



# CAMDEN COUNTY DEPARTMENT OF CORRECTIONS

**SUBJECT: Personnel Early Warning System**

**TYPE OF ORDER: General**

**ORDER NUMBER: 055**

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**BY ORDER OF: Karen Taylor, Warden**

**EFFECTIVE DATE: 01/16/19**

**RELATED STANDARDS: Attorney General Law Enforcement Directive No. 2018-3 10A:31-4.2 (N.J.A.C.); 4-ALDF-7D-06 (A.C.A.)**

**Approved by the Camden County Board of Chosen Freeholders**

**POLICY:** It is the policy of the Camden County Department of Corrections to ensure the professional integrity and ethical conduct of sworn correction personnel through close monitoring and collection of data relating to pertinent events and incidents, in conjunction with other indicators that can be evaluated for the purpose of identifying deficiencies in performance or conduct. The Early Warning System is a method by which the department can address small personnel problems before they become a major issue.

**PURPOSE:** The Personnel Early Warning System (PEWS) is designed to assist the department in recognizing individual and collective employee patterns of poor performance and/or misconduct and then taking documented action to correct identified deficiencies. The Professional Standards Committee (PSC) shall be responsible for the collection and maintenance of data related to the department's Personnel Early Warning System.

The benefits from an effective Personnel Early Warning System include:

1. Elevation in professional conduct and employee performance;
2. Reduction in number and severity of complaints;
3. Increased accountability from first line supervisors;
4. Catalyst for progressive employee discipline;
5. Improved morale;
6. Reduction in lawsuits and department liability; and
7. Identification of training needs.

## **PROCEDURE:**

### **A. PROFESSIONAL STANDARDS COMMITTEE:**

1. The Warden shall assign select personnel to comprise a Professional Standards Committee.

- a. The Professional Standards Committee shall consist of the following personnel:
  - i. Deputy Warden
  - ii. Internal Affairs Unit
  - iii. Designated Staff
2. The members of the Professional Standards Committee will collect, record, and track General Incident Reports, attendance records, employee evaluations, inmate kiosk complaints, Internal Affairs complaints, investigations, use of force reports, inmate grievances, and any other document that pertains to the performance indicators listed below.

## **B. PERFORMANCE INDICATORS:**

1. A Personnel Early Warning System monitors different categories of officer conduct which indicate potentially escalating risk of harm to the public, the agency, and/or the employee. The Personnel Early Warning System includes the collection, review and analysis of pertinent data including, but not limited to:
  - a. **Allegations of Misconduct, including Sexual Harassment**: the number of allegations; Internal Affairs complaints; the number of substantiated complaints; the profile of the complainant; the number of off-duty events; and a pattern of allegations.
  - b. **Number of Use of Force Incidents**: the number of allegations; the types of force used; the comparison year to year.
  - c. **Civil Litigation**: the number and types of lawsuits; the findings from the suits.
  - d. **Notices of Intent to Sue**: the number and types of intent to sue notices; the findings from the suits.
  - e. **Abuse of Sick Leave**: the number of sick days; the type of illness (specific or vague); the remaining number of sick days; the days of the week, i.e., always Monday, always Friday.
  - f. **Habitual Tardiness**: the number of tardy days; the typical excuses given; the number of times verbally or informally warned.
  - g. **On-Going Poor Performance**: the exact nature of the performance problem; the relative severity of the problem; particular attitude issues.
  - h. **Inability to Work with Co-Workers**: the number of complaints; the nature of the inability, i.e., mouthy or openly hostile; fitness-for-duty issues. If the officer cannot work with other officers, can they work with inmates?

