied by all Supervisors on a continual basis in accordance with applicable provisions of this policy and others as referenced herein.
 - B. All Supervisors will familiarize themselves with the work habits of personnel under their control. The role of Supervisors, especially First-Line Supervisors, is crucial in

identifying circumstances in which early intervention is needed and subsequently identifying the most effective methods or intervention.

- C. Supervisors who observe notable changes in work habits, which in the opinion of the Supervisor may have a detrimental effect on the individual's job performance, will either:
 - 1. Address the circumstances as prescribed in other policies pertaining to training or behavior modification; or
 - 2. When appropriate, offer assistance to the individual in resolving or alleviating the issue(s). Supervisors should remain sensitive to any personal problems of individuals, but ultimately must understand that prolonged or frequent instances of such problems affecting the individual's job performance must be brought to the attention of the Supervisor at the next level of the Chain of Command.
- D. Supervisors will confer with their respective Division Commander regarding any individual who's yearly Performance Appraisal indicates an overall rating of "Needs Improvement" or who has failed to show improvement in a particular category in which a "Needs Development" rating was received in the previous year.
- E. Supervisors should note the frequent issuance of Efficiency Reports (for Counseling Sessions) and Individual Training Reports to an individual as an indication of a potential or actual concern that may need to be remedied in another fashion.

[35.1.9a]

2) Division Commanders

[35.1.9d]

- A. Division Commanders will utilize and apply the process as indicated within this policy and will ensure that all Supervisors under their command understand the purpose and practical applications of the process.
- B. Division Commanders will familiarize themselves with the work habits of Supervisors within their span of control.
- C. Division Commanders will, when necessary, utilize the same procedures indicated for Supervisors (as previously described) to address similar concerns involving those Supervisors.
- D. Upon notification of supervisory concerns regarding an individual, the Division Commander will discuss the concerns with the Supervisor and together they will attempt to assist the individual in resolving the problem.
- E. If attempts to assist an individual with the resolution of a problem are unsuccessful, or if the issue(s) involving that individual are of a serious nature, the Division Commander will notify their supervisor.
- F. Division Commanders will confer with their supervisor regarding any Supervisor under

their command whose yearly Performance Appraisal indicates an overall rating of “Needs Improvement” or who has failed to show improvement in a particular category in which a “Needs Development” rating was received in the previous year.

- G. Division Commanders should monitor the use of Efficiency Reports (for Counseling Sessions) and Individual Training Reports by their respective Supervisors for recurrent patterns involving individual personnel. **[35.1.9a]**

3) Internal Affairs

- A. The Internal Affairs Section will monitor the following items for recurrences or escalating patterns involving individual personnel:
 - 1. All complaints against individuals;
 - 2. Disciplinary actions;
 - 3. Use of force incidents;
 - 4. Excessive Sick Time Notification letters.
- B. Any recurrence or pattern identified by the Internal Affairs Section which is felt to be of a significant nature will be brought to the Chief’s attention in writing, as soon as possible. **[35.1.9a]**
- C. If no notifications are made to the Chief during a particular quarter, this fact will be noted in the Internal Affairs Quarterly Summary Report as follows: “No reportable activity was noted as described under the Early Warning System.”

4) Administrative Staff

Administration Division Clerical staff will monitor the following items for recurrences or escalating patterns involving individual personnel:

- A. On-the-job injury/accident reports;
- B. County vehicle accident reports; and
- C. Workers’ Compensation claims.

5) Chief

- B. The Chief will assist the Captains and Division Commanders in addressing any concerns pertaining to personnel that are brought to his attention.
- C. The Chief will review all Performance Appraisals, noting all those in which a “Needs Development” rating has been given.

