




## NJ State Parole Board Policy and Procedure

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Signature:	

References:  
 Attorney General Law Enforcement Directive No. 2018-3  
 02.007 Disciplinary Process Policy  
 08.001 Office of Professional Standards – Internal Affairs Policy  
 N.J.S.A.C.O.P. 2.2.3

### Early Warning System

<b>Purpose</b>	To establish an Early Warning System (EWS) designed to identify and monitor negative performance indicators and patterns of behavioral issues for State Parole Board (SPB) employees before the conduct of an employee escalates to an unacceptable level. SPB employees should be aware that the EWS is not intended to function as a component of the disciplinary process. While it is possible that disciplinary action may be initiated against a SPB employee if there is evidence of a violation(s) of laws or SPB rules and regulations, this is not the intent of the EWS. The primary intent of the EWS is to provide assistance to the employee and address potential behavioral and job performance problems through the usage of appropriate management and supervisory strategies before formal discipline is warranted.
<b>Policy</b>	The SPB shall implement an EWS that documents, reviews and assists employees who display signs of job related stress, personal problems or a history of problematic employee conduct, and provide timely intervention consistent with the Attorney General’s Directive.
<b>Supersedes</b>	Office of Professional Standards – Internal Affairs Policy (P.N. 08.001) – Section VII.
<b>Appendices</b>	

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**I. Definitions**

- A. **Central Office Information Network (COIN):** The database utilized by the SPB to electronically record information including, but not limited to, employee work history and personnel information, Early Warning System (EWS) information, training records, Office of Professional (OPS) logs, law enforcement equipment inventory records, Information Technology asset inventory and tracking records, vehicle tracking, vehicle mileage records and overtime reports.
- B. **Complaint:** Any verbal, electronic or written communication that involves an alleged reportable incident.
- C. **Criminal Misconduct:** A reportable incident where there is an allegation of a crime or an offense.
- D. **Director, Division of Parole:** A sworn member of the Division of Parole designated by the Chairman to have command authority over the Division of Parole (N.J.S.A. 30:4-123.48.c).
- E. **District Parole Supervisor (DPS):** A sworn member of the Division of Parole serving in the working title of Lieutenant.
- F. **Employee:** All individuals employed by or are members of the SPB, full-time or part-time and whether in the career service, executive service or unclassified service. This term includes contracted employees, hourly employees, temporary hires, paid or unpaid interns, and consultants who are directly engaged in the performance of work under a grant.
- G. **Employee Relations:** The group within the Personnel and Employment Unit responsible for the administration of the SPB disciplinary and grievance processes and for addressing, responding to and processing concerns raised by employees related to matters that are identified in a contract between a public employee union and the State of New Jersey.
- H. **Equal Employment Opportunity (EEO) Officer:** The SPB employee responsible for ensuring that the SPB and its employees comply with the New Jersey State Policy Prohibiting Discrimination in the Workplace (State EEO Policy), and the related New Jersey State Model Procedures for Internal Complaints Alleging Discrimination in the Workplace (State EEO Model Procedures). Both of these State policies are implemented by regulation from the New Jersey Civil Service Commission at N.J.A.C. 4A:7-3.1, -3.2, respectively. Each State agency is required to have one person designated as the Equal Employment Opportunity Officer to accept and process

