

		TOWNSHIP OF IRVINGTON, N.J. DEPARTMENT OF PUBLIC SAFETY			
STANDARD OPERATING PROCEDURE					
Division		POLICE		#2018-16	
Issued Date		June 15, 2018		INTERNAL AFFAIRS PRO-ACTIVE RE: ALERT SYSTEM	
Effective Date		July 1, 2018			
<u>Supersedes</u>					
G.O.#2011-05		2/11/15			

I. PURPOSE

The purpose of this directive is to incorporate the policies, procedures and standards set forth by the **Attorney General's Statewide Mandatory Early Warning Systems** issued on March 20, 2018 into the Department's previously issued General Order governing the IA Pro Active Alert System initially issued 2011.

II. POLICY

It shall be the policy of the Irvington **Department of Public Safety** to maintain an Internal Affairs Pro-Active Alert System to provide systematic reviews of specific, significant events involving agency employees. The system shall utilize I.A. Pro software to facilitate the Department's ability to evaluate, identify, and assist employees who exhibit signs of performance and/or stress related problems. The Internal Affairs Pro-Active Alert System (I.A. Pro) shall be one method by which employees may be identified as possibly needing assistance with performance and/or stress related problems. The system is intended to serve as a systematic approach to highlight tendencies that may otherwise be overlooked.

III. DEFINITIONS

- A. **Internal Affairs Pro-Active Alert System – (I.A. Pro)** – A time sensitive system designed to effectively organize critical performance and evaluation data in a format conducive to promptly identify early indicators of certain performance and/or stress related problems and to facilitate any necessary or appropriate follow-up activities.
- B. **Statewide Mandatory Early Warning System:** policies, procedures, standards and practices established by the New Jersey Attorney General *'in identifying and remediating problematic conduct that poses a risk to the public, the agency and the officer'*.



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IV. PROCEDURES: IA PRO ALERT

A. The reporting requirements for the Internal Affairs Pro-Active Alert System (I.A. Pro) system shall be:

1. Supervisors shall be responsible for reporting on all aspects of their subordinate's conduct and behavior. These reports shall include conduct that is both commendatory and problematic. All conduct and behavior reports shall be submitted to the Platoon/Division Supervisor and/or Bureau Commander of the employee whose actions are being reported.
 - a. Platoon/ Division Supervisors may request an I.A. Pro review of any employee based on a single "significant" event or based on an on-going pattern(s) of identified behavior(s).
2. Reports or forms containing information on selected types of pertinent incidents shall be entered into the Internal Affairs Pro-Active Alert System / (I.A. Pro). These reports may be in the form of performance evaluations, internal investigations, memoranda, case reports, reports of inquiry, exceptional activity reports, or other Departmental reports or forms.
3. As part of the Department's ongoing evaluation of its employees, supervisors shall continually monitor the actions and behaviors of all employees under their direction.
4. The Supervisor of the Office of Internal Affairs shall maintain and control all records of completed I.A. Pro reviews.

B. Internal Affairs Pro-Active Alert Review

1. An Internal Affairs Pro-Active review of an employee may be undertaken as follows:
 - a. Upon entry into the I.A. Pro System, the Office of Internal Affairs is alerted that the I.A. Pro "tolerances", established by Department policy, indicates that a review of the officers record is warranted.
 - b. Based upon empirical evidence and/or other identifying factors the officer's immediate supervisor, other supervisors, Platoon/Division or Bureau Commander shall submit an Administrative Report requesting an I.A. Pro review of an individual officer.



