

ALPINE POLICE DEPARTMENT



POLICIES & PROCEDURES

Title : Early Warning System

Policy #: 2018-02

Effective Date : November 8, 2018

Pages : 4

Revised :

PURPOSE: An Early Warning System (EWS) is an important management tool designed to detect patterns and trends in police conduct before that conduct escalates. An effective EWS 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. EWS, therefore, serve to not only increase public safety and public confidence in law enforcement, but also to assist officers through early intervention.

POLICY: The EWS policy of the Alpine Police Department shall be consistent with Attorney General Directive 2018-3.

A. PERFORMANCE INDICATORS: An EWS may monitor many different categories of officer conduct which indicate potentially escalating risk of harm to the public, the agency, and/or the officer. The following performance indicators shall be included in the Alpine Police Department EWS, but can be supplemented based upon the unique characteristics of the department and the community it serves. 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.

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 EWS 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 EWS 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 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 officer;

B. INITIATION of EWS: Three separate instances of performance indicators (listed above in section A) within any twelve month period shall trigger the EWS 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.

C. ADMINISTRATION AND TRACKING: The EWS shall be conducted and administered by the Alpine Police Department's Internal Affairs Unit. Supervisory officers in the subject officer's chain of command should be directly involved in any EWS review process.

The Alpine Police Department shall adopt a tracking system to enable the department to identify officers who display the requisite number of performance indicators necessary to trigger the EWS review process. (See Attachment A). At least every six months personnel assigned to manage the EWS shall audit the agency's tracking system and records to assess the accuracy and efficacy of the tracking system.

D. REMEDIAL/CORRECTIVE ACTION: Once an officer has displayed the requisite number of performance indicators necessary to trigger the EWS review process (Section A, above) assigned supervisory personnel shall initiate remedial action to address the officer's behavior.

When an EWS review process is initiated, personnel assigned to oversee the EWS should (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 EWS review process may not be used against the subject officer in any disciplinary or other proceeding.

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.*

*This policy, and EWS generally, are focused on corrective actions to remediate officer behavior and to provide assistance to the officer. This policy, and EWS 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 within the purview of the agency's internal affairs function, and may be imposed in accordance with existing internal affairs guidelines and applicable law, separate from and independent of the EWS.

E. NOTIFICATION TO SUBSEQUENT LAW ENFORCEMENT EMPLOYER: If any officer who is or has been subject to an EWS review process applies to or accepts employment at a different law enforcement agency than the one where he or she underwent the EWS 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 EWS review process history and outcomes. Upon request, the prior or current employing agency shall share the officer's EWS review process files with the subsequent employing agency.

F. NOTIFICATION TO COUNTY PROSECUTOR: Upon initiation of the EWS review process, the agency's chief executive 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 EWS 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 EWS review, including remedial measures taken on behalf of the subject officer.

G. ANNUAL REPORT TO ATTORNEY GENERAL: 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 the Attorney General Directive 2018-3 and those that are not.

H. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY: This policy 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, 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 policy that identify specific officers are confidential and not subject to public disclosure.

I. EFFECTIVE DATE: This policy shall take effect immediately upon issuance.

