



NEW CASTLE COUNTY POLICE

Early Warning System

DIRECTIVE 35

Appendix 35-G

REVISED MAY 28, 2024

I. PURPOSE

The Early Warning System (EWS) is a comprehensive program designed to help assess and evaluate employee performance and quickly address any identified concerns before disciplinary action becomes necessary. The Early Warning System is not a form of discipline. However, the Division reserves the right to pursue discipline for policy violations discovered as a result of early intervention review. The goal of the Early Warning System is to avoid or mitigate circumstances that cause negative consequences for employees, co-workers, the Division, and/or the general public. It is the duty of all supervisors to continually monitor the performance and behavior of their assigned personnel. The Early Warning System is another tool to assist with this effort. A comprehensive personnel Early Warning System is an essential component of a well-disciplined and managed law enforcement agency.

II. POLICY

It is the policy of the New Castle County Division of Police to proactively identify potential job performance concerns and provide appropriate guidance, training, and support to Division members through the use of an Early Warning System.

III. DEFINITIONS

A. Early Warning System Alert Response Memorandum

A memorandum submitted by the designated reviewing supervisor documenting the following information:

1. A brief narrative of the incidents and activities involved.
2. An evaluation of the employees' actions.
3. The supervisor's recommendations for corrective action when it is determined a problem exists.

B. Performance Indicator

A performance indicator is the data/information gathered to help identify Division members who may be in need of intervention.

C. Benchmark

A benchmark is the point at which a sufficient number of incidents have occurred to trigger an Alert and necessitate a review.

D. Intervention

Intervention is the corrective measure(s) taken to address an identifiable deficiency or non-occupational issue impacting the employee's on-duty performance.

E. Corrective Measures

Corrective measures include, but are not limited to, defensive driving/emergency vehicle operations, Verbal Judo, use of force/control tactics training, policy review, counseling to improve organizational skills, formal training to address a specific deficiency, fitness for duty evaluations and referrals from the Division Wellness Program and/or the Employee Assistance Program.

IV. PROCEDURES

Alert Benchmark Criteria

A. An Early Warning Alert shall be initiated and require an Early Warning System Alert Response Memorandum when:

1. Any officer receives three **(3)** or more Citizen Complaints, not arising from the same incident, within a twelve **(12)** month period, regardless of the final disposition of those complaints.
2. Any officer submits six **(6)** or more Use of Force Reports, not arising from the same incident, within a twelve **(12)** month period.
3. Any officer found at fault in two **(2)** or more vehicle collisions within a twelve **(12)** month period.
4. Any officer is directly involved in two **(2)** or more vehicle pursuits within a twelve **(12)** month period.
5. Any officer receives three **(3)** or more sustained violations of Divisional Policy within a **(12)** month period.

B. Review and Reporting Responsibilities

1. Upon receipt of an Early Warning System Alert through the approved computer software, the Professional Standards Unit (P.S.U.) will verify the accuracy of the alert and forward the alert and any supporting documentation to the appropriate section supervisor for review.
2. The **Traffic Services Unit Supervisor** will review the alert and complete an EWS memorandum for all alerts initiated for vehicle pursuits or vehicle collisions. The Traffic Services Supervisor will consult with EVOC instructors as needed to assist in completing reviews.
3. A **Use of Force Review Unit Supervisor** will review the alert and complete an EWS memorandum for all alerts initiated for Use of Force Reports.
4. A **Professional Standards Unit Supervisor** will review the alert and complete an EWS memorandum for alerts initiated for citizen complaints and sustained violations of departmental policy.

5. The responsible Section Supervisor(s) should analyze each alert to establish any patterns or trends in performance or behavior. An alert does not necessarily indicate a problem, but it does necessitate additional review. The same can be said about patterns or trends in performance or behavior. The following sample is a guide, not all inclusive, of some factors supervisors should be analyzing when investigating Early Warning System Alerts.

a. Use of Force Alerts

- Level of resistance
- Level of control
- Reason for the use of force
- Are the use of force encounters occurring in high crime areas?
- Sex, race, and age of the subject
- Time of day
- Day of shift
- Is the force used resulting in injury and if so, what type of injuries and to whom?
- Are other officers or witnesses present during encounters where force was used?
- Is the number of use of force incidents higher than their peers (peer group analysis)? Their peers should be officers working in a similar assigned area.

b. Disciplinary/Citizen Complaint Alert

- Determine the types of discipline or citizen complaints triggering the alert.
- Are the triggering events similar in nature?
- Driving
- Behavior/conduct related – rude and discourteous treatment, insubordination, conduct unbecoming an officer, etc.
- Relating to organizational skills – missed court/intakes, failing to complete reports, overdue follow-ups, etc.
- Loss or damage of departmental property
- Sex, race, and age of complainant.
- Day of shift and time of day when violation or complaint allegedly occurred.
- Type of incident being handled when violation or complaint allegedly occurred.

- c. Traffic Collision Alerts
 - Time of day
 - Weather
 - Traffic
 - Response Level
 - Nature of incident or call responding to or just routine driving
 - Roadway conditions
 - Distractions
 - Speed
 - d. Vehicle Pursuit Alerts
 - Time of day
 - Type of incident or violation
 - Speed
 - Driving skills of both officer and offender
 - Radio transmissions/notification to RECOM
 - Weather
 - Location
 - e. Additional factors to consider for all Early Warning System Alerts
 - Does the officer have an unusual amount of sick leave or tardiness?
 - Are there work related issues impacting performance? (Changes in work area assignment, changes in supervision, change in shift, was the employee recently involved in a critical incident, etc.)
 - Are there personal problems impacting job performance? (Relationship or financial issues)
6. The reviewing supervisor will meet with the identified employee to discuss the events that initiated the review. This meeting will occur as soon as feasible, preferably before the end of the identified employee's next tour. The reviewing supervisor should also consult with the employee's supervision prior to completing the review to determine if any additional factors identified Section 5 E (above) are present and relevant for consideration prior to completing the review.

7. The reviewing supervisor will complete an Early Warning System Response Memorandum within thirty **(30)** days of receipt. After the memorandum has been approved through the appropriate Section Commander and the Professional Standards Unit, the findings will be reviewed with the involved officer, their supervisor, and Unit Commander when the employee's actions were within policy and no intervention is required.
8. If an Early Warning System Alert requires intervention, behavior modification via remedial training, outside referrals, or other appropriate corrective measures, the reviewing supervisor will consult with the employee's first line supervisor and unit commander prior to reviewing the findings with the employee. The identified employee's supervisor/unit commander shall be responsible to ensure that any corrective measures are scheduled and discussed with the employee.
9. In all cases where an EWS alert requires intervention and corrective measures are implemented, the employee's supervisor will monitor the employee's performance for a minimum of six **(6)** months. The first line supervisor will meet with the employee at ninety **(90)** days and again at one hundred and eighty **(180)** days after the initial Early Warning System Alert Response Memorandum was submitted. The purpose of these meetings is to review the progress the employee has made towards correcting the issue(s). The supervisor will document the progress on a memorandum through the chain of command to the Professional Standards Unit through the appropriate Section Commander. This memorandum will be reviewed and stored in the same manner as the Early Warning System Alert Response Memorandum. The supervisor can meet more frequently with the employee and the monitoring period can be extended if the supervisor believes it is appropriate. If the issue is resolved within the first ninety **(90)** days, the supervisor may elect to close the alert investigation at that time.

10. If a review uncovers any policy violation(s) the investigation into the violation(s) will be conducted by the Professional Standards Unit. After any policy violations are fully investigated by the P.S.U., a supervisor from the P.S.U. will determine the appropriate administration of corrective measures and/or level of formal discipline necessary to facilitate a beneficial and successful intervention. A supervisor from the P.S.U. will meet with the employee and their unit commander to ensure that any corrective measures are implemented and that progress memorandums are completed as required.
11. In the event of a transfer of the employee or the first line supervisor, the employees' new supervisor will be responsible for monitoring the employee. The new supervisor and his/her Patrol Squad Commander/Unit Commander will be thoroughly briefed on the facts surrounding the need for monitoring and the planned course of action to address the concerns identified by the Early Warning System.
12. All EWS Review Memorandums will be closed by the reviewing supervisor with one of the following dispositions:
 - All actions within policy; no intervention required.
 - Actions within policy, however intervention was necessary and corrective measures were implemented.
 - Policy violation(s) identified; further investigation required by the P.S.U.

C. Section Commander

Section Commanders will review all Early Warning System Alert Response Memorandums concerning personnel within their respective chain of command. The Section Commander must also approve any progress memorandums as outlined in Section B-9 above.

If the review was completed and documented to the satisfaction of the Section Commander, he/she will forward the memorandum to the Professional Standards Unit.

D. Professional Standards Unit

Professional Standards Unit personnel will utilize the approved software system to enter the results of the review, as documented on the Early Warning System Alert Response Memorandum, and any/all actions taken. The alert will be closed, and the thresholds will be reset. The P.S.U. personnel will further investigate any alert where there is a potential policy violation and if necessary, determine the appropriate discipline or other corrective measures needed to aid the employee's improvement in identified deficiencies.

E. Professional Development Unit Commander

The Professional Development Unit Commander will be consulted when additional or remedial training is recommended. The P.D.U. Commander will help facilitate any additional training needs.

F. Risk Management Liaison Staff Officer

1. The Risk Management Liaison Staff Officer will be consulted whenever a supervisor suspects a fitness for duty related issue and he/she will facilitate the proper course of action.
2. The Risk Management Liaison Staff Officer may choose to consult with the Division Wellness Coordinator to determine available and suitable referral options for the employee, including outside resources and the Employee Assistance Program.
3. Early Warning Alert Response Memorandums documenting issues of a personal or medical nature will be maintained by the Risk Management Liaison Staff Officer in a locked filing cabinet inside his/her office. The file will contain the original Early Warning System Response Memorandum and any other related documents. The Early Warning System Response Memorandum and related documents will not be placed in the employee's personnel file. The Early Warning System Response Memorandum and any other related documents will be retained in the Early Warning System file for a period of three **(3)** years and then purged.

G. Annual Evaluation

The Professional Standards Unit will prepare a documented annual evaluation of the Early Warning System each calendar year and submit it to the Chief of Police as part of the Professional Standards Unit's Annual Report. A copy of this report will be retained in a locked filing cabinet inside the Risk Management Liaison Staff Officer's office.