- D. The Chief will review all information forwarded to him from the Internal Affairs Section, as indicated within this policy.
- E. Utilizing the information provided to him and through any additional consultations with Supervisors, Division Commanders, Captains and the Undersheriff, the Chief will determine if a potential or actual concern exists regarding any individual personnel. [35.1.9a]
- F. Should a potential or actual concern be identified, the Chief will assure the appropriate intervention is taken as soon as possible and in accordance with applicable office policy.

7:3.4 Intervention

[35.1.9e]

- 1) Intervention should be taken, whenever possible, by the affected individual’s direct Supervisor with the aim of resolving the issue(s) at that level.
- 2) Intervention may consist of varying methods including employee assistance, training, pre-disciplinary intervention or disciplinary action.
- 3) Other Morris County Sheriff’s Office Policies and Procedures which comprise the framework of the Early Warning System and which should be referenced to for guidance when intervention is necessary are:
 - A. *Internal Affairs* (Vol. V, Chap. 1);
 - B. *Training and Career Development* (Vol. IV, Chap. 14);
 - C. *Behavior Modifications and Disciplinary Procedures* (Vol. IV, Chap 6); [35.1.9b]
 - D. *Performance Appraisals* (Vol. IV, Chap. 8);
 - E. *Injuries, Accidents, and Illnesses* (Vol. IV, Chap. 9, Sect. 9:3.5 “Employee Assistance Program”); [35.1.9b]
 - F. *Authorized Leave Time* (Vol. III, Chap. 18); and
 - G. *Line of Duty Death or Serious Injury Assistance* (Vol. IV, Chap. 3).

7:3.5 Remedial/Corrective Action

- 1) When an Early Warning System review process is initiated, personnel assigned to oversee the Early Warning System should:
 - A. Formally notify the subject Officer, in writing;
 - B. Notify the Personnel’s direct supervisor;
 - C. Conference with the subject Officer and appropriate supervisory personnel;

- D. Develop and administer a remedial program including the appropriate remedial/corrective actions listed in 7:3.5 #2; [35.1.9e]
- E. Continue to monitor the subject Officer for at three (3) months, or until the supervisor concludes that the Officer's behavior has been remediated (whichever is longer);
- F. Document and report the findings to the appropriate supervisory personnel and, if warranted, the Internal Affairs Section.

NOTE Any statement made by the subject Officer in connection with the Early Warning System review process may not be used against the subject Officer in any disciplinary or other proceeding.

- 2) Remedial/corrective action may include but is not limited to the following: [35.1.9e]
 - A. Training or re-training;
 - B. Counseling;
 - C. Intensive supervision;
 - D. Fitness-for-duty examination;
 - E. Employee Assistance Program (EAP) referral; and [35.1.9f]
 - F. Any other appropriate remedial or corrective action.

7:3.6 Notification to the Morris County Prosecutor

- 1) Upon initiation of the Early Warning System review process, the Sheriff or his designee shall make a confidential written notification to the Morris County Prosecutor's Office or his/her designee of:
 - A. The identity of the subject Officer;
 - B. The nature of the triggering performance indicators; and
 - C. The planned remedial program.
- 2) Upon completion of the Early Warning System review process, the Sheriff or his designee shall make a confidential written notification to the Morris County Prosecutor or his/her designee of the outcome of the Early Warning System review, including any remedial measures taken on behalf of the subject Officer.
- 3) On January 5th of the calendar year, the Sheriff or his designee, shall report in writing to the Morris County Prosecutor or his/her designee, the total number of Early Warning Reviews that were undertaken for the previous year.

7:3.7 Posting and Confidentiality

- 1) This Early Warning System policy shall be made available to the public upon request and shall be posted on the Morris County Sheriff's Office website.
- 2) All written reports that identify specific Officers are confidential and not subject to public disclosure.
- 3) If a Sworn employee who was subject to the Early Warning System review process leaves the Sheriff's Office to work at another Law Enforcement Agency, the new employing agency will be made aware of any/all Early Warning System review process history and outcomes. Upon request, the Officer's Early Warning System file will be made available to the new agency.