

BELLEVILLE POLICE DEPARTMENT
STANDARD OPERATING PROCEDURES



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SUBJECT: EARLY INTERVENTION PROGRAM

EFFECTIVE DATE:

April 13, 2015

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May 9, 2018

ACCREDITATION STANDARDS:

2.2.3

SUPERSEDES ORDER

#:

BY THE ORDER OF:

Chief Mark Minichini

PURPOSE: The purpose of this written directive is to establish an Early Intervention Program.

POLICY: It is the policy of this department to implement and utilize performance tracking software including but not limited to, IAPro, as an Early Intervention Program for tracking and reviewing incidents of risk and provide timely intervention consistent with Attorney General Guidelines. This written directive is in accordance with the New Jersey Attorney General's Law Enforcement Directive No. 2018-3.

PROCEDURE:

I. EARLY INTERVENTION PROGRAM

- A. The Early Intervention Program is designed to detect patterns and trends before the conduct escalates into more serious problems. As such, employees must understand that the Early Intervention Program 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 Program 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. These performance measures may include, but are not limited to, the following documented indicators:
1. Internal affairs complaints against an employee, whether initiated by another employee or by a member of the public;
 2. Civil actions filed against the officer;
 3. Criminal investigations of or criminal complaints against an employee;
 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 employee is an alleged subject;
 6. An arrest of the employee, including on a driving under the influence charge;

7. Sexual harassment claims against an employee;
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 are rejected or dismissed by a court;
11. Cases in which evidence obtained by an officer is suppressed by a court;
12. Insubordination by the officer;
13. Neglect of duty by the officer;
14. Unexcused absences by the employee; and
15. Vehicular pursuits;
16. Performance issues;
17. Resisting arrest and/or obstruction incidents (officer reports);
18. Time and attendance data.

C. Activation

1. Two or more sustained complaints of misconduct within a calendar year.
2. Three or more complaints of misconduct, regardless of final classification other than unfounded, within a calendar year.
3. Three or more complaints of misconduct of the same nature, regardless of final classification other than unfounded, in two consecutive calendar

years.

4. Any use of force incident determined to be not appropriate.
 5. Any vehicular pursuit determined to be not appropriate.
 6. Any unacceptable performance evaluation ratings.
 7. Two resisting arrest and/or obstruction charges by an officer within a calendar year.
 8. Two or more fleet collisions or incidents within a calendar year.
 9. Any identified abuse of time and attendance.
- D. Any three (3) separate instances of questionable conduct or flag indicators within a calendar year would initiate the Early Intervention Program process.
- E. 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.
- F. Employee
1. Once an employee has been identified by the Early Intervention Program and has been notified by their supervisor, the employee will cooperate with the supervisor and/or Internal Affairs personnel in identifying reasons for and resolutions to departmental concerns regarding the employee's actions.
 2. Follow the agreed upon plan of action to completion.

II. ADMINISTRATION OF EARLY INTERVENTION PROGRAM

- A. The Early Intervention Program is primarily the responsibility of the Internal Affairs Unit but, any supervisor may initiate the Early Intervention Program process based

upon his or her own observations. Emphasis should be placed on anticipating employee problems before it results in improper performance or conduct.

1. At least every six months, the Internal Affairs Unit but shall audit the agency's tracking system and records to assess the accuracy and efficacy of the tracking system.
- B. Internal affairs shall be alerted if an employee has the emergence of a pattern, practices or trend of inappropriate behavior or misconduct. In addition, the Internal Affairs Supervisor shall query the Early Intervention Program software and review an individual employee's history any time a new complaint is received.
1. Using this information and their experience, the Internal Affairs Supervisor may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the Early Intervention Program software.
- C. If the Early Intervention Program software indicates the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, the Internal Affairs Supervisor shall consult with the employee's supervisor and/or commander.
- D. The Internal Affairs Supervisor and the employee's supervisor and/or commander shall review the 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 Early Intervention Program software has returned an incorrect identification or "false positive," that conclusion should be documented.
 2. If the Early Intervention Program software reveals that an employee has violated department rules and regulations or written directives, the supervisor in consultation with the Internal Affairs Supervisor should proceed with an internal investigation and possible disciplinary action.
 3. If the Early Intervention Program software 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 Supervisor to determine the appropriate course of remedial/corrective intervention.

