

	GENERAL ORDER		11 – 18
	SUBJECT: EARLY WARNING SYSTEM		
	<i>CROSS REFERENCE: ATTORNEY GENERAL DIRECTIVE 2018-3</i>		
	<i>SUPERSEDES: GENERAL ORDER 12-95</i>		
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BACKGROUND

On March 20th, 2018, New Jersey State Attorney General, Gurbir S. Grewal, by way of Law Enforcement Directive No. 2018-3 mandated police agencies within this State institute an Early Warning System.

PURPOSE

The purpose of this Order is to establish an *Early Warning System (EW System)* to detect patterns and trends in officer conduct before that conduct escalates, to identify and remediate problematic officer conduct that poses a potential risk to the public, to the agency, and to the officer. The EW System serves to not only increase public safety and public confidence in the Department, but also to assist officers through early intervention.

POLICY

It is the policy of the Jersey City Police Department to ensure all sworn members, regardless of rank or assignment, who are responsible for the enforcement of criminal laws of this State, under the jurisdiction of the Police Training Act, and authorized to carry a firearm under N.J.S.A. 2C:39-6 shall be guided by the following:

PROCEDURES

1. The EW System shall monitor different categories of officer conduct which indicate potentially escalating risk of harm to the public, to the agency and/or the officer. The following performance indicators shall be considered when evaluating the need to trigger the use of the EW System for a particular officer:
 - A. Internal Affairs complaints against the officer, whether initiated by another officer or by a member of the public;
 - B. Civil actions filed against the officer;
 - C. Criminal investigations of or criminal complaints against the officer;
 - D. Any use of force 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; and or
- O. Any other indicators, as determined by the agency's chief executive.

2. Initiation of the EW System shall be triggered by three (3) separate instances of any of the above listed Performance Indicators within any twelve (12) month period.

2.1. The EW System may be triggered by a single or second incident in a twelve (12) month period depending on the severity of the incident(s).

2.2. If any single incident triggers multiple performance indicators, that incident shall **not** be double or triple-counted, but instead shall count as only one (1) performance indicator.

3. The Internal Affairs Unit shall oversee and monitor the department's EW System. Supervisors in the officer's chain of command will also be directly involved in the EW system review and implementation process.

3.1. When the EW System review process has been initiated, the Internal Affairs Unit shall:

- A. Notify the subject officer, (in writing);
- B. Conference with the subject officer and appropriate supervisory personnel as well as representatives of his/her collective bargaining agent;
- C. Develop and administer a remedial program including the appropriate remedial/corrective action(s) (listed below);
- D. Assign a supervisor to monitor the subject officer for at least three (3) months, or until the officer's monitoring supervisor concludes that the officer's behavior has been remediated (whichever is longer);
- E. Ensure the monitoring supervisor documents the officer's conduct and performance and submits a report to the Internal Affairs Unit on a weekly basis.

3.2. Remedial/corrective action may include but is not limited to the following:

- A. Training or re-training;
- B. Counseling;
- C. Intensive supervision;
- D. Fitness for duty examinations;
- E. Employee assistance Program (EAP) referral;
- F. Any other appropriate remedial or corrective action.

3.3 The EW System process may be delayed if there is a potential to jeopardize an ongoing criminal investigation.

3.4 Any statement made by the subject officer in connection with the EW System review process will not be used against the subject officer in any disciplinary or other proceeding.

4. The EW System is focused on corrective actions to remediate officer behavior and to provide assistance to the officer. It does not address disciplinary actions that might be warranted against an officer. Such disciplinary actions including the decision to suspend, terminate or if applicable, charge an officer with criminal conduct will remain with the Director of Public Safety or the Chief of Police and may be imposed separate and independent of the EW System.

5. The Hudson County Prosecutor's Office will be notified of the initiation and outcome of any EW System review process.
6. Subsequent employing law enforcement agencies will be notified of an officer's EW System review process history. Officer's EW System history and outcomes will also be made available to agencies upon their request.
7. All members of the Department will take cognizance of the foregoing and be guided accordingly.

BY ORDER OF:



**MICHAEL J. KELLY
CHIEF OF POLICE**