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- c. A review is directed by the **Director of Public Safety**.
2. When the level of significance or frequency of identified incidents is determined to be beyond the I.A. Pro **"tolerances"** or appear not to reflect Department standards, the Platoon/Division or Bureau Commander shall recommend an I.A. Pro-Active Alert review. Additionally, the Platoon/Division or Bureau Commander may initiate an I.A. Pro review based on a single significant event as determined by the Commander, or at the direction of the **Director of Public Safety**.
3. Materials to be evaluated on an ongoing basis to determine whether to initiate an I.A. Pro review, include but are not limited to:
- a. Internal Affair Investigations;
 - b. Department performance evaluations;
 - c. **Domestic Violence Allegation(s)**
 - d. Citizen complaints
 - e. Disciplinary action;
 - f. Use of Force incidents;
 - g. Motor vehicle pursuits;
 - h. Supervisory and employee reports;
 - i. **Arrest of Officer/DWI Charge;**
 - j. **Positive Drug Test;**
 - k. **Absenteeism, Tardiness, sick usage, officer injury report;**
 - l. **Assault on Officer;**
 - m. **Sexual Harassment Claims;**
 - n. **Motor Vehicle accidents [Fault/Not at Fault];**
 - o. **Civil litigation Filed**
4. If the Internal Affairs Supervisor reasonably believes, after a review of the collected materials, that further review is necessary, the supervisor shall inform the **Director of Public Safety** and the **Essex County Prosecutor's Office of Professional Standards** of the findings. The **Director of Public Safety** shall examine the findings and if in agreement, the **Office of Internal Affairs** shall assign a supervisor to further review the **Alert** and submit recommendations for remedial action.
5. Once **authorized by the Director**, the Internal Affairs Supervisor shall schedule a meeting with the employee. The Internal Affairs Supervisor shall prepare a written summary of the meeting, indicating if further inquiry is warranted and any corrective actions deemed necessary consistent with **Standard Operating Procedure #2017-03, Disciplinary Policy** and/or with Section III of this **directive**:



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- a. This may be in the form of positive discipline such as training or counseling and/or negative discipline ranging from a verbal reprimand up to and including termination.

The summary shall be forwarded to the **Director of Public Safety**. The subject employee shall also be provided a copy of the summary of the review.

6. Internal Affairs personnel and/or Supervisors conducting a review shall have access to Department reports, reviews, summaries, and analysis that may aid them in completion of the I.A. Pro review.
7. If deemed necessary by the **Office of Internal Affairs**, a meeting shall be scheduled with the employee's Bureau Commander and Division supervisor to discuss the findings of the review and the recommended course of corrective action.
8. **All reviews shall be maintained in the strictest confidence and shall not be discussed with other employees unless it is necessary for completion of the review. All employees made aware of a review shall be informed that unauthorized disclosure of any aspect of the review may result in disciplinary action.**
9. **The Office of Internal Affairs shall review every I.A. Pro Alert and based upon an examination of the records, previous complaints/alerts and/or supervisory interviews, make a determination as to whether the alert is Positive Alert or a False Positive Alert.**
10. **The Office of Internal Affairs shall submit a report to the Director of Public Safety and make notification to the Essex County Prosecutor's Office of Professional Standards as to the findings of a Positive Alert or False Positive Alert.**
11. **The Office of Internal Affairs shall make a recommendation to the Director on remedial actions. All remedial actions must have the approval of the Director of Public Safety.**
12. **All Positive Alerts shall be documented by placing the employee/officer on a "Monitored Member's List" for a minimum of 90 days. The "Monitored Member's List" shall be incorporated in the Internal Affairs Monthly Comstat Report.**



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13. All I.A. Pro Active reviews resulting in disciplinary actions above a written warning (i.e., written reprimand, suspension, etc.) shall be sent to Internal Affairs to be incorporated into the members Internal Affairs file.

V. INITIATION OF I.A. PRO-ALERT SYSTEM

- A. At a minimum, three (3) separate instances of performance indicators, as listed in **Attachment A** of this Standard Operating Procedure, Early Warning – IA Pro Criteria within any twelve (12) month period shall trigger the IA Alert review process.
- B. If one (1) incident triggers multiple performance indicators, that incident shall **not** be double or triple counted, but recorded as only one (1) incident.

VI. REMEDIAL / CORRECTIVE ACTION

- A. Once an employee/member has displayed the requisite number of performance indicators necessary to trigger the Early Warning System the supervisor of the Office of Internal Affairs shall initiate the I.A. Pro Alert Review to determine if the Alert is:
1. **Founded**: the number of incidents and/or other previously related incidents have established a pattern of behavior that requires a remedial intervention with the officer/member and/or his immediate superior officer(s). The recommended level of intervention shall be presented to the Director of Public Safety for approval and follow-up. The officer/member shall be placed on the "**Monitored Officer List**" for a period of time as specified by the Director. The Essex County Prosecutor's Office of Professional Standards shall be advised in writing of the action(s) taken.
 2. **Unfounded - False Positive**: the number of incidents which triggered the Alert were examined and determined to have caused and/or are effected by other factors. Factors could include, but not be limited to the following: *extremely active officer engaging in extensive crime enforcement, and/or regulatory enforcement assignments such as pro-active traffic, drug enforcement, vice enforcement and/or part of a unit engaged in extraordinary contacts or calls involving pro-active interventions.*

The supervisor of Internal Affairs shall present the findings to the Director for approval and/or concurrence. False Positive results may subject members to



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remedial actions as per the discretion of the Director. False Positive findings shall be reported to the Essex County Prosecutor's Office of Professional Standards.

