

**MIDDLETOWN TOWNSHIP
POLICE DEPARTMENT
GENERAL ORDER**



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SUBJECT: EARLY INTERVENTION SYSTEM

EFFECTIVE DATE:

January 28,2021

ACCREDITATION STANDARDS:

2.2.3

BY THE ORDER OF:

Chief R. Craig Weber #251

SUPERSEDES ORDER #:

Revises G.O. Vol 2 Ch. 16 dated 3/06/2013

PURPOSE: The purpose of this general order is to establish a personnel early intervention system.

POLICY: It is the policy of this department to implement and utilize an early intervention system for tracking and reviewing incidents of risk and provide timely intervention consistent with Attorney General Guidelines.

PROCEDURE:

I. EARLY INTERVENTION SYSTEM

- A. The Early Intervention System (EIS) is designed to detect patterns and trends before the conduct escalates into more serious problems. As such, employees must understand that the Early Intervention 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 primary intent of the system. The primary intent of an early intervention system is to address potential problems through the use of appropriate management and supervisory strategies before formal discipline is warranted.
- B. Many different measures of employee performance (actions or behaviors) can be regularly examined for patterns or practices that may indicate potential problems. The chief executive of the department 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. These performance measures may include, but are not limited to, the following documented indicators:
1. Internal Affairs complaints, regardless of outcome;
 2. Civil actions filed against the officer, regardless of outcome;
 3. Criminal investigations or complaints made against the employee;
 4. Incidents of force usage, including firearms discharges and use of non-deadly force;
 5. Domestic violence investigations in which the officer is an alleged subject;
 6. An arrest of the officer, including for driving while under the influence;
 7. Sexual harassment claims against the officer;
 8. Vehicular pursuits;
 9. Vehicular collisions that are formally determined to be the fault of the officer;
 10. A positive drug test result by the officer;
 11. Cases rejected or dismissed by the prosecutor;
 12. Cases in which evidence is suppressed by the court;
 13. Neglect of duty by the officer;
 14. Insubordination by the officer;
 15. Claims of duty-related injury;
 16. Unexcused absences by the officer; and

17. Any other indicators, as determined by the Chief of Police

- C. Generally, the indicators listed in Section B would be known to the Agency at the time that they occur. However, it is the responsibility of each member of the Agency to report the occurrence of any of the listed criteria as soon as possible, but under no circumstances, later than 24 hours following the event.

II. INITIATION OF THE EARLY INTERVENTION SYSTEM

- A. At a minimum, an agency's EIS policy shall provide that three (3) separate instances of performance indicators (as listed in Section B, above) within any twelve-month period will trigger the EIS 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 in his or her discretion determine that a lower number of performance indicators within a twelve-month period (i.e., one or two performance indicators) will trigger the Early Intervention System review process.

III. ADMINISTRATION OF EARLY INTERVENTION SYSTEM

- A. The Early Intervention System is primarily the responsibility of the Internal Affairs unit; but, any supervisor may initiate the early intervention process based upon their own observations. Emphasis should be placed on anticipating employee problems before it results in improper performance or conduct.
- B. Internal affairs shall conduct a manual or computerized audit of its records to determine if an employee has the emergence of a pattern, practices or trend of inappropriate behavior or misconduct. In addition to the regular data audits by internal affairs, the internal affairs supervisor shall audit an individual employee's history any time a new complaint is received. Internal Affairs shall conduct an audit of the agency's tracking system(s) and records at least once every six (6) months.
1. Using this information and their experience, internal affairs investigators may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the Early Intervention System data audit.
- C. If the audit indicates the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, the internal affairs investigator shall consult with the employee's supervisor and/or division commander.
- D. The Internal Affairs supervisor and the employees supervisor and/or division commander shall review the information provided by internal affairs along with any other relevant information from department records for the purpose of initiating a course of intervention designed to correct/interrupt the emerging pattern, practice or trend.
1. If the audit indicates that the Early Intervention System has returned an incorrect identification or "false positive," that conclusion should be documented.
 2. If the audit reveals that an employee has violated department rules and regulations or general orders, the supervisor in consultation with the

internal affairs unit should proceed with an internal investigation and possible disciplinary action.

3. If the audit reveals that the employee has engaged in conduct which indicates a lack of understanding or inability to comply with accepted procedures, the supervisor shall consult with the internal affairs unit to determine the appropriate course of remedial/corrective intervention.
4. When an employee is identified by the Early Intervention System, regardless of whether the identification was correct or a "false positive", the identification and results of the subsequent investigation of the underlying incidents, shall be reported in a timely manner to the Monmouth County Prosecutor's Office (MCPO) Professional Responsibilities Unit (PRU)

IV. SUPERVISORS

- A. 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 their division commander and if warranted, the internal affairs supervisor. The success of this program relies heavily on the first line supervisor's participation and involvement.
- B. If a supervisor has initiated remedial/corrective intervention, the internal affairs unit shall be formally notified of such efforts. This information shall be documented and appropriate copies forwarded to the internal affairs unit for filing.
 1. No entry should be made in the employee's personnel file, unless the action results in disciplinary/corrective action.
- C. If the remedial/corrective intervention was training, documentation shall be filed in accordance with the department's general order governing training (remedial training).
- D. Supervisors shall forward all documentation as required by department general orders established to assist in a comprehensive audit. This data shall minimally include: use of force reports, vehicle pursuit reports, and attendance records.

