



# OPERATIONS INSTRUCTION

SP-439 (Rev. 7/95)

EFFECTIVE DATE	NUMBER
January 3, 2019	19-03
SUBJECT	
NJSP EARLY WARNING SYSTEM	
EXPIRES	O.P.I. NUMBER
January 31, 2020	0100
RESCINDS	

REFERENCE  
 New Jersey Attorney General Law Enforcement Directive No. 2018-3  
 Division of Criminal Justice Memorandum on the Impact of Attorney General Law Enforcement Directive No. 2018-3 on the Division of State Police CALEA Standards 35.1.1 and 35.1.9

The purpose of this order is to establish the policy and procedures the Division will employ in order to comply with the Attorney General’s Directive No. 2018-3, which mandated Early Warning Systems (EW Systems) for law enforcement agencies.

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**I. Policy:**

An EW System is a management tool that monitors objectively measurable indicators that are reasonably related to potentially escalating harmful behavior by a member. The intent of this policy is to identify and remediate potential problematic conduct prior to it manifesting in additional risks to the public, the Division, and to the member. Nothing in the EW System is intended to alter or supersede the Division’s current risk management process. Rather, this EW System will supplement the current systems and act as an additional risk management tool.

**II. Definitions:**

**Performance Indicator:** Any one of the fifteen enumerated categories which shall be tracked by the EW System as listed below.

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1. Internal affairs complaints against the member, whether initiated by another officer or by a member of the public
2. Civil actions filed against the member
3. Criminal investigations of or criminal complaints against the member

**NOTE:** If EW 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 EW System review process.

4. Any use of force by a member that is formally determined or adjudicated to have been excessive, unjustified, or unreasonable
5. Domestic violence investigations in which the member is an alleged subject
6. An arrest of the member, including on a driving under the influence charge
7. Sexual harassment claims against the member
8. Vehicular collisions involving the member that are formally determined to have been the fault of the member
9. A positive drug test by the member
10. Cases or arrests by the member that are rejected or dismissed by a court
11. Cases in which evidence obtained by a member is suppressed by a court
12. Insubordination by the member
13. Neglect of duty by the member
14. Unexcused absences by the member; and
15. Any other indicators, as determined by the Colonel

### III. Procedures:

- A. The EW System will trigger when a member is found to have three separate instances containing performance indicators within any twelve-month period.

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**NOTE:** The EW System trigger operates on a 12 month “looking backward clock” method to calculate the reporting period (*i.e.*, when the incident date of any EW performance indicator is entered, OPS will “look back” 12 months to determine if two other triggering events occurred).

**NOTE:** If one incident contains multiple performance indicators, that incident shall **NOT** count for more than one indicator, but shall count as only one performance indicator. In this case, the date that the first performance indicator was triggered shall be used, and not the date of subsequent triggers.

B. A MAPPS task will be sent by the OPS to the subject member’s Troop Integrity Officer (“Officer”) or Section Administrative Officer (“Officer”), whichever is applicable, containing information and instructions regarding the EW System trigger. The member that is the subject of EW system trigger shall be CC’d on this task.

1. The Officer will be instructed to have the appropriate supervisory personnel meet with the subject member to develop and administer a remedial program. The remedial program decided upon shall be documented on an intervention entry within the MAPPS Intervention Module.

2. The intervention entry shall utilize “Early Warning System” from the “Reason” dropdown and “Early Warning Action Plan” from the “Intervention Required” dropdown. This entry shall contain a list of the incidents that triggered the Early Warning System.

3. This remedial program may include, but is not limited to, the following:

a. Training or re-training

If the Early Warning Action Plan requires training, this remedial training shall be conducted in accordance with S.O.P. C25, Section IX, utilizing a separate intervention entry and by selecting “Early Warning System” from the “Reason” dropdown.

b. Counseling

c. Intensive supervision

d. Fitness-for-duty examination

e. Office of Employee and Organization Development (OEOD) referral

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- f. Any other appropriate remedial or corrective action
4. If the EW System alert contains an incident from performance indicator II.A.7, sexual harassment claims against the member, as reported by the Equal Employment Opportunity (EEO) Bureau, then that indicator's MAPPS entry will simply state "EEO" and will instruct the tasked Officer to contact the EEO Bureau Chief or their designee. The EEO will then advise the Officer one of the following:
- a. The subject member was already given remedial training and no further action is required
  - b. No action needs to be taken; or
  - c. The Officer needs to instruct the subject member to contact the EEO Bureau Chief or designee for further instructions

**NOTE:** Any statement made by a subject member in connection with the EW System review process may not be used against that member in any disciplinary or other proceeding. However, the subject member's conduct that resulted in the triggering event may be subject to disciplinary action.

