

TEANECK POLICE DEPARTMENT			
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SUBJECT: EARLY WARNING SYSTEM			
	ACCREDITATION STANDARDS: 2.2.3	REVISION DATE	PAGE #
BY THE ORDER OF: Chief Glenn M. O'Reilly			
SUPERSEDES ORDER #:			

The following excerpt is the Early Warning System policy adopted by the Teaneck Police Department. It is contained within the General Order titled, GO 10-005 – Professional Standards.

- c. The Professional Standards Unit shall establish a personnel Early Warning System, in accordance with Attorney General Law Enforcement Directive No. 2018-3. The Early Warning System is an important management tool designed to detect patterns and trends in police conduct before that conduct escalates. An effective Early Warning System can assist a law enforcement agency in identifying and remediating problematic officer conduct that poses a potential risk to the public, to the agency, and to the officer. Early Warning Systems, therefore, serve to not only increase public safety and public confidence in law enforcement, but also to assist officers through early intervention.

- d. The Professional Standards Unit will 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. The Professional Standards Unit will at minimum monitor the following as part of its Early Warning System:

- 1) Internal affairs complaints against the officer, whether initiated by another officer or by a member of the public;
- 2) Civil actions filed against the officer;
- 3) Criminal investigations of or criminal complaints against the officer (If Early Warning System notification to the officer could jeopardize an ongoing criminal investigation, the County Prosecutor may in his or her discretion permit delayed notification to the officer or delayed initiation of the Early Warning System review process);
- 4) 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;
- 5) Domestic violence investigations in which the officer is an alleged subject;
- 6) An arrest of the officer, including on a driving under the influence charge;
- 7) Sexual harassment claims against the officer;
- 8) Vehicular collisions involving the officer that are formally determined to have been the fault of the officer;
- 9) A positive drug test by the officer;
- 10) Cases or arrests by the officer that, due to a lack of candor by the officer, are rejected or dismissed by a court;
- 11) Cases in which evidence obtained by an officer is suppressed by a court, due to a lack of candor by the officer;

- 12) Insubordination by the officer;
 - 13) Neglect of duty by the officer;
 - 14) A pattern of unexcused absences by the officer; and
 - 15) Any other indicators, as determined by the Chief of Police
- e. Supervisors are responsible as part of their regular duties to monitor employee actions and behavior. Supervisors should be cognizant of potential patterns in behavior which the supervisor believes may indicate a potential problem and should report concerns up to the next level of command.
- f. The Early Warning System is not a replacement for supervision and all supervisors should address behavior issues and concerns as they arise and not wait for patterns to develop before taking action.
- g. Three separate instances of performance indicators (as listed in Section D, above) within any twelve-month period will trigger the Early Warning System review process. If one incident triggers multiple performance indicators, the incident shall not be double or triple counted, but instead shall count as only one performance indicator.
- h. Once an officer has displayed the requisite number of performance indicators necessary to trigger the Early Warning System review process (as set forth in section 2.g, above), the Professional Standards Unit should:
- 1) Formally notify the subject officer, in writing;
 - 2) Conference with the subject officer and the supervisor responsible for the employee;

- 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); and
 - 5) Document and report findings to the appropriate supervisory personnel. (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.
- i. Remedial/corrective action may include but is not limited to the following:
- 1) Training or re-training;
 - 2) Counseling;
 - 3) Intensive supervision;
 - 4) Fitness-for-duty examination;
 - 5) Employee Assistance Program (EAP) referral; and
 - 6) Any other appropriate remedial or corrective action.

(Note: Early Warning Systems generally, are focused on corrective actions to remediate officer behavior and to provide assistance to the officer. Early Warning Systems generally, do not address disciplinary actions that might be warranted against an officer. Such disciplinary actions – to include the decision to suspend, terminate or, if applicable, charge an officer with criminal conduct – remain the purview of the

professional standards function, and may be imposed in accordance with existing professional standards guidelines and applicable law, separate from and independent of the Early Warning System.).

- j. Upon initiation of the Early Warning 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 Early Warning 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 Early Warning System review, including any remedial measures taken on behalf of the subject officer.

- k. If any officer who is or has been subject to an Early Warning System review process applies to or accepts employment at a different law enforcement agency, whether that officer was previously employed by this agency or is currently employed by this agency, that subsequent employing law enforcement agency shall be notified of the officer's Early Warning System review process history and outcomes, by the Chief of Police or a designee. Upon request, this agency shall share the officer's Early Warning System review process files with the subsequent employing agency.