V. DIVISION COMMANDERS

- A. In addition to the regular data audits conducted by internal affairs, the division commanders shall periodically audit an individual employee's history. Using this information and their experience, the commander may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the Early Intervention System data audit.
- B. When under Early Intervention System monitoring, the employee's division commander and supervisor shall meet with the employee to discuss the situation in depth to:
 1. Identify problems or potential problems;
 2. Determine short and long-term goals for improvement;

3. Come to a consensus commitment on a plan for long-term improved performance;
 4. Advise of the monitoring process and the repercussions of future sustained transgressions.
- C. Generally, personnel should expect to remain under intensive monitoring and supervision for six (6) months when an Early Intervention flag is triggered.
- D. Supervisor/Employee Meeting
1. All supervisor/employee meetings shall be thoroughly documented, which will be forwarded to the Chief of Police or his designee. The affected employee and supervisor shall meet on a regular basis, minimally monthly, to discuss progress towards the agreed upon goals and objectives.
 2. All regular monthly progress/status reports shall be submitted to the Chief of Police or his/her designee through the chain of command.
 3. An additional six (6) months of documented monitoring is required following removal from the Early Intervention System. Monthly monitoring reports from the direct supervisor are required.

VI. REMEDIAL/CORRECTIVE INTERVENTION

- A. Once an officer has displayed the requisite number of performance indicators necessary to trigger the Early Intervention System review process (as set forth in Section II.C, above) assigned supervisory personnel shall initiate remedial action to address the officer's behavior.
- B. When an Early Intervention System review process is initiated, personnel assigned to oversee the system should take the following steps to ensure the proper handling of matter.
1. Formally notify the subject officer, in writing;
 2. Conference with the subject officer and appropriate supervisory personnel;
 3. Develop and administer a remedial program including the appropriate remedial/corrective actions listed below;
 4. 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);
 5. 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 Early Intervention System review process may not be used against the subject officer in any disciplinary or other proceeding.
- C. In the event that an officer is the subject of a "false positive" identification, the personnel assigned to oversee the system shall follow steps 1 and 2 (listed above)

and document in writing that the nature of the identification.

- D. Supervisory or command personnel may initiate remedial/corrective intervention to correct behavior. Remedial/corrective intervention may include, but is not limited to:
 - 1. Training;
 - 2. Retraining;
 - 3. Counseling;
 - 4. Intensive supervision;
 - 5. Fitness for duty examination;
 - 6. Employee Assistance Program, when warranted, if available;
 - 7. Any other appropriate or remedial or corrective action.
- E. Internal disciplinary action, remedial/corrective intervention, and fitness for duty examinations are not mutually exclusive and should be jointly pursued if and when appropriate.
- F. When remedial/corrective intervention has been undertaken, the Chief of Police 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 investigation. If the remedial/corrective intervention is a training program, attendance and successful completion of that program should be noted in the employee's training record.
- G. All reports shall be forwarded to the Chief of Police for review. These reports have the same confidential status as Internal Affairs documents and are subject to the same disclosure and retention regulations and guidelines.

VII. NOTIFICATION TO SUBSEQUENT LAW ENFORCEMENT EMPLOYER

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

VIII. NOTIFICATION TO COUNTY PROSECUTOR

- A. Upon initiation of the Early Intervention System review process, the agency's chief executive or a designee shall make a confidential written notification to the Monmouth 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 Early Intervention System review process, the agency's chief executive shall make a confidential written notification to the County Prosecutor or his/her designee of the outcome of the Early Intervention System review, including any remedial measures taken on behalf of

the subject officer.

IX. REPORTING, PUBLIC ACCESSIBILITY, AND CONFIDENTIALITY

- A. By January 31st of each year, each County Prosecutor shall submit a report to the Attorney General, through the Division of Criminal 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 this Directive and those that are not.
- B. The Internal Affairs Unit of the Middletown Twp. Police Department shall prepare an annual report each year, to be submitted in accordance with the direction of the Monmouth County Prosecutor's Office. The report will contain general information determined by the Prosecutor's Office, which is generally non-specific, quantitative information. Information pertaining to specific officers is confidential and is not to be included in periodic, summary reports.
- C. All Early Intervention System policies adopted by law enforcement agencies 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 (as required by Section B, above) also shall be made available to the public upon request and shall be posted on the agency's website. All written reports created or submitted pursuant to this Directive that identify specific officers are confidential and not subject to public disclosure.