VII. REPORTING REQUIREMENTS

A. The Office of Internal Affairs shall submit a report to the Director of Public Safety for every I.A. Pro-Alert listing the following:

1. Date of Alert
2. Alert # *[tracking number, calendar year, successive number]*
3. Officer/Subject Employee
4. Alert Category
5. Alert Review Conducted by:
6. Alert Disposition: *Positive or False Positive, Unfounded*
7. Recommendation Action
8. Notification of County Prosecutor

B. The Office of Internal Affairs shall incorporate a Monthly I.A. Pro Alert Report into the Internal Affairs monthly report and into the monthly Comstat presentation by the **5th day of every month.**

1. A copy of the Alert Report shall be forwarded to the Essex County Prosecutor's Office of Professional Standards.

2. Copies shall be provided to the Office of Quality Control for inclusion into the Comstat Manual.

VIII. ORIENTATION / DISSEMINATION

A. This Standard Operating Procedure shall be entered into the Power Dms Software by June 11, 2018.

B. A review of this directive shall be provided to the Command Staff at the Comstat conference on June 7, 2018.

IX. EFFECT

A. This Standard Operating Procedure shall take effect on **July 1, 2018.**



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By Order Of:

A handwritten signature in blue ink that reads "Tracy Bowers".

Tracy Bowers
Director of Public Safety

ATTACHMENT A - [Early Warning – I.A. Pro Criteria]

ATTACHMENT B - [Remedial Action(s)]



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ATTACHMENT A

EARLY WARNING – I.A. PRO CRITERIA

- A. **Alert Thresholds:** The thresholds that trigger alerts shall be based upon the following number of alleged violations and/or specific incidents.

CATEGORY	TIME PERIOD	NUMBER ALERT TRIGGERS
• Overall Incidents [any type]	12 month period	12 or more
• Citizen Complaints	12 month period	4 or more
▪ Supervisor	12 month period	12 or more
• Criminal Law Violation	60 month period	2 or more
• Department/Rule Violation	12 month period	3 or more
▪ Supervisor	12 month period	7 or more
• Demeanor Complaints	12 month period	2 or more
▪ Supervisor	12 month period	7 or more
• Domestic Violence Complaints	60 month period	2 or more
• Excessive Force Complaint	12 month period	2 or more
▪ Red Alert	60 month period	7 or more
• Improper Arrest Complaint	12 month period	3 or more
• Improper Entry / Search	12 month period	3 or more
• Firearm Discharge	60 month period	2 or more
• Neglect of Duty	12 month period	3 or more
• Police Involved Accident	60 month period	3 or more
▪ Supervisor	12 month period	7 or more
• Use of Force Incidents	12 month period	5 or more
• Vehicle Pursuit Incidents	12 month period	6 or more
▪ Supervisor	12 month period	12 or more
• Positive Drug Test	12 month period	1 or more
• Hostile Work Environment Complaint	12 month period	1 or more
• Civil Actions	12 month period	3 or more
• Case / Arrest Dismissed	12 month period	3 or more
• Case Evidence Suppressed	12 month period	3 or more
• False Statement (sustained)	12 month period	1 or more
• Excessive Sick Pattern	12 month period	1 or more
• Allegation / Complaint of Stress	12 month period	1 or more



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ATTACHMENT B

REMEDIAL ACTION(S)

LEVEL ONE REMEDIAL	LEVEL TWO REMEDIAL
Supervisory Counseling	Disciplinary History Review
Command Counseling	Inefficiency / Incompetency Charges
Internal Affairs Counseling	Disciplinary Charges
Training	Performance History Review
▪ Use of Force	Psychological Evaluation Test
▪ Verbal Judo	Functional Capacity Exam (F.C.E.)
▪ Search / Seizure	Monitored Officer Status (180+ - 1 year)
▪ Stop / Frisk	
▪ Driver Training	
▪ Pursuit Training	
Monitored Officer Status (90 – 180 Days)	