- EEO complaints in accordance with the State EEO Policy and the State EEO Model Procedures. N.J.A.C. 4A:7-2.3(b)2.
- I. **Evidence Control Custodian (ECC):** The SPB employee designated to the Investigation Management Office, assigned by the Chairman, to be responsible for the central evidence locker and all assigned duties enumerated in the Evidence Control Policy.
  - J. **Fiscal and Administrative Services Unit (FASU):** The unit responsible for operational activities related to the management of SPB fiscal resources, facilities, fleet management and other support activities.
  - K. **Investigation Management Office (IMO):** The office tasked with the responsibilities including, but not limited to; Division-wide evidence and case file management for the criminal investigation function, administration of the SPB criminal investigation report logs, reports, files, records, discovery and adherence to the proper procedures relating to the purging of files and the destruction of evidence.
  - L. **Legal Support Unit (LSU):** The unit responsible for: advising SPB employees of statutory and Administrative Code provisions, policies and procedures and court decisions; investigating issues regarding sentencing and credits and contacting court staff requesting clarification; responding to inquiries from judges, attorneys and third parties regarding parole related matters; and reviewing applications for accelerated revocation and special conditions that require review by a Board panel.
  - M. **Office of Administrative Services (OAS):** The unit within the Division of Parole that is responsible for SPB accreditation, policy and planning, law enforcement training, investigation management and various other administrative duties pertaining to Division of Parole operations. Included within the OAS are the sub-units of the Training Group and the Investigation Management Office.
  - N. **Office of Professional Standards (OPS):** The SPB Office of Professional Standards provides administrative, investigative, policy and training oversight and monitoring functions to assure and maintain the integrity of the SPB Division of Parole (N.J.S.A. 52:17B-222).
  - O. **OPS Reportable Incident Form (08.001A):** The form utilized to document and report a complaint(s) about a SPB employee. The employee receiving the complaint shall complete the reportable incident form and submit it to OPS.
  - P. **Personnel and Employment Unit (PEU):** The unit responsible for the processing of all personnel and employment related matters including, but not limited to, recruitment, classification, payroll, health benefits, leaves of absence, equal employment opportunity issues and employee relations issues (grievance and disciplinary), and the maintaining of all records pertaining to SPB personnel and employment matters.
  - Q. **Ranking Section Supervisor:** The supervisory head of the delineated SPB operational section. The title of each Section Supervisor is: Chairman – Board and General Administration; Chief – Personnel and Employment Unit, Fiscal and Administrative Services Unit, and Information Technology Unit; Director – Legal Support Unit, Division of Community Programs, Division of Parole, Division of Release and Office of Professional Standards.
  - R. **Reportable Incident:** Any behavior, performance, or non-performance that may violate SPB's rules, regulations, procedures, applicable criminal and civil laws, and the United States or New Jersey Constitutions. Reportable incidents include, but are not limited to the following:
    - 1. A complaint that an employee has engaged in any form of administrative or

2. An alleged violation of the SPB's rules and regulations, policies and procedures or Code of Professional Conduct;
  3. The filing of a civil suit by a civilian alleging any administrative misconduct or criminal misconduct by an employee while on duty or acting in an official capacity;
  4. The filing of a civil suit against an employee for off-duty conduct while not acting in an official capacity that alleges racial bias, physical violence, or threat of physical violence;
  5. Criminal arrest or charge for any violation of N.J.S.A. under Title 2C: against an employee;
  6. Allegation(s) that a SPB officer has been involved in a domestic violence incident, either as an alleged perpetrator or as a victim;
  7. Allegation(s) of excessive use of force while a SPB officer is engaged in the performance of their duties; or
  8. Any non-training discharge of a firearm by a SPB officer.
- S. **Section:** For the purposes of this policy, Section shall refer to the following SPB areas of responsibility: Board and General Administration; Personnel and Employment Unit; Fiscal and Administrative Services Unit; Information Technology Unit; Division of Community Programs; Division of Release; Legal Support Unit; Law Enforcement; Office of Professional Standards; and the Division of Parole.
- T. **SPB Fleet Manager:** The individual designated by the Chief, SPB Fiscal and Administrative Services Unit, to serve as a liaison between the SPB and the Department of Treasury regarding SPB vehicles.
- U. **SPB Officer:** Any person sworn to enforce the criminal laws of the State of New Jersey, who is certified by the Police Training Commission, employed by the SPB and is authorized to carry a firearm under N.J.S.A. 2C:39.
- V. **Supervisor:** Any manager or other individual who has the authority by virtue of their position in the SPB's table of organization to control the work environment of any other employee. Normally a supervisor will be in a rank or job title higher than the employee who is being controlled or directed by the supervisor. However, an employee may become a de facto supervisor in charge of other employees if provided with a delegation of authority to supervise for a limited purpose in their unit or as required by the Law Enforcement Chain of Command Policy (P.N. 07.001), due to their seniority and in the absence of an actual SPB supervisor.

