



Standard Operating Procedure

Number: 2.24

Title: Personnel Early Intervention System

Issuing Authority: Bruce Painter, PSD/CLEO

Accreditation Standards: 35.1.6, 35.1.9

Effective Date: 10/31/2009

Revision Date: 6/7/2018

Evaluation Date: 1/31/2019

I. PURPOSE

The purpose of this directive is to establish within the Burlington Township Police Department a Personnel Early Intervention System.

II. POLICY

It will be the policy of the department to implement and utilize a Personnel Early Intervention System, in accordance with NJ Attorney General Law Enforcement Directive 2018-3 Statewide Mandatory Early Warning Systems, to identify and remediate problematic employee conduct that poses a potential risk to the public, to the agency, and to the employee.

III. PROCEDURE

A. Definitions

1. Personnel Early Intervention System

- a) The Personnel Early Intervention System is not a method of discipline. Rather, it is an important management tool designed to detect patterns and trends in employee conduct before that conduct escalates. The system serves to not only increase public safety and public confidence in law enforcement, but also to assist employees through early intervention. The primary intent is to address potential problems through the use of appropriate management and supervisory intervention strategies before discipline becomes necessary.

B. Performance Indicators That Will Be Monitored

1. Internal affairs complaints against the employee, whether initiated by another employee or by a member of the public;
2. Civil actions filed against the employee;
3. Criminal investigations of or criminal complaints against the employee;
 - a) If Personnel Early Intervention System notification to the employee could jeopardize an ongoing criminal investigation, the Burlington County Prosecutor may in his/her discretion permit delayed notification to the employee or delayed initiation of the Personnel Early Intervention System review process.
4. Any use of force by the employee that is formally determined or adjudicated 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 the employee;
8. Vehicular collisions involving the employee that are formally determined to have been the fault of the employee;
9. A positive drug test by the employee;
10. A pattern of cases or arrests by the employee that are rejected or dismissed by a court;
11. A pattern of cases in which evidence obtained by an employee is suppressed by a court;
12. Insubordination by the employee;
13. Neglect of duty by the employee;
14. Unexcused absences by the employee.

C. Initiation of Early Intervention Process

1. Three separate instances of performance indicators (as listed in Section B above) within any twelve-month period will trigger the Personnel Early Intervention System review process.
 - a) 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.

D. Tracking

1. The Internal Affairs Commander shall be responsible for administering the Personnel Early Intervention System. In addition, supervisors in the employee's chain of command shall also be directly involved in any Personnel Early Intervention System review process.
2. The automated Guardian Tracking System will be used by the department to identify employees who display the requisite number of performance indicators necessary to trigger the Personnel Early Intervention System review process.

3. The Internal Affairs Commander shall audit the Guardian Tracking System at least every six months to assess the accuracy and efficacy of the system.

E. Remedial/Corrective Action

1. Once an employee has displayed the requisite number of performance indicators necessary to trigger the Personnel Early Intervention System review process, the employee's supervisor shall coordinate with the Internal Affairs Commander to initiate remedial action to address the employee's behavior. They shall:
 - a) Formally notify the employee, in writing;
 - b) Conference with the subject employee and appropriate supervisory personnel;
 - c) Develop and administer a remedial program including the appropriate remedial/corrective actions listed below:
 - 1) Training or re-training
 - 2) Counseling
 - 3) Intensive supervision
 - 4) Fitness-for-duty examination
 - 5) Employee Assistance Program (EAP) referral in accordance with the Employee Assistance Policy contained in the Township of Burlington Personnel Policies and Procedures Manual
 - 6) Any other appropriate remedial or corrective action
 - d) Continue to monitor the subject employee for at least three months, or until the employee's supervisor and the Internal Affairs Commander conclude that the employee's behavior has been remediated (whichever is longer); and
 - e) Document and report findings to the appropriate supervisory and command level personnel.
2. The Personnel Early Intervention 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 employee. Disciplinary actions remain within the purview of the department's internal affairs function and may be imposed in accordance with BTPD SOP 5.09 Internal Affairs separate from, and independent of, the Personnel Early Intervention System.
3. Any statement made by the subject employee in connection with the Personnel Early Intervention System review process may not be used against the subject employee in any disciplinary or other proceeding.

F. Notification to Subsequent Law Enforcement Employer

1. If any employee who is or has been subject to a Personnel Early Intervention System review process applies to or accepts employment at a different law enforcement agency

than the one where he/she underwent the Personnel Early Intervention System review process, it is the responsibility of this department to notify the subsequent employing law enforcement agency of the employee's Personnel Early Intervention System review process history and outcomes. Upon request, this department shall share the employee's Personnel Early Intervention System review process files with the subsequent employing agency.

G. Notification to the Burlington County Prosecutor

1. Upon initiation of the Personnel Early Intervention System review process, the Internal Affairs Commander shall make a confidential written notification to the Burlington County Prosecutor or his/her designee of the identity of the subject employee, the nature of the triggering performance indicators, and the planned remedial program.
2. Upon completion of the Personnel Early Intervention System review process, the Internal Affairs Commander shall make a confidential written notification to the Burlington County Prosecutor or his/her designee of the outcome of the Personnel Early Intervention System review, including any remedial measures taken on behalf of the subject employee.

H. Public Accessibility and Confidentiality

1. This policy shall be made available to the public upon request and shall be posted on the Burlington Township Police Department website.
2. All written reports created or submitted pursuant to this policy and the NJ Attorney General Directive: 2018-3: Statewide Mandatory Early Warning Systems that identify specific employees are confidential and not subject to public disclosure.

I. Annual Evaluation

1. The Internal Affairs Commander shall be responsible for completing an annual evaluation of the Personnel Early Intervention System and submit the evaluation along with any recommendations to the PSD/CLEO.