- C. Once the MAPPS "Early Warning Action Plan" intervention entry has been submitted, the Officer shall mark the originating MAPPS task as "complete".
- D. Upon the submission of the MAPPS intervention documenting the EW System Action Plan and completion of the task, the OPS will forward a confidential written notification to the Director of the Office of Law Enforcement Professional Standards (OLEPS) with the identity of the subject member, the nature of the triggering performance indicators, and the planned remedial program (form S.P. 264 "NJSP Early Warning System Review-Initial Report", Annex A).
- E. The subject member will continue to be monitored for at least three months, or until the Officer and subject member's supervisors conclude that the member's behavior has been remediated (whichever is longer). Upon conclusion of the remedial program, the Officer will forward the results to the OPS. The OPS will then review the completion of the remedial program and close out the pending alert within the IA Pro System, making sure to document the results of the program.
- F. The OPS will then forward a confidential written notification to the Director of the OLEPS detailing the outcome of the EW System review process (form S.P. 265 "NJSP Early Warning System Review-Concluding Report", Annex B).

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- G. All written reports created or submitted pursuant to this Operations Instruction that identify specific members are confidential and not subject to public disclosure.

**IV. Responsibilities:**

A. Office of Professional Standards

- 1. Responsible for the overall administration of the NJSP EW System
- 2. Monitors the IA Pro system for the “Overall Threshold” alerts
- 3. Inputs all performance indicators into the IA Pro system

**NOTE:** In reference to indicators II.A.10, cases or arrests by the member that are rejected or dismissed by a court, and II.A.11, cases in which evidence obtained by a member is suppressed by a court, as the State Police is not routinely notified of these two indicators, the State Police shall report on these indicators to the extent that the county prosecuting or court deciding the matter notifies the State Police of the occurrences.

- 4. Audits the EW System at least once every six months
- 5. Ensures that the EEO incidents entered into the IA Pro system have restricted access and are purged two years after they are entered

B. Equal Employment Opportunity Bureau

- 1. Reports to the OPS when a sexual harassment claim is made against a member
- 2. Works with the subject member to address triggers that involve performance indicator II.A.7, sexual harassment claims against the member
- 3. Works with the subject member’s supervisors to document the appropriate action taken by the EEO Bureau in addressing the performance indicator

C. The Traffic and Public Safety Office

Reports to the OPS all troop-car accidents that are determined to have been preventable

**V. Reporting:**

- A. The OPS shall keep records of all EW System triggers and will make an annual report to the OLEPS by the second week of January.

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- B. Any EW System reviews shall remain part of a member's concise history. If the NJSP is made aware that a current or former member is applying to or accepting employment at a different law enforcement agency, then it is the responsibility of the NJSP to notify the subsequent employing law enforcement agency of the member's EW System review process history and outcomes and to make those files accessible for review.
- C. A copy of this policy and the annual report generated by the OLEPS to the Department of Criminal Justice (DCJ) shall be posted on the NJSP's public website.

**VI. Effect:**

In accordance with S.O.P. A1, "Orders," the Office of Professional Standards Commanding Officer shall notify the Planning Bureau Chief, via channels, of any changes that may be necessary in this order.

  
Patrick J. Callahan  
Colonel

# Initial Report

Officer Name <i>(First, Last, Middle)</i>	Rank
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Performance Indicators	Case #	Date(s) Triggered
IA complaints against officer		
Civil action against officer		
Criminal complaint/investigation of officer		
Excessive, unjustified, unreasonable use of force		
Domestic violence investigation where officer is subject		
Any arrest of the officer, including DUI		
Sexual harassment claims against officer		
At-fault vehicular collision		
Positive drug test		
Cases/arrests rejected/dismissed by court		
Cases where evidence is suppressed		
Insubordination		
Neglect of duty		
Unexcused absences		
Other indicators determined by agency chief executive		

# Initial Report

## Planned Remedial Program

- Training/Retraining
- Counseling
- Intensive supervision
- Fitness-for-duty examination
- OEOD referral
- Any other appropriate remedial or corrective action (*Specify below*)

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## Review Information

<i>Date Review Initiated:</i>	
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\_\_\_\_\_  
*OPS Representative*

\_\_\_\_\_  
*Date*

## NEW JERSEY STATE POLICE EARLY WARNING SYSTEM REVIEW:

**Concluding Report**

Agency Name	
Officer Name <i>(First, Last, Middle)</i>	Rank

**Outcome of EW System Review**

- Training/Retraining
- Counseling
- Intensive supervision
- Fitness-for-duty examination
- OEOD referral
- Any other appropriate remedial or corrective action *(Specify below)*

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***Explanation of above remedial action taken:***

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\_\_\_\_\_  
OPS Representative\_\_\_\_\_  
Date