## II. Performance Indicators

- A. An Early Warning System (EWS) may monitor many different categories of employee conduct which indicate potentially escalating risk of harm to the public, the SPB, and/or the employee. Although no specific and universal criteria can determine job stress and/or performance problems, it is important that certain types of performance indicators be reviewed.
- B. As part of the ongoing performance evaluation process, an employee's supervisor shall attempt to identify and note any pattern of inappropriate behavior or performance deficiencies to include, but not be limited to the following:
  1. Office of Professional Standards (OPS) complaints against the employee, whether initiated by a co-worker 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 EWS notification to the employee could jeopardize an ongoing criminal investigation, the investigating authority may permit delayed notification to the employee or delayed initiation of the EWS review process.
  4. Any use of force incident (for SPB officers) that is formally determined (for example, by OPS or a grand jury) 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 driving under the influence charge;
  7. Sexual harassment claims against the employee;
  8. SPB motor vehicle collision involving the employee that is formally determined to have been the fault of the employee;
  9. Substance abuse;
  10. A positive drug test by the employee;
  11. Cases or arrests by a SPB officer that are rejected or dismissed by a court;
  12. Cases in which evidence obtained by a SPB officer is suppressed by a court;
  13. Insubordination, attitude or demeanor problems;
  14. Neglect of duty by the employee;
  15. Unexcused absences by the employee and/or excessive use of sick leave;
  16. Repeated tardiness;
  17. Extreme or sudden decline in behavior, performance, appearance or hygiene; and
  18. Personal problems affecting performance including, but not limited to, domestic, health or family issues.
- C. The Chairman or designee may determine any supplemental performance indicators when appropriate that are not listed in Section II.B. above. To the extent possible, supplemental performance indicators should be objectively measurable and reasonably related to potentially escalating detrimental behavior by the employee.

### **III. Supervisory and Administrative Responsibilities**

- A. It is the responsibility of supervisors to monitor the performance and behavior of employees under their supervision on a daily basis. Supervisors shall intervene and take corrective action whenever it has been determined that the employee is not performing their duties in accordance with the established rules, practices, policies, procedures and standards.
- B. The supervisor shall consider the need for non-disciplinary training or counseling in accordance with the progressive corrective action approach as delineated in the Disciplinary Process Policy (P.N. 02.007).
- C. Unless otherwise determined by the Chairman or designee, the Manager, Employee Relations, or designee shall administer the EWS. However, supervisors in the employee's chain of command also should continue to be directly involved in any EWS review process.
- D. Employee Relations shall implement a tracking system to enable the SPB to identify employees who display the requisite number of performance indicators (in accordance with Section II. above) necessary to trigger the EWS review process.
  1. The Manager, Employee Relations or designee shall audit the SPB's tracking system and records at least once every six (6) months to assess the accuracy

- and efficacy of the tracking system.
2. Upon completion of the audit, the Manager, Employee Relations, or designee shall forward a memorandum to the Chairman or designee indicating completion of the audit, as well as any significant findings.
- E. When any supervisor observes that an employee is exhibiting one or more of the performance indicators listed in Section II. above, that supervisor shall enter the occurrence into the Central Office Information Network (COIN).
1. The information entered by the supervisor shall include, but not be limited to, the following information:
    - a. Employee's full name and working title;
    - b. Employee's assigned work unit/location;
    - c. Date(s) when performance indicator(s) occurred and/or observed;
    - d. Type(s) of performance indicator(s) that occurred and/or observed; and
    - e. Any details pertaining to the performance indicator(s) and/or associated behavior.
  2. Supervisors shall be granted input-only access to the EWS in COIN.
  3. Only the Manager, Employee Relations, and Director, OPS, shall be granted input and read access to the EWS in COIN.
  4. The COIN system used for the EWS shall be designed to limit the exposure of confidential information to employees other than those listed in 3. above.
- F. Upon each performance indicator entry that is made into COIN, an e-mail notification is sent only to the Manager, Employee Relations, or designee advising of the entry.
1. The Manager, Employee Relations, or designee shall review the entry that was made in COIN upon notification. If the new entry is related to a previously documented incident, the Manager, Employee Relations, shall merge the new entry with the previous incident accordingly.
  2. If the Manager, Employee Relations, or designee determines a particular reported event(s) is of serious concern, he/she shall review the concern with the Supervisor(s) reporting the incident to determine whether the initiation of disciplinary action or the EWS review process is warranted.
- G. The Director, OPS, or designee shall enter occurrences of the following performance indicators into COIN:
1. OPS complaints against the employee;
  2. Criminal investigations of or criminal complaints against the employee;
  3. Any use of force incident (for SPB officers) that is formally determined (for example, by OPS or a grand jury) or adjudicated to have been excessive, unjustified or unreasonable;
  4. Domestic violence investigations in which the employee is an alleged subject;
  5. An arrest of the employee, including driving under the influence charge;
  6. Substance abuse; and
  7. A positive drug test by the employee.
- H. The Evidence Control Custodian (ECC) of the Investigation Management Office (IMO) or designee, shall enter occurrences of the following performance indicators into COIN:
1. Cases or arrests by a SPB officer that are rejected or dismissed by a court;
  2. Cases in which evidence obtained by a SPB officer is suppressed by a court.
- I. The Director, Legal Support Unit (LSU), or designee shall enter performance indicators involving civil actions filed against the employee into COIN.
- J. The Equal Employment Opportunity (EEO) Officer or alternate EEO Officer shall

- enter sexual harassment claims against the employee into COIN.
- K. The District Parole Supervisor (DPS), Office of Administrative Services, or designee shall enter occurrences of a SPB motor vehicle collision involving a SPB officer that is formally determined to have been the fault of the employee into COIN.
  - L. The SPB Fleet Manager, Fiscal and Administrative Services Unit, shall enter occurrences of a SPB motor vehicle collision involving a SPB civilian employee that is formally determined to have been the fault of the SPB civilian employee into COIN.
  - M. Supervisors, regardless of their assigned work units, shall enter the following performance indicators for their respective employees into COIN:
    - 1. Insubordination, attitude or demeanor problems;
    - 2. Neglect of duty by the employee;
    - 3. Unexcused absences by the employee and/or excessive use of sick leave;
    - 4. Repeated tardiness;
    - 5. Extreme or sudden decline in behavior, performance, appearance or hygiene; and
    - 6. Personal problems affecting performance including, but not limited to, domestic, health or family issues.

#### **IV. Initiation of the Early Warning System Review Process**

- A. If an employee exhibits three (3) or more separate instances of performance indicators within any 12-month period, the Manager, Employee Relations shall be alerted through the COIN system as to the need for initiation of the EWS review process for the employee.
  - 1. If one (1) incident triggers multiple performance indicators, that incident shall not be double or triple-counted, but instead shall count as only one (1) performance indicator.
- B. Once the Manager, Employee Relations has determined to initiate the EWS review process based on qualifying performance indicators, he/she shall report, via e-mail, the initiation of the EWS review process to the Executive Director, Director, OPS, Chief, Personnel and Employment Unit (PEU), and the employee's Ranking Section Supervisor or designee.
- C. The Ranking Section Supervisor or designee of the employee's work unit shall consult with the Manager, Employee Relations, Executive Director, Director, OPS, and the Chief, PEU, to determine if there has been any prior history of related behavioral or performance problems, OPS investigations, court litigation, arrests, EEO/AA investigations and/or disciplinary actions in order to determine the appropriate course of action.
- D. Upon consultation, the Ranking Section Supervisor or designee, the Manager, Employee Relations, Executive Director, Director, OPS, and the Chief, PEU, shall determine the appropriate course of action to be taken, that shall include the following:
  - 1. A determination that activation of the Early Warning system is not necessary based on the indicators and/or the remediation plan for the employee's behavior that had already been placed in action.
  - 2. Classifying and handling the matter in accordance with the Office of Professional Standards – Internal Affairs Policy (P.N. 08.001); and/or
  - 3. Activation of the EWS for the employee.
- E. Activation of the EWS generally focuses on corrective actions to remediate employee behavior and to provide assistance to the employee. This policy and EWS activation

generally do not address disciplinary actions that may be warranted against an employee. However, disciplinary actions, if warranted (i.e. decision to suspend, terminate, or, if applicable, charge an employee with criminal conduct), remains within the purview of the SPB and may be imposed separate from and independent of the EWS.

