

	<h1>S.O.P</h1>	Eff. Date: 01/15/10
	<b>Title: Personnel Early Warning System</b>	Rev Date: 3/21/18
Issuing Authority: Chief Keith A. Germain		G.O.# 10-05
Accreditation Standards: 35.1.9		

**SUBJECT: Personnel Early Warning System**

**Purpose**

The purpose of this directive is to establish this agency's policy and procedures concerning a personnel early warning system.

**Policy**

It is the policy of this department to implement and utilize an early warning system for tracking and reviewing incidents of risk and provide timely intervention consistent with Attorney General Guidelines.

**Procedure**

- I. Early Warning System
  - A. An early warning system is designed to detect patterns and trends before the conduct escalates into more serious problems. The primary intent is to address potential problems through the use of appropriate management and supervisory intervention strategies before negative discipline becomes necessary.
  - B. All levels of supervision, especially first line supervisors, are expected to recognize potentially troublesome officers, identify training needs and provide professional support in a consistent and fair manner. Emphasis should be placed on anticipating problems among officers before they result in improper performance or conduct.
  - C. Many different measures of officer performance can be regularly examined for patterns or practices that may indicate potential problems. These performance measures include, but are not limited to the following documented indicators:
    - Motor vehicle stop data;
    - Search and seizure data;
    - Internal complaints, regardless of outcome;

- Civil actions filed, regardless of outcome;
- Use of force incidents;
- Claims of duty-related injury;
- Arrests for resisting arrest;
- Arrests for assault on a law enforcement officer;
- Criminal investigations or complaints made against the employee;
- Incidents of arrested persons injured;
- Vehicular pursuits;
- Vehicular accidents;
- Cases rejected or dismissed by the prosecutor;
- Evidence suppressed by the court

D. In addition, the Office of the Attorney General has directed that the following performance indicators be tracked:

- Internal affairs complaints against an officer
- Civil actions filed against an officer
- Criminal investigations/complaints against an officer
- Use of force determined to be excessive, unjustified, or unreasonable
- Domestic violence investigation in which an officer is an alleged subject
- Any arrest of an officer including for driving while intoxicated
- Sexual harassment claim against an officer
- Vehicular collision involving an officer where the officer is formally determined to have been at fault (including both on and off-duty collisions)
- A positive drug test by an officer
- Cases or arrests by an officer that are rejected or dismissed in court
- Cases in which evidence obtained by an officer is suppressed in court
- Insubordination by an officer
- Neglect of duty by an officer
- Unexcused absence of an officer

E. The early warning system is primarily the responsibility of the Professional Standards Unit; but, any supervisor may initiate the early warning process based upon their own observations.

F. The Chief of Police shall cause a semi-annual audit of the early warning system to assess its accuracy and effectiveness. The officer in charge of Professional Standards shall prepare a written report by February 1<sup>st</sup> of the prevailing year noting the previous year's participants and

outcomes. Modifications to this process should be implemented at the earliest opportunity.

## II. Procedures

- A. In the event that the early warning system reveals a potential problem through the presence of a flag in the Guardian Tracking software, or as identified by a supervisor, the officer in charge of Professional Standards will gather all relevant information from the system. A separate incident will be generated in the Guardian Tracking software using the Early Warning Intervention incident category.
- B. The officer in charge of Professional Standards will cause a review of the data provided, along with more detailed information available from department records, in consultation with the appropriate division commander. If this review indicates that the early warning system flag is unwarranted, the officer in charge of Professional Standards will document such, in writing, in accordance with his capacity as head of the Professional Standards Unit. The incident narrative placed in the Guardian Tracking software may serve as adequate documentation.
- C. If the review reveals that an officer has violated department directives, the Professional Standards Unit should proceed with an internal investigation. If the review reveals that the officer has engaged in conduct that indicates a lack of understanding or inability to comply with accepted procedures, the Professional Standards unit shall determine the appropriate course of remedial action. All action taken will be documented in the Guardian Tracking software under the previously created Early Warning Intervention incident category.
- D. Remedial intervention may include, but is not limited to:
  - Training
  - Retraining
  - Counseling
  - Intensive supervision
  - Fitness for duty examination
  - Employee Assistance Program
  - Peer counseling

Internal disciplinary action, remedial action, and fitness for duty examinations are not mutually exclusