

GLOUCESTER COUNTY PROSECUTOR'S OFFICE			
Standard Operating Procedure			
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SUBJECT: EARLY INTERVENTION SYSTEM			
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BY THE ORDER OF: Prosecutor Charles A. Fiore			
SUPERSEDES ORDER #:			

PURPOSE: To provide guidelines for establishing an Early Intervention System to identify employees who may require proactive intervention efforts.

POLICY: It is the policy of the Gloucester County Prosecutor's Office to provide early intervention to employees who meet established criteria. The Gloucester County Prosecutor's Office has a responsibility to its employees and the community to identify and assist employees who show symptoms of job stress or personal problems. Such symptoms may be exhibited in on-the-job performance behaviors that result in complaints from citizens or may be indicated in the frequency of use of force incidents. The Gloucester County Prosecutor's Office has existing programs available to assist employees, including the Employee Assistance Program (EAP), the Cop-2-Cop Assistance Program, and other counseling, which are available to employees on a voluntary and policy-mandated basis. In order to enhance these services, the Gloucester County Prosecutor's Office has implemented the Early Intervention Program (EIP) for all sworn investigative personnel.

It is the policy of the Gloucester County Prosecutor's Office to provide for the protection and confidentiality of the Early Intervention Program records maintained by the office that are classified as personnel records.

PROCEDURE:

I. Early Intervention Program (EIP)

- A. An Early Intervention Program is an essential component in a well-managed law enforcement agency. The early identification of potential problems and a menu of remedial actions can increase accountability and offer employees a better opportunity to meet the agency's values and mission statement. Whenever the Early Intervention Program is activated pursuant to this standard operating procedure, the totality of the circumstances surrounding each incident and/or complaint shall be considered separately, drawing on general knowledge of human behavior, agency policies and procedures, and wisdom gained from years of law enforcement experience. The process should include recognition that there are circumstances when use of force is necessary and proper, and that there are occasions when false accusations may be made against employees by citizens.
- B. The intent of this system is to provide non-disciplinary intervention, whenever possible, to assist our employees in their professional development, in order to provide the highest level of service and satisfaction to the public. The Early Intervention Program will not be used for disciplinary purposes. The activation of the Early Intervention Program does not necessarily indicate a problem with the involved employee, nor is it intended to be punitive, but it may merely suggest a pattern exists that bears investigation or monitoring.

II. Early Intervention Program Tracking

- A. The Early Intervention Program shall identify and track the following performance indicators:
 - 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;
 - 4. Any use of force by the employee 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 employee is an alleged subject;
 - 6. An arrest of the employee, including 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. Investigations or arrests by the employee that are rejected or dismissed by a court;

11. 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; and
 15. Any other indicators, as determined by the County Prosecutor or his/her designee.
- B. Citizen or supervisory complaints that are determined to be “proper conduct” or “unfounded” shall be not counted as indicators.
- C. Three separate instances of performance indicators as listed above in Section II.A within any twelve (12) month period will trigger the Early Intervention Program 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.

III. Supervisory Responsibility

- A. Supervisors are crucial to a successful Early Intervention Program. They work with the individual employees on a day-to-day basis and may be the first to observe and document possible problems with job performance or job or personal-related stress.
1. Such problems may be exhibited through excessive use of sick time, tardiness, use of unnecessary force, poor safety techniques, over aggressiveness, improper demeanor towards citizens, or equipment abuse. Although no particular set of criteria can determine job stress and/or performance problems, it is important that certain criteria be routinely reviewed as indicators of behavior patterns.
 2. Supervisors are required to report and refer incidents and events that meet the above criteria, along with any other problematic behavior observed, to their Section Supervisor and the Internal Affairs Unit Supervisor for documentation in the Early Intervention Program.