## V. Activation of the Early Warning System

- A. Once an employee has displayed the requisite number of qualifying performance indicators necessary to trigger the EWS review process as set forth in Section III.B. above and the activation of the EWS has been approved pursuant to Section IV.D., the Ranking Section Supervisor or designee shall determine the appropriate supervisory level for notification and implementation of the remedial action plan to address the employee's behavior.
- B. The assigned supervisory personnel shall develop a remedial action plan to be administered to the employee, including the appropriate remedial/corrective actions listed in E. below.
- C. The supervisory personnel assigned to oversee the EWS remedial action plan shall:
  - 1. Formally notify the employee, in writing, of the EWS activation and the associated remedial action plan;
  - 2. Conference with the employee and appropriate supervisory personnel;
  - 3. Administer the developed remedial action plan pursuant to B. above;
  - 4. Continue to monitor the employee for at least three (3) months or until the supervisor concludes the employee's behavior has been remediated, whichever is longer; and
  - 5. Document and report findings to the Manager, Employee Relations.
- D. Any statement made by the employee in connection with the EWS review process and/or activation of EWS may not be used against the employee in any disciplinary or other proceeding.
- E. Remedial/corrective action may include, but is not limited to, the following:
  - 1. Non-Disciplinary training in accordance with the Disciplinary Process Policy (P.N. 02.007) or re-training;
  - 2. Non-Disciplinary counseling in accordance with the Disciplinary Process Policy (P.N. 02.007);
  - 3. Intensive supervision of the employee;
  - 4. Fitness-for-duty examination;
  - 5. Voluntary or mandatory referral to the Employee Advisory Service (EAS);
    - a. EAS shall be utilized in the event the presenting behavior and/or performance problems are related to factors involving an employee's personal, family or work related issues that may adversely impact their work performance.
    - b. All EAS referrals, scheduling and associated follow up shall be handled by PEU.
- F. The Manager, Employee Relations shall review all documentation for completeness including:
  - 1. Employee notifications;
  - 2. Original plan of remediation;
  - 3. Action plan and monitoring results; and
  - 4. Final report.



- G. The Manager, Employee Relations shall enter the final report in COIN and retain all documents in the employee file.

#### **VI. Annual Reporting Requirements**

- A. By January 31<sup>st</sup> of each year, the Manager, Employee Relations, or designee shall submit a confidential annual report for the previous calendar year to the Chairman or designee summarizing the following information:
1. The identity of employees for whom EWS activation occurred during the previous year;
  2. The performance indicators which triggered the EWS activation for those employees; and
  3. The remedial action plan for those employees and results.

#### **VII. Notifications to Subsequent Law Enforcement Employers**

- A. Pursuant to Attorney General Law Enforcement Directive No. 2018-3, if any law enforcement 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/she underwent EWS activation, it is the responsibility of the prior or current employing law enforcement agency to notify the subsequent employing law enforcement agency of the law enforcement officer's EWS activation history and outcomes. Upon request, the prior or current employing law enforcement agency shall share the law enforcement officer's EWS activation files with the subsequent employing law enforcement agency.
- B. All notifications to subsequent law enforcement employers and review matters pursuant to this section shall be handled by the Manager, Employee Relations, or designee.

#### **VIII. Public Accessibility and Confidentiality**

- A. This policy shall be made available to the public upon request and shall be posted on the SPB's website.
- B. All written reports created or submitted pursuant to this policy are deemed confidential and not subject to public disclosure.

# Document History

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