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Commissioner

**TOWNSHIP OF NORTH BERGEN
DEPARTMENT OF PUBLIC SAFETY
POLICE DEPARTMENT**

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EFFECTIVE DATE: Immediately		DIRECTIVE: General Order 14-26	
SUBJECT: Early Warning System			
REFERENCES: New Jersey Attorney General Directive 2018-3			
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I. PURPOSE:

- A.** The North Bergen Police Department (NBPD) recognizes that identifying and addressing errant performance early on, before it escalates, holds the promise of reducing liability, mitigating risk, and enhancing the integrity and reputation of our organization, and the entire police profession. This directive establishes guidelines to assist with the early identification of potential misconduct by department personnel. The Early Warning System (EWS) is a consolidated review of various reports and information generated from rules, regulations, policies and procedures of the North Bergen Police Department, an Accredited Law Enforcement Agency. The EWS employs methods and strategy that is truly representative of the NBPD’s current internal affairs mission.

II. POLICY:

- A. The North Bergen Police Department recognizes that early intervention has become accepted as a “best practice” throughout public safety. Where-ever early intervention programs have been instituted, they have played a critical role in lessening risk, upholding integrity, and supporting professional development. In dealing with early-stage issues, different remedial approaches are available that can be more supportive than adversarial. Non-disciplinary programs that assist rather than punish have the potential to produce positive outcomes with improvements in performance, behavior and professional conduct. A comprehensive Early Warning System (EWS) is an essential management tool designed to detect patterns and trends in police conduct before that conduct escalates. Additionally, the active participation of North Bergen Police supervisors and management is expected, as this is crucial to the success of the EWS.

III. PROCEDURES:

A. Software Package

1. The North Bergen Police Department (NBPD) shall utilize BlueTeam which is a software component of IA PRO as its Early Warning System (EWS). BlueTeam is the NBPD’s EWS support software product that works in conjunction with IA PRO to help provide an integrity solution when the EWS is triggered.

B. Oversight and Monitoring

1. The Early Warning System (EWS) will fall under the oversight and control of the Division Commanders.

C. Monitoring and Review

1. A significant portion of the EWS process will be monitored and reviewed by the Internal Affairs Unit as outlined in section III.F.3.

D. Performance Indicators

1. The performance indicators that will be continually reviewed by the EWS via the BlueTeam software package and will include, but not be limited to, the following:
 - a. Poor Performance Appraisals.
 - b. Excessive use of sick time.
 - c. Excessive Workers compensation claims.
 - d. Internal affairs complaints against the officer, whether initiated by

- another officer or a member of the public;
- e. Civil actions filed against the officer;
- f. Criminal investigations of or criminal complaints against the officer;
- g. 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;
- h. Domestic violence investigations in which the officer is the alleged subject;
- i. An arrest of the officer, including a driving under the influence charge;
- j. Sexual harassment claims against the officer;
- k. Vehicular collisions involving the officer that are formally determined to have been the fault of the officer;
- l. A positive drug test by the officer;
- m. Cases or arrests by the officer that are rejected or dismissed by a court;
- n. Cases in which evidence obtained by an officer is suppressed by a court;
- o. Insubordination by the officer;
- p. Neglect of duty by the officer;
- q. Unexcused absences by the officer; and
- r. Any other indicators, as determined by the Chief of Police.

E. Initiation of Early Warning Process

1. When the BlueTeam software generates an alert signifying three separate instances of performance indicators (listed in **Section III.D.1.a-s** of this directive) have occurred within any twelve-month period this shall trigger the EWS System review process.
 - a. If one incident triggers multiple performance indicators, that incident shall not be double or triple counted, but instead count as only one performance indicator.
 - b. The issuance of three (3) "Performance Notices" within a ninety-day period will count as a single performance indicator towards the EWS System.

F. Administration and Tracking

1. The EWS shall be conducted by all supervisory personnel in the department utilizing entries made in BlueTeam.
2. All Supervisors shall utilize the BlueTeam Early Intervention Dashboard featuring live updates of the performance statuses of each employee across a spectrum of benchmarks.
3. The North Bergen Police Department's EWS is computerized system

(BlueTeam) which is capable of sending automated alerts when the EWS is triggered; however, Internal Affairs Personnel will manage the Early Warning System and shall conduct routine audits as appropriate, but no less than every six months. This will ensure the accuracy and efficacy of the tracking system.

G. Application, the process will be applied as follows:

1. First-Line Supervisory Personnel (Sergeants) Responsibilities:

- a. When notified via email by the BlueTeam EWS system, sign on to BlueTeam to address any and all supervisory functions as appropriate.
- b. The process will be utilized and applied by all supervisory members and employees on a continual basis in accordance with applicable provisions of this policy and others as referenced herein.
- c. All supervisory personnel will familiarize themselves with the work habits of those members or employees 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 of intervention.
- d. Supervisors who observe notable changes in work habits, which in the opinion of the supervisor may have a detrimental effect on the member or employee's job performance, will either:
 - i. Address the circumstances as prescribed in other policies pertaining to training or behavior modification; or
 - ii. When appropriate, offer assistance to the member or employee in resolving or alleviating the issue(s). Supervisors should remain sensitive to any personal problems of members or employee's 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 individual at the next level of the chain of command
- e. Supervisors will confer with their respective Unit Supervisor or Division Commander regarding any member or employee's Personnel Performance Evaluation indicates a rating of "Unsatisfactory" or who has failed to show improvement in a particular category in which an "Unsatisfactory" or "Needs Improvement" rating was received in the previous six-month evaluation period as per **General Order 13-37**,

Personnel Performance Evaluation.

- f. Supervisors should note the frequent issuance of “Performance Notice” reports in accordance with ***General Order 14-21, Internal Affairs Policy***, on the Personnel Performance Evaluation, as an indication of a potential or actual concern that may need to be remedied in another fashion.

2. Middle Management (Lieutenants) Responsibilities:

- a. When notified via email by the EWS, sign on to BlueTeam to address any and all supervisory functions as appropriate.
- b. Utilize and apply the process as indicated within this policy and will ensure that all first-line supervisory members and employees under their command understand the purpose and practical applications of the process.
- c. Familiarize themselves with the work habits of supervisory members and employees within their span of control.
- d. Utilize, when necessary, the same procedures indicated for supervisors (as described in **Section III.G.1.d.i-ii** of this directive) to address similar concerns involving those supervisory personnel.
- e. Upon notification of supervisory concerns regarding a member or employee, discuss the concern(s) with the supervisor and together they shall attempt to assist the member or employee in resolving the problem.
- f. Notify the Division Commander if attempts to assist a member or employee with the resolution of a problem are unsuccessful or if the issue(s) involving the individual are of a serious nature.
- g. Confer with the Division Commander when any supervisor under their command has a six-month Personnel Performance Evaluation which indicates a rating of “Unsatisfactory” or when the supervisor has failed to show improvement in a particular category where “Unsatisfactory” or “Needs Improvement” was received in the previous six-month evaluation.
- h. Monitor the use of “Performance Notice” reports by their respective supervisors for recurrent patterns involving individual members or employees.

3. Internal Affairs Officer Responsibilities:

- a. Monitor the performance indicators listed in **Section III.D.1.a-s** of this directive for recurrences or escalating patterns involving individual members or employees.
- b. Bring to the attention of the Chief of Police and Appropriate Division Commander (in writing) any recurrence or pattern identified as soon as possible.

4. Division Commanders Responsibilities:

- a. Assist Middle Management in addressing any concerns pertaining to a member or employee that are brought to their attention.
- b. Review all Personnel Performance Evaluations, noting all those in which an “Unsatisfactory” or “Needs Improvement” rating has been given.
- c. Review all information provided by the Internal Affairs Officer as indicated in **Section III.G.3.b** of this directive.
- d. Utilize the information provided, and through any additional consultations with first-line supervisors and middle management determine if a potential or actual concern exists regarding any individual member or employee.
- e. Assure the appropriate intervention is taken as soon as possible and in accordance with the applicable policy should a potential or actual concern be identified.
- f. Gather all Early Warning System reports and turn them over to the Internal Affairs Division Commander for proper filing and storage.

H. Intervention, Remedial/Corrective Action

- 1. Once an officer has displayed the requisite number of performance indicators necessary to trigger the Early Warning System review process assigned supervisory personnel shall initiate remedial action to address the officer’s behavior. The following corrective action plan shall be followed:
 - a. The officer shall be formally notified in writing;
 - b. A conference will be held with the subject officer and supervisory personnel;
 - c. A remedial program will be developed to include the appropriate

- d. North Bergen Police Department Rules and Regulations.

I. Notifications

1. Notification to the County Prosecutor

- a. Upon initiation of the Early Warning System review process, the Chief of Police shall assign the Internal Affairs Supervisor to make a confidential written notification to the County Prosecutor of the identity of the subject officer, the nature of the triggering performance indicators, and the planned remedial program. Once the EWS review process is complete the Chief of Police shall make a confidential written notification to the County Prosecutor of the outcome of the EWS review, including any remedial measures taken on behalf of the subject officer.

2. Notification to Subsequent Law Enforcement Employer

- a. All North Bergen Police Personnel shall be aware that as required by New Jersey Attorney General Directive 2018-3, the Chief of Police is directed to notify any perspective law enforcement agency regarding a NBPD Officer's EWS review process history and outcome, if and when the NBPD Officer applies to, or accepts employment at, a different law enforcement agency other than the North Bergen Police Department. Furthermore, upon request, the NBPD is directed by the New Jersey Attorney General to share the NBPD Officer's EWS review process files with the subsequent employing agency.

IV. RECORDS:

- A. All reports and records forwarded up the chain of command shall eventually be turned over to the Internal Affairs Division Commander who shall ensure that they are properly filed in a separate and distinct Early Warning System File.
- B. An Early Warning System File shall be maintained for each individual officer in the North Bergen Police Department and those records shall be kept in the Internal Affairs Office.
- C. Supervisory personnel who wish to access Early Warning System reports shall make the request to their respective division commander or the Chief of Police.
- D. In accordance with New Jersey Attorney General Directive 2018-3, the NBPD Early Warning System policy, General Order 14-26 is subject to inspection as an Open Public Record (OPRA) and shall be made available to the public upon request. Furthermore,

General Order 14-26 shall also be posted on the North Bergen Police Department website: www.northbergenpd.com as required.

- E. All written reports created or submitted pursuant to this directive that identify specific officers are confidential and not subject to public disclosure.

V. **VIOLATIONS:**

- A. Supervisors shall be held accountable for the enforcement of this directive.
- B. Violations of this General Order may result in progressive disciplinary action.



Peter Fasilis
Chief of Police