IV. Internal Affairs Unit Responsibilities

- A. The Internal Affairs Unit Supervisor will coordinate the Early Intervention Program. The reports will be generated on a quarterly and annual basis. The Internal Affairs Unit Supervisor will have the responsibility to ensure that each affected unit supervisor has access to each Early Intervention Program candidate Early Intervention Program file.
- B. The Internal Affairs Unit Supervisor will identify employees who have displayed the requisite number of performance indicators necessary to trigger the Early Intervention Program review process as set forth above in Section II.A and match those names with the below listed documentation so assigned supervisory personnel can initiate remedial action to address the employee's behavior:
1. Supervisory referrals

2. Use of force reports
 3. Firearm discharge reports
 4. Internal Affairs investigations
 5. Motor vehicle crash investigative reports
 6. Motor vehicle pursuit forms
 7. Previous engagement with the Early Intervention Program including month and year.
- C. The Internal Affairs Unit Supervisor will notify each affected Section Supervisor of the employees who meet the criteria for the Early Intervention Program. The Internal Affairs Unit Supervisor will then submit to each Section Supervisor all related reports for the Early Intervention Program on those employees.
- D. The Internal Affairs Unit Supervisor will maintain an Early Intervention Program file on every employee designated for Early Intervention. This file will be the repository for documented incidents that meet the criteria for Early Intervention Program considerations.
1. The file will include completed Intervention Reports along with any applicable reports pertinent to the incidents (e.g. Use of force, pursuit, special reports).
 2. The Early Intervention Program files will be maintained by the Internal Affairs Unit and retained for four years.
 3. The files will be secured in a separate and secure filing cabinet maintained by the Internal Affairs Unit.
 4. Early Intervention Program files are considered confidential. Access to an Early Intervention Program file is on a need-to-know basis granted only upon approval by the County Prosecutor or his/her designee.

Note: All Internal Affairs investigations will be kept in a separate and secure filing cabinet as outlined in the Internal Affairs Policy (SOP 2:15).

- E. The Internal Affairs Unit Supervisor will review all Early Intervention Program files to determine if a training need exists within a specific area of the agency. Additionally, the Internal Affairs Unit Supervisor shall review all Early Intervention Program recommendations to ensure that all recommendations for training are available, appropriate and consistent.

V. Supervisory or Command Intervention to Correct Behavior

- A. Step One – Section Supervisor’s Review of Employee’s Early Intervention Program File
1. Each Section Supervisor will refer to the Early Intervention Program file and make a timely and accurate summary of the actions of the particular employee, which has raised concerns and document recommendations for intervention, if necessary.

2. Facts and documentation on each use of force incident, firearm discharge, citizen complaint, pursuit, on-duty accident, and supervisory referral should be reviewed, including:
 - a. Police incident reports;
 - b. Criminal complaints;
 - c. Witness statements;
 - d. Discussions with other officers involved in the incident;
 - e. Determine what, if anything, could have been done differently to prevent the complaint;
 - f. Decide if there are any similarities between incidents;
 - g. Find out if other possible indicators of stress are present such as an unusual amount of sick leave, tardiness, marital problems, etc.;
 - h. Determine if a trend or pattern of behavior is indicated;
 - i. The process of analysis should include recognition that there are circumstances when use of force is necessary and proper and that false accusations are sometimes made against officers.
2. The analysis of the facts should include consideration of the totality of the circumstances surrounding each incident and/or complaint, drawing on knowledge of human behavior, office policies, rules, regulations, and wisdom gained from years of law enforcement experience. Unit assignment/function should also be taken into consideration.

