

P; ATLANTIC CITY POLICE DEPARTMENT					
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SUBJECT: EARLY WARNING ALERT SYSTEM					
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BY THE ORDER OF: Henry M. White Jr., Chief of Police			05-27-15	1, 3, 6, 23	
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SUPERSEDES ORDER #: All other previously issued conflicting orders					

INTRODUCTION:

The Atlantic City Police Department and the community it serves demands that employees of this Police Department maintain the highest ethical standards, integrity and professionalism. These standards are vested in all employees of the Atlantic City Police Department. This policy will follow the guidelines set forth in New Jersey Attorney General Law Enforcement Directive No. 2018-3.

In ensuring our employees maintain such high standards, this Police Department will utilize On Target Performance Systems (OTPS), Administrative Investigative Management (AIM) software as the Police Department's Early Warning Alert System (EWAS). The EWAS is a risk management procedure that will offer the Police Department non-disciplinary avenues to address any potential patterns, practices or changes in employee performance before any may develop into problems or deficiencies. Though the EWAS will offer the Police Department non-disciplinary avenues, the EWAS, internal disciplinary action and fitness for duty examinations are not mutually exclusive, and may be separately or jointly pursued if appropriate. Positive performance will also be monitored and receive praise. AIM will self-monitor positive and negative measures of employee performance for any potential patterns, practices or changes in employee performance and activate its built-in EWAS when scored thresholds are met or exceeded.

PURPOSE: The purpose of this order is to establish policy and procedures for the Atlantic City Police Department EWAS by monitoring the measures of employee performance and examining these measures of employee performance for any positive or negative patterns, practices or changes in measures of employee performance.

POLICY: It shall be the policy of the Atlantic City Police Department to use a software-based system to track and examine positive and negative measures of employee performance for any patterns, practices or changes by use of a monitoring, alert and review system. The EWAS contains scored thresholds for measures of employee performance and a review system when a measure or measures of employee performance are met or exceeded.

PROCEDURES:

I. Responsibilities

- A. The Chief of Police or designee of the Chief of Police shall be further known in this policy as COP. The COP may substitute, relieve and/or add Supervisors and/or Commanders on a case-by-case basis or department need so as to complete any task of this policy in a timely manner.
- B. It shall be the responsibility of each employee to minimally:
 - 1. Log into the AIM software, preferably at the beginning of his or her tour, on each of their scheduled work days and minimally complete work sent to him or her.
 - 2. Complete work sent to him or her by clicking on the "Assigned" tab of AIM and completing incidents assigned (sent, routed, forwarded or tracked) to him or her.
 - 3. Check each of his or her measures of employee performance thresholds for "Green Light," "Yellow Light" or "Red Light" status. See below section III of this policy for AIM EWAS Transparency.
 - 4. Electronically sign for all incidents within his or her "Assigned" tab.
- C. The timeframe to complete work received or tasked to an employee in AIM shall be within three (3) of their scheduled work days, unless:
 - 1. The work involves Use of Force or Internal Affairs specified timeframes.
 - 2. The work involves supervisor specified timeframes.
 - 3. Approved in writing for an extension by the forwarding Supervisor.
- D. Employees shall complete AIM Incidents or Investigations Types listed in [Figure 1](#) as trained.
- E. AIM Incidents or Investigations Types shall be routed, reviewed and closed according to [Figure 1](#), unless specified otherwise in AIM notes by a Commander.
- F. The COP, Professional Standards Division Commander, or designee may approve the reopening of a closed AIM Incident or Investigation. To have an AIM incident or investigation reopened, a department email justifying the request to reopen shall be submitted via the Chain of Command to the COP, Professional Standards Division Commander, or designee. Upon approval, an AIM Administrator shall reopen the appropriate record.
- G. The AIM Administrator(s), as designated by the Chief of Police or Professional Standards Division Commander, is/are to, but shall not be limited to: completing tasks associated with this policy; completing tasks associated with the AIM Administrator Guide; and/or act as liaison to the COP, Professional Standards Division Commander and/or On Target Performance Systems to complete tasks within AIM.