- E. The Internal Affairs Supervisor shall generate the following reports:
1. Quarterly summary report to the Chief of Police identifying individual police personnel who exceed the established threshold of incidents.
 - a. This report will provide a brief summary of complaints, uses-of-force incidents and/or performance indicators and their respective dispositions during the previous three-year period. The report shall draw no conclusions nor make any determinations concerning job performance.
 2. On-going notification to respective supervisors regarding specific employees who exceed established thresholds of incidents.
 - a. This report will provide a brief summary of complaints, time and attendance, use-of-force incidents, pursuit data, and/or performance indicators and their respective dispositions during the previous three-year period. The report shall draw no conclusions nor make any determinations concerning job performance. The report is intended to assist supervisory personnel evaluate and guide personnel under their command. The report alone shall not form the basis for any action.
 3. Annual evaluation of the Early Intervention Program regarding its effectiveness in the identification of employees in need of intervention, the ability of the program to increase department accountability to the public, and the ability of the program to offer employees a better opportunity to meet the department's values and mission statement. The evaluation will:
 - a. Include a review of established thresholds to ensure they are reasonable as compared to historical norms of agency personnel functioning in the same or similar assignments.

- b. Contain a statement of the number of incidents or combination of types of incidents and activities considered to be the threshold indicating a need for intervention.
 - c. Be completed each January, and is based on the previous calendar year.
- 4. Maintain appropriate documentation related to personnel identification through the Early Intervention Program and their response or progress toward recommended actions.
- 5. Other reports as directed by the Chief of Police.

III. 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 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. Review of the notification report, that threshold has been reached, with subject personnel and encourage the employee to provide insight to the itemized incident and problems identified in the report.
- C. Meet with their (supervisors) commander to discuss the notification report and other relevant information and determine if corrective actions are warranted.
- D. Complete a memo summarizing recommended action and justification for such recommendations. The memo shall be forwarded to the subject employee's Division Commander through the chain of command, for their review and approval. Copies will be forwarded to the Internal Affairs Unit Supervisor and the Chief of Police.

- E. Upon the Division Commander's approval, implement the recommended action plan by notifying the subject employee.
- F. Monitor and formally report on the progress of the subject employee in complying with the recommended action plan. The Division Commander shall establish required reporting the intervals.
- G. Include copies of documentation regarding an employee's involvement in the Early Intervention Program in the employee's personnel file.
- H. Ensure that all complaint forms are routed to Internal Affairs and a copy given to the employee.
- I. Refer employees who may not have reached established thresholds, at the request of the employee or a member of their Chain of command.

IV. COMMANDERS

- A. In addition to the regular data audits conducted by the Internal Affairs Supervisor, the commanders or designees may periodically audit an individual employee's history. Using this information and their experience, the commander or designee may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the Early Intervention Program software.
- B. When under Early Intervention Program monitoring, the employee's 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 on a plan for long-term improved performance;

4. Educate them on the intensive monitoring process and the potential repercussions of future sustained transgressions.
- C. Generally, personnel should expect to remain under intensive monitoring and supervision for at least three (3) months when an early warning flag is triggered or until the supervisor concludes that the employee's behavior has been remediated (whichever is longer).
 - D. Any statement made by the subject employee in connection with the Early Intervention Program review process may not be used against the subject employee in any disciplinary or other proceeding.

V. REMEDIAL/CORRECTIVE INTERVENTION

- A. 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 Referral;
 7. Peer counseling.
- B. Internal disciplinary action, remedial/corrective intervention, and fitness for duty examinations are not mutually exclusive and should be jointly pursued if and when appropriate.

- C. 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.
- D. All reports involving potential discipline shall be forwarded to the Chief of Police for review.

VI. NOTIFICATION TO SUBSEQUENT LAW ENFORCEMENT EMPLOYER

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

VII. NOTIFICATION TO COUNTY PROSECUTOR

- A. Upon initiation of the Early Intervention Program 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 Intervention Program 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 Intervention Program review, including any remedial measures taken on behalf of the subject officer.

VIII. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY

- A. The Early Intervention Program policy shall be made available to the public upon request and shall be posted on the agency website.