B. Step Two – Section Supervisor’s Intervention and Counseling

1. Section Supervisors and Front Line Supervisors are the “early” in the early intervention. It is necessary that there be communication between the employee and his Supervisors in order to address potentially problematic behavior early and/or recognize outstanding performance. While the Section Supervisor is responsible for administering and reviewing the employee’s candidacy for the Early Warning, System, he/she shall consult and communicate with the Front-Line Supervisor and those in direct contact with the employee to identify any patterns of behavior and/or misconduct.
2. When informed of an employee meeting Early Intervention Program criteria, the Section Supervisor shall review the documentation provided by the Internal Affairs Unit Supervisor. If the review of the documentation and related reports reveals the need for an intervention, the Section Supervisor shall then formally notify the subject officer in writing and schedule a counseling meeting with the employee as soon as possible. Section Supervisors should be prepared to make recommendations to the employee and include referral information when appropriate. The Section Supervisor should schedule the counseling meeting with the employee and review the documentation provided with the employee and discuss any problem areas or performance issues. The Internal Affairs Unit Supervisor will be available for consultation with the Section Supervisor as needed.

3. If a review of the documentation and related reports by the Section Supervisor yields no issues or concerns requiring an intervention, a counseling meeting with the employee is not necessary. The Section Supervisor will detail the findings in an Intervention Report.
4. At the conclusion of the counseling meeting, the Section Supervisor shall prepare a summary of the outcome. This note will be used to prepare the Intervention Report.
 - a. When dealing with employees who are selected for early intervention as a result of open, formal internal investigations, Section Supervisors must balance the issues of Garrity and intervention when discussing early intervention issues with the employee. Section Supervisors are directed not to discuss the specifics of any open Internal Affairs investigations. Instead, the well-being of the employee should be discussed, including any general observations or indicators.
 - b. The Section Supervisor should inform the employee that the details of the Internal Affairs case(s) will not be discussed and that the nature of the informal meeting is to offer any advice or information about intervention issues.
5. Behavior Factors

When conducting a performance review or a counseling session, the following behavior factors should be among the items to be considered:

- a. Is there a behavior pattern that may be causing these Early Intervention Program indicator entries, whether or not the Early Intervention Program indicator entries have been investigated or sustained?
- b. How does the employees Early Intervention Program indicator history compare with other employees in similar assignments?
- c. Can Early Intervention Program indicator entries be reduced by simply informing the employee of office policies and procedures?
- d. Can better interpersonal skills be developed?
- e. Can training correct the problem?
- f. Are the details of the Early Intervention Program indicator entries and allegations so different as to suggest that there is no improper behavior pattern?
- g. Is there any other relevant information about the employee or circumstances that contribute to the number of Early Intervention Program indicator entries?
- h. Is there a common thread of conduct in separate Early Intervention Program indicator entries that may be contributing to the frequency of Early Intervention Program indicator entries?

C. Step Three - Chief of Detectives Meeting

Following the Section Supervisor's meeting with the employee, the Section Supervisor will schedule a meeting with the Chief of Detectives to discuss the outcome of the counseling, the findings concerning each incident, and any recommendations for additional intervention.

D. Step Four - Section Supervisor's Intervention Report

1. The Section Supervisor will complete a Performance Improvement Plan (PIP), detailing his/her findings concerning the employee's early intervention file, the employee's response, and his/her recommendations. Recommendations may include the following:
 - a. Assessment that no problem or pattern of behavior exists (explained in detail).
 - b. Dispositions may include a need for remediation or training: The employee may need refresher training in human relations skills, defensive tactics, cultural diversity, driving skills, certain office policies and procedures, etc.
 - c. Referral to the Employee Assistance Program, Cop-2-Cop, or other available assistance program: The employee may need personal or family counseling, financial and money management counseling, drug or alcohol counseling/treatment.
 - d. Attend stress awareness course: When appropriate, consideration should be given to physical fitness testing, weight management counseling, and enrollment in a physical exercise program.
 - e. Restriction on secondary employment and/or agency authorized overtime assignments.
 - f. Intensive supervision.
 - g. Fitness for Duty evaluation, if authorized by the County Prosecutor.
 - h. Any other appropriate remedial or corrective action.
2. The report with the recommendations will be completed by the employee's Section Supervisor within thirty (30) days and forwarded to the Chief of Detectives for review and final approval. The Chief of Detectives may amend the recommendations by attaching an addendum.
 - a. If members of an employee's chain of command vary in their recommendations, the Chief of Detectives will take into consideration the varying views and may conduct a Recommendations Meeting. The Chief of Detectives will determine the final recommendations and course of action.
 - b. The original reports will be maintained by the Internal Affairs Unit as outlined in section IV.D of this written directive.
3. The Written Performance Improvement Plan shall be agreed upon by the reviewing Section Supervisor and the Chief of Detectives, and will be