II. Selection of Performance Indicators

- A. An EWAS 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 all EW Systems, but also can be supplemented based upon the unique characteristics of the department and the community it serves. The COP 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;
 - a. If 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 EWAS 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 (as defined in Vol. 02 Chap. 35, Unauthorized Absences);
 15. Any other indicators, as determined by the agency's chief executive; and
 16. Any force used that generates a Use of Force report.

III. Initiation of Early Warning Process

- A. Performance indicators (as listed in Section II. A. 1 through 15): Three (3) separate incidents within any twelve-month period will trigger the EWAS review process. 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. At any time, the COP may in his or her discretion determine that a lower number of performance indicators within a twelve-month period (i.e., one or two performance indicators) will trigger the EW System review process.
 - 1. For the purpose of calculating the number of indicators within any twelve-month period, the event/incident date of the instance(s) of a performance indicator(s) shall be used for the calculation, even if the actual reporting or discovery of same is delayed.
- B. Use of Force: Six (6) Use of Force reports within any twelve-month period will trigger the EWAS review process.

IV. AIM EWAS Transparency

- A. The AIM EWAS Transparency function allows employees to monitor each of their measures of employee performance thresholds. This is done through a traffic light which will be in line and lit as either a “Red Light,” “Yellow Light” or “Green Light” for each measure of employee performance threshold.
 - 1. Red Light – A “Red Light” status indicates that the employee has reached or exceeded the threshold and timeframe established for that specific EWAS threshold.
 - 2. Yellow Light – A “Yellow Light” status indicates that the employee has reached or exceeded 50% of the threshold and timeframe established for that specific EWAS threshold.
 - 3. Green Light – A “Green Light” status indicates that the employee has no cases or fewer cases than “Yellow Light” or “Red Light” status.

V. AIM EWAS Monitoring

- A. The Internal Affairs Section Commander or designee shall monitor the AIM EWAS. Monitoring the AIM EWAS includes checking the AIM EWAS for any automatically generated alerts. Supervisory officers in the subject officer's chain of command also should be directly involved in any EWAS review process.
- B. At least every six months, personnel assigned to manage the EWAS shall audit the agency's tracking system and records to assess the accuracy and efficacy of the tracking system.

VI. AIM Automatically Generated Alerts and Request for Activation of Review Process

- A. When an AIM alert is automatically generated, an Internal Affairs Section Commander or designee shall:
 - 1. Review EWAS for each of the employee's measures of performance; and
 - 2. Determine which of the following is the cause of alert:
 - a. Alert due to the Internal Affairs Complaint threshold.

- b. Alert due to any other threshold and not the Internal Affairs Complaint threshold.
 - c. Alert due to the Internal Affairs Complaint threshold and any other threshold simultaneously being met.
3. Inform COP and/or Atlantic County Prosecutor's Office as follows:
- a. Inform the COP of the alert through the Chain of Command and obtain approval for activation of the AIM EWAS Review Process via AIM. Examples of alerts and activating the Review Process or not activating Review Process:
 - 1. An automatically generated AIM alert based on a measure of employee performance threshold being met or exceeded within the timeframe for counting measures of employee performance.
 - 2. A need to have secrecy in a criminal investigation may outweigh the need to activate the Review Process.
 - b. Upon initiation of the EWAS review process, the agency's COP or a designee shall make a confidential written notification to the County Prosecutor or his/her designee using Prosecutor's Office form FM-01261-18. The initial report should identify the subject officer, the nature of the triggering performance indicators, and the planned or intended remedial program.
 - c. Upon completion of the EWAS review process, the agency's COP or a designee shall make a confidential written notification to the County Prosecutor or his/her designee using Prosecutor's Office form FM-01261-18 of the outcome of the EWAS review, including any remedial measures taken on behalf of the subject officer.
 - d. All forms related to the above should be emailed to the Chief of County Detectives at IA@acpo.org.

VII. Remedial / Corrective Action

- A. Once an officer has displayed the requisite number of performance indicators necessary to trigger the EWAS review process (as set forth in Section II. above) assigned supervisory personnel shall initiate remedial action to address the officer's behavior. When a EWAS review process is initiated, personnel assigned to oversee the EWAS 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 Section. Any statement made by the subject officer in connection with the EWAS review process may not be used against the subject officer in any disciplinary or other proceeding.
- B. 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.
- C. This Directive does 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 EWAS.