- i. **Unusual Behavior**: Employee takes unnecessary risks that endanger self, co-workers or inmates; inappropriate language or conduct that may lead to harassment or hostile workplace discrimination issues; out-of-character behavior; excessive overtime, extra duty or off-duty job.
- j. **Injured Time**: the number and type of injuries; the type of events leading to those injuries; the severity of the injuries (minor, major); on-duty or off-duty events.
- k. **Discretionary Incident Involvement**: the number and type of incident involvements; the number of excessive force incidents.
- l. **Incidents of Workplace Violence**: the number and type or severity, i.e., push versus punch.
- m. **Being the Subject of a Criminal Investigation**: the nature of the investigation; whether suspended with pay (misdemeanor) or without pay (felony).
- n. **Garnishment of Wages**: critical money concerns.
- o. **Domestic Violence investigations and/or being the subject of a Restraining Order**: Does the existence of the Court's Order affect the duties and/or responsibilities of the employee's job?
- p. **Inmate Complaints**: the number and type of complaints.
- q. **Cases and/or arrest of the officer**: including a driving under the influence charge; rejected or dismissed by a court; in which evidence obtained by an employee is suppressed by a court.
- r. **Vehicular Collisions**: involving the employee that are formally determined to have been the fault of the employee.
- s. **Inmate Incident Contact Data**: the demographic of the data that would appear to indicate a pattern that fits the complaint profile.
- t. **Insubordination**: Failure or deliberate refusal to obey a lawful order of a supervisor, ridiculing a supervisor or his/her order, in or out of the supervisor's presence, or disrespectful, mutinous, insolent, or abusive language directed toward the supervisor.
- u. **Neglect of Duty**: Not giving suitable attention to the performance of duties. Any act of omission or commission indicating the failure to perform or the negligent performance or compliance to any rule, regulation, directive, order or standard operating procedure as dictated by department practice or as published, which causes any detriment to the department, its personnel, any inmate, prisoner, or to any member of the public.
- v. **Positive Drug Test**: positive confirmed test result indicating unlawful drug use.

w. Any other indicators as determined by the Warden.

**C. INITIATION OF THE EARLY WARNING SYSTEM REVIEW PROCESS:**

1. Three (03) separate instances of performance indicators within any twelve-month (12) period will trigger the Personnel Early Warning 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.
  - b. The Warden may, in his/her discretion, determine that a lower number of performance indicators within a twelve-month (12) period (i.e., one or two performance indicators) will trigger the Early Warning System review process.
2. The Professional Standards Committee will create and maintain Professional Standards folders for each employee that, after analysis of the data, is determined to be in need of personnel early warning system intervention.
3. In most cases, the Personnel Early Warning System intervention will result in a recommendation for increased supervision and additional training. The object of the Personal Early Warning System is not disciplinary in nature, however, recurring interventions based upon the same criteria may result in appropriate employee disciplinary action.
4. Quarterly, the Professional Standards Committee shall conduct a review and analysis of organizational findings of the Personnel Early Warning System to identify individual and collective patterns of behavior that may be indicative of a problem.
  - a. The Professional Standards Committee, however, may initiate a Personnel Early Warning System review immediately if a pattern of negative behavior by an employee becomes evident or if an employee is referred to the committee by someone other than the employee's supervisor.
5. A report shall be made to the Warden by the Professional Standards Committee outlining any individual and collective patterns of behavior by an employee indicating a problem and recommendations for improvement.
6. Quarterly, the Professional Standards Committee shall audit the tracking system and records.

**D. Supervisors Responsibility**

1. Once an employee has displayed the requisite number of performance indicators necessary to trigger the Early Warning System review process (as set forth in section C, above) assigned supervisory personnel shall initiate remedial action to address the employee's behavior.

2. The Shift Commanders and Shift Supervisors of employees identified by the Personnel Early Warning System shall be notified of the Professional Standards Committee's conclusions and shall review the points expressed in the committee's findings.
3. Employees identified during a Personnel Early Warning System review as having a pattern of poor performance and/or misconduct shall:
  - a. be notified, in writing;
  - b. have an improvement plan developed jointly by the employee, the employee's immediate supervisor and the employee's Shift Commander. A remedial program shall be developed which will include the appropriate remedial and/or corrective actions including, but not limited to:
    - i. On the job training;
    - ii. Referral to the Training Department for specific issue related training;
    - iii. Counseling;
    - iv. Enhanced or intensive supervision;
    - v. Mentoring;
    - vi. Fitness for duty examination;
    - vii. Requesting a change of assignment;
    - viii. Referral to Employee Assistance Program (EAP) to correct any current or future problems that might occur involving the employee identified as needing assistance;
    - ix. Any other appropriate remedial or corrective action.
4. In each case where an employee has been identified through the Personnel Early Warning System, the development of an improvement plan shall trigger a thirty (30) day, sixty (60) day and ninety (90) day performance evaluation for the employee in order to effectively monitor his / her progress.
5. The first and second lines of supervision are crucial elements to a successful Personnel Early Warning System. Supervisors who observe notable changes in work habits, which in the opinion of the supervisor may have a detrimental effect on the employee or employee's job performance, shall immediately notify the Shift Commander.
6. All actions by the supervisor shall be clearly documented with copies sent to the Employee's Shift Commander, and if warranted, the Internal Affairs Unit, to be filed in the employee's personnel file. In severe cases, the documentation collected and or generated by the personnel early warning system process may be used for a fitness-for-duty evaluation.
7. All supervisory personnel shall familiarize themselves with the work habits of those employees under their supervision. The role of supervisors, especially first-line supervisors, is crucial in identifying circumstances in which early intervention is needed and subsequently identifying the most effective methods of intervention.

8. If improvement is noted, the employee should not be flagged on the next Personnel Early Warning System Review.
9. If no improvement is noted, then the employee will continue to be flagged on the quarterly Personnel Early Warning System review and additional personnel action may be necessary to include reassignment, reduction in responsibility, reduction in rank, or employee disciplinary action.
10. Periodic reviews of the employee's improvement plan shall be documented by the employee's immediate supervisor with written notification sent to the employee's Shift Commander and the Warden.
11. The Personnel Early Warning System review, the improvement plan and periodic reviews shall be documented in the Professional Standards Committee files and the employee's personnel file.

#### **E. Shift Commander's Responsibility**

1. The Shift Commander has a responsibility to monitor this process from the review of the twenty-three (23) categories of performance data, to ensure the actions of the employee's immediate supervisor are appropriate and timely, to ensure the employee receives the assistance he/she needs, and to ensure phases of this process are documented correctly.
2. It is extremely important to ensure that each step in this process is carried out correctly. The entire system is subject to failure if the Personnel Early Warning System is subjective, unfair, biased, or otherwise inequitable. Consequently, it is the Shift Commander's duty to ensure that the process is conducted properly.

#### **F. Warden's Responsibility**

1. The Warden shall carefully monitor the Personnel Early Warning System and ensure all employees have a comprehensive and fair review of the data that the process generates.
2. The Warden shall review and authorize any formal employee disciplinary sanctions taken against any employee as a result of the Personnel Early Warning System.
3. A thorough review and evaluation of the procedures outlined in this policy shall be conducted by the Warden, in conjunction with executive staff, the Professional Standards Committee members, and the Internal Affairs Unit, on an annual basis.
4. Policy modifications based on staff input and/or outside consultants' input shall be made where necessary. The Warden shall keep the entire department informed at all steps in the development, administration and revision of the Personnel Early Warning System Policy.

## **G. NOTIFICATION TO SUBSEQUENT LAW ENFORCEMENT EMPLOYER**

1. If any employee who is or has been subject to a Personnel Early Warning System review process applies or accepts employment at a different law enforcement agency, the Camden County Department of Corrections shall notify the subsequent employing law enforcement agency of the employee's Early Warning System Review process history and outcomes. Upon request, the Camden County Department of Corrections shall share the employee's Early Warning System Review process files with the subsequent employing agency.

## **H. NOTIFICATION TO THE COUNTY PROSECUTOR**

1. Upon initiation of the Personnel Early Warning System Review process, the Warden or his/her designee shall make a confidential written notification to the Camden County Prosecutor or his/her designee of:
  - a. The identity of the employee;
  - b. The nature of the triggering performance indicators; and
  - c. The planned remedial program.
2. Upon completion of the Personnel Early Warning System Review process, the Warden or his/her designee shall make a confidential written notification to the Camden County Prosecutor or his/her designee of the outcome of the Early Warning System Review, including any remedial measures taken on behalf of the employee.