

COLLINGSWOOD POLICE DEPARTMENT POLICY & PROCEDURES



SUBJECT: EARLY INTERVENTION PROGRAM (EIP)

BY THE ORDER OF:
Chief of Police

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PURPOSE: The purpose of this written directive is to establish an Early Intervention Program (EIP).

POLICY: It is the policy of this department to implement and utilize IAPro® Software as an Early Intervention Program (EIP) for maintaining, retrieving, and analyzing information regarding the performance of employees. The system will identify, reward, and promote professionalism, civil rights, integrity, best practices, as well as identify, intervene, and remediate potentially problematic behavior allowing for timely intervention consistent with the risk management procedures promulgated by the New Jersey State Attorney in its Internal Affairs Policies and Procedures. This written directive is in accordance with the New Jersey Attorney General's Law Enforcement Directive No. 2018-3.

PROCEDURE:

I. EARLY INTERVENTION PROGRAM (EIP)

- A. IAPro® Software offers the ability to document early intervention performance in one centralized location. As incidents are entered, IAPro® Software will monitor the frequency of specific incidents to determine if early intervention is warranted.
- B. The Early Intervention Program (EIP) is designed to detect patterns and trends before the conduct escalates into more serious problems. As such, employees must understand that the Early Intervention Program (EIP) is not discipline. Although it is possible that disciplinary action may be taken as the result of evidence that rules and regulations were violated, this is not the sole or even primary intent of the system. The primary intent of an Early Intervention Program (EIP) is to address potential poor performance through the use of appropriate management and supervisory strategies before discipline is warranted.
 - 1. There are three processes to the Early Intervention Program (EIP), and they are:
 - a. Identification Process - The process of identification of an employee who has triggered the requisite number of flags.
 - b. Review Process - The process of reviewing the data to determine if monitoring of employee is necessary. Not all reviews necessitate the initiation of the monitoring process.
 - c. Monitoring Process - The process of monitoring behavior based upon the review process warranting further monitoring of the employee.
- C. At least every six (6) months, the Internal Affairs Commander shall audit the agency's tracking system and records to assess the accuracy and efficacy of the tracking system. The Internal Affairs Commander shall prepare written reports of the prevailing six months noting the previous period's participants and outcomes. Modifications to this process should be implemented at the earliest opportunity.

II. GENERAL RESPONSIBILITIES

- A. Supervisors
 - 1. An employee's first line supervisor is usually the first member of the department to encounter and document specific incidents that affect an employee. It is essential for the supervisor to speak with the employee, document these incidents and report findings to their commander and if warranted, the Internal Affairs Unit. The success of this program relies heavily on the first line supervisor's participation and involvement.
 - 2. When remedial action has been undertaken, the Internal Affairs Unit shall be formally notified in writing of such efforts. This information shall be recorded in the internal affairs index file system. No entry should be made in the employee's personnel file, unless the action results in a

sustained investigation. If the remedial action is a training program, attendance and completion of that program should be noted in the employee's training record. Documentation is the key to a successful outcome.

B. Command Personnel

1. The commanders shall periodically review an individual employee's history. Using this information and his/her experience, the commander may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the IPro® Software.

III. EARLY INTERVENTION IDENTIFICATION

A. Many different measures of employee performance (actions or behaviors) can be regularly examined for patterns or practices that may indicate potential problems. These performance measures shall include, but are not limited to, the following documented indicators:

1. Motor vehicle stop data;
2. Search and seizure data;
3. Internal complaints, whether initiated by another employee or by a member of the public and regardless of outcome;
4. Civil actions filed, regardless of outcome;
5. 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;
6. Claims of duty-related injury;
7. Arrests of the employee, to include a driving under the influence charge, resisting arrest or assault on a law enforcement officer;
8. Criminal investigations of or criminal complaints against the employee;
9. Incidents of arrested persons injured;
10. Vehicular pursuits;
11. Vehicular collisions involving the officer that are formally determined to have been the fault of the officer;
12. Cases or arrests by the officer that are rejected or dismissed by a court;
13. Cases in which evidence obtained by an officer is suppressed by a court;
14. Domestic violence investigations in which the employee is an alleged subject;

15. Sexual harassment claims against the employee;
 16. A positive drug test by the officer;
 17. Insubordination by the employee;
 18. Neglect of duty by the employee;
 19. Unexcused absence by the employee.
- B. Generally, three (3) instances of questionable conduct or performance indicators (as listed above) within a 12-month period would initiate the early intervention program identification process.
- C. 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.

IV. EARLY INTERVENTION REVIEW

- A. The Early Intervention Program (EIP) review process is primarily the responsibility of the Internal Affairs Unit, but any supervisor may initiate the Early Intervention Program (EIP) review process based upon his/her own observations. Emphasis should be placed on anticipating employee problems before it results in improper performance or conduct.
1. When an Early Intervention Program (EIP) review process is initiated, Internal Affairs Unit should formally notify the subject employee in writing.
- B. The Internal Affairs Unit shall be alerted by the IAPro® Software if an employee has the emergence of a pattern, practices or trend of inappropriate behavior or misconduct.
- C. If the IAPro® Software indicates the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, the Internal Affairs Unit shall consult with the employee's supervisor and/or commander.
- D. The Internal Affairs Unit Commander or designee and the employee's supervisor and/or commander shall review the information provided by the Internal Affairs Unit along with any other relevant information from department records for the purpose of initiating a course of intervention designed to correct/interrupt the emerging pattern, practice or trend.
1. If the IAPro® Software has returned an incorrect identification or "false positive," that conclusion should be documented.
 2. If the IAPro® Software reveals that an employee may have engaged in misconduct in violation of the department rules and regulations or written directives, an internal investigation will be initiated.
 3. If the IAPro® Software reveals that the employee has engaged in conduct, which indicates a performance deficiency or lack of understanding or inability to comply with accepted procedures, the

supervisor shall consult with the Internal Affairs Unit Commander or designee to determine the appropriate course of remedial/corrective intervention.

V. EARLY INTERVENTION MONITORING

- A. When under Early Intervention Program (EIP) monitoring, the employee's division commander and immediate supervisor shall meet with the employee to discuss the situation in depth to:
 - 1. Identify problems or potential problems
 - 2. Determine short and long-term goals for improvement
 - 3. Come to a consensus commitment on a plan for long-term improved performance
 - 4. Advise of the monitoring process and the repercussions of future sustained transgressions
- B. The meeting shall be thoroughly documented and forwarded to the division commander through the chain of command. The affected employee and supervisor shall meet on a regular basis, minimally monthly, to discuss progress towards the agreed upon goals and objectives.
- C. The division commander shall ensure that regular monthly progress/status reports are submitted by the immediate supervisor concerning the employee's progress.
- D. Personnel shall monitor the subject employee for at least three (3) months, or until the supervisor concludes that the employee's behavior has been remediated (whichever is longer).
- E. All reports shall be eventually forwarded to Internal Affairs through the regular chain of command for review. These reports have the same confidential status as internal affairs documents.
- F. Any statement made by the subject employee in connection with the Early Intervention Program (EIP) review process may not be used against the subject employee in any disciplinary or other proceeding.

VI. REMEDIAL/CORRECTIVE INTERVENTION

- A. Supervisory or command personnel may initiate remedial/corrective intervention to correct behavior. Remedial/corrective intervention may include, but is not limited to:
 - 1. Training;
 - 2. Retraining;
 - 3. Counseling;

4. Intensive supervision;
 5. Fitness for duty examination;
 6. Professional counseling or Employee Assistance Program referral, when warranted;
 7. Peer counseling.
- B. Internal disciplinary action, remedial/corrective intervention, and fitness for duty examinations are not mutually exclusive and should be jointly pursued if and when appropriate.
- C. Confidentiality of Early Intervention Program Information
1. Early Intervention Program (EIP) information is confidential and shall not be disclosed to the public or any unauthorized department employee. Early Intervention Program (EIP) data will not be disclosed to any person not authorized by law or regulation to have access to such information, except governmental representatives acting in connection with their official duties.

VII. NOTIFICATION TO SUBSEQUENT LAW ENFORCEMENT EMPLOYER

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

VIII. NOTIFICATION TO COUNTY PROSECUTOR

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

IX. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY

- A. The Early Intervention Program (EIP) policy shall be made available to the public upon request and shall be posted on the agency website.