VIII. Self-Report Notifications

- A. All employees shall immediately Self-Report the below types of information by completing a Self-Report (SR) incident type within AIM and forwarding via the Chain of Command to the COP for action. If the employee believes his or her off-duty victim information is of such gravity that it must be brought to the immediate personal attention of the Chief of Police, then official channels may be bypassed.
- B. When employees report the below types of information to a supervisor, the supervisor shall directly and immediately report the information to the Internal Affairs Section, and in no case more than four (4) hours after receipt of the notification. Also see "Duties of Employees to Self-Report" within department policy entitled, "Internal Affairs."
1. Self-reporting includes whenever the employee is or has been:
 - a. Arrested or criminally charged for any conduct.
 1. The Self-Report must be made immediately and in all cases prior to release or leaving the law enforcement agency. In the case of service of criminal charges, the notification must be made immediately upon the receipt of the charges.
 - b. Named as a party in any civil suit involving their conduct while on-duty or otherwise while acting in an official capacity.

- c. Named as a party in any civil suit regarding off-duty conduct while not acting in an official capacity that alleges racial bias, physical violence, or threats of physical violence by an Atlantic City Police Department employee.
 - d. Alleged to have committed an act of domestic violence.
 - e. Issued a motor vehicle summons.
 - f. Suspected in or a target of another agency's investigation.
 - 2. Self-reporting shall also include anytime:
 - a. An employee takes official law enforcement action in a situation while off-duty.
 - b. An employee's case is rejected or dismissed by the Prosecutor for a lack of probable cause by an Atlantic City Police Department employee.
 - c. Evidence was suppressed by the court as a result of a constitutional, legal or procedural error made by an Atlantic City Police Department employee.
- C. Should the COP receive the aforementioned Prosecutor notification, the COP shall direct the following to occur:
 - 1. Create a Self-Report (SR) incident type within AIM for the involved employee; and
 - 2. Forward via AIM the created Self-Report (SR) to the involved employee and Chain of Command of the involved employee; and
 - 3. Review the created Self-Report (SR) by the involved employee and employee's Chain of Command; and
 - 4. Close the created Self-Report (SR) by the employee's Commander following the review.
- D. Should an employee receive the aforementioned Prosecutor notification, the employee shall create a Self-Report (SR) incident type within AIM and forward it through their Chain of Command to the COP via AIM. Upon review of the Self-Report (SR) by the employee's Commander, the employee's Commander shall close the Self-Report (SR) incident within AIM.
- E. The creation of the AIM Self-Report (SR) incident type is for notification to the Internal Affairs Section and for EWAS threshold counting.

IX. Risk Management Procedures, Internal Disciplinary Action and Fitness for Duty

- A. Risk management procedures may include training, retraining, counseling, document review, and intensive enhanced supervision, in lieu of internal disciplinary action. In addition, the actions of the employee may indicate a question about the employee's fitness for duty. In that case, the employee should be examined for his or her fitness for duty, either physically or psychologically.

- B. Internal disciplinary action may include training, retraining, counseling, document review, and intensive enhanced supervision, not in lieu of internal disciplinary action, as well as an oral performance notice, written performance notice, monetary fine, suspension without pay, loss of a promotional opportunity, demotion, and/or discharge from employment. In addition, the actions of the employee may indicate a question about the employee's fitness for duty. In that case, the employee should be examined for his or her fitness for duty, either physically or psychologically.
- C. Risk management procedures, internal disciplinary action and fitness for duty examinations are not mutually exclusive, and may be separately or jointly pursued if appropriate. For example, an employee receives his or her third (3rd) Internal Affairs Complaint within 12 months which automatically triggers an alert within the AIM EWAS. The Internal Affairs Complaint will be investigated to its logical conclusion which may result in internal disciplinary action while the alert is examined. The COP may order a fitness for duty examination based on the complaint findings and/or alert examination. A fitness for duty examination is not exclusively an Internal Affairs issue, since an employee's fitness may be impacted for reasons other than misconduct. For instance, an employee may become unfit for duty because of a medical problem unrelated to the job.

X. Notification to Subsequent Law Enforcement Employer

- A. If any officer who is or has been subject to an EWAS review process applies to or accepts employment at a different law enforcement agency than the one where he or she underwent the EWAS 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 EWAS review process history and outcomes. Upon request, the prior or current employing agency shall share the officer's EWAS review process files with the subsequent employing agency.

XI. Annual Evaluation of Early Warning Alert System Effectiveness

- A. Minimally, the Early Warning Alert System shall be evaluated once annually by Commander(s) designated by the COP.
- B. The designated Commander(s) shall evaluate the EWAS for its effectiveness and need for adjustments and document their justification within a [Special Report](#).
- C. Minimally, recommendations by any Commander to adjust measures of employee performance thresholds should be based on a one year statistical analysis of the preceding year for each measure of employee performance to be adjusted.
- D. The [Special Report](#) shall be forwarded through the Chain of Command to the COP by February 15th of each year, unless granted an extension by the COP.

XII. Retention of AIM Incident or Investigation Type Records

- A. Only an AIM Administrator shall delete AIM Incident or Investigation Type records.
- B. To delete an AIM Incident or Investigation Type record, a Department email justifying the request to delete shall be submitted via the Chain of Command to the Professional Standards Division Commander or designee. Upon approval, an AIM Administrator shall delete the appropriate record.

- C. All requests to delete AIM records which were approved or not, shall be maintained by the Professional Standards Division.
- D. All AIM Incident or Investigation Type records shall be held in accordance with the [Municipal Police Departments Retention Schedule](#) issued by the New Jersey Department of Archives and Records Management.

XIII. Historical Data

- A. The Atlantic City Police Department may input threshold historical data for any employee from the employee's hire date.
- B. Information necessary for aggregate threshold statistical analysis will be maintained indefinitely within the AIM EWAS.

XIV. Confidentiality of AIM EWAS Records

- A. No employee of the Atlantic City Police Department shall have access to individually identifiable information that is maintained within the AIM EWAS, unless:
 - 1. The employee is a Commander; or
 - 2. The employee requires the individually identifiable information for an investigative, technological, monitoring or auditing purpose; or
 - 3. The employee is part of a Division, Bureau, Section or Unit that maintains and/or updates the information.
 - 4. The employee's security settings are not correct. Should an employee's security settings give access to another employee's individually identifiable information, the employee with incorrect security settings shall immediately report this to the Professional Standards Division Commander via the Chain of Command.
- B. No employee of the Atlantic City Police Department shall have access to Internal Affairs information that is maintained within the AIM EWAS, unless approved by a Commander of the Internal Affairs Section, and:
 - 1. The employee requires the Internal Affairs information for an investigative, technological, monitoring or auditing purpose; or
 - 2. The employee is part of a Division, Bureau, Section or Unit that maintains and/or updates the information.
 - 3. The employee's security settings are not correct. Should an employee's security settings give access to another employee's Internal Affairs information, the employee with incorrect security settings shall immediately report this to the Professional Standards Division Commander via the Chain of Command.

XV. Annual Reporting to the Atlantic County Prosecutor's Office.

- A. A report shall be submitted in a signed confidential memorandum from the COP to the Chief of County Detectives via IA@acpo.org: agency compliance with A.G. Directive 2018-03 and if not in compliance; the reason(s). If not in compliance, a

report detailing the corrective action to ensure compliance shall be submitted no later than January 15th for the preceding year.

XVI. Forms

A. The following forms shall be maintained in Fill-ins and/or PowerDMS:

1. [Annual Administrative Review](#)
2. [Early Warning Alert System Case Review Form](#)
3. [Figure 1](#)
4. [IA-21 Negative Action Notice](#)
5. [IA-21 Positive Action Notice](#)
6. [Municipal Police Departments Retention Schedule](#)
7. [Remedial Action and Certification of Remedial Action](#)
8. [Request for New/Change Directive or Form](#)
9. [Requisition Form](#)
10. [Special Report](#)
11. [Early Warning System Review Reporting Form](#)
12. [NJ Attorney General LE Directive No. 2018-03](#)
13. [Atlantic County Prosecutor's Directive PD-01267-18](#)