designed to reduce or eliminate identified behaviors that contribute to Early Intervention Program indicator entries.

- a. The Performance Improvement Plan must describe the behaviors to be addressed, actions designed to change those behaviors, measures to enable both the employee and Section Supervisor to gauge progress, and a timeline for reaching the objective of changing, moderating or eliminating the behavior(s).
- b. The Performance Improvement Plan timeline shall monitor and evaluate the employee for a period of at least three (3) months, or until the Section Supervisor concludes that the employee's behavior has been remediated, whichever is longer.
- c. The plan shall be placed in the employee's Early Intervention Program file.

4. Implementation of Recommendations

- a. The County Prosecutor will make a determination as to whether the referral for training/counseling will be mandatory or suggested.
- b. Mandatory attendance shall be considered on-duty time and the employee's schedule will be adjusted accordingly.
- c. Training and counseling as a result of this program are not considered punitive or to be disciplinary action.
- d. Any statement made by the employee in connection with the Early Intervention Program review process may not be used against the employee in any disciplinary or other proceeding.

E. Step Five - Follow-up

1. Once the Performance Improvement Plan has expired, the Internal Affairs Unit Supervisor will initiate follow-up notices requesting the Section Supervisor to write a memorandum to the Chief of Detectives describing the outcome of the plan, whether the intervention was effective, and recommending further action, if warranted.
2. Early intervention cases where the Section Supervisor found that no problem or pattern of behavior could be discerned will not require follow-up.

VI. Notification to Subsequent Law Enforcement Employer

- A. If any employee who is or has been subject to the Early Intervention Program review process applies to or accepts employment at a different law enforcement agency, the County Prosecutor or his/her designee will notify the subsequent employing law enforcement agency of the employee's Early Intervention Program review process history and outcomes.
- B. Upon written request, this agency shall share the employee's Early Intervention Program review process files with the subsequent employing agency.

VII. Notification to County Prosecutor

- A. Upon initiation of the Early Intervention Program review process, the Chief of Detectives or his/her designee shall make a confidential written notification to the County Prosecutor or his/her designee of the identity of the employee, the nature of the triggering performance indicators, and the planned remedial program.
- B. Upon completion of the Early Intervention Program review process, the Chief of Detectives or his/her designee shall make a confidential written notification to the County Prosecutor or his/her designee of the outcome of the Early Intervention Program review, including any remedial measures taken on behalf of the employee.

VIII. Annual Report to Attorney General

By January 31st of each year, the County Prosecutor shall submit a report to the Attorney General, through the Division of Criminal Justice's Prosecutors' Supervision and Training Bureau. This summary shall include a statement indicating those agencies under the County Prosecutor's supervision that are in compliance with [Attorney General Directive 2018-3 \(Statewide Mandatory Early Warning Systems\)](#) and those that are not.

IX. Public Accessibility and Confidentiality

- A. This Early Intervention Program policy shall be made available to the public upon request and shall be posted on the office's website.
- B. Annual reports from the County Prosecutor to the Attorney General, as required by [Attorney General Directive 2018-3 \(Statewide Mandatory Early Warning Systems\)](#), also shall be made available to the public upon request and shall be posted on the office's website.
- C. All written reports created or submitted pursuant to [Attorney General Directive 2018-3 \(Statewide Mandatory Early Warning Systems\)](#) that identify specific employees are confidential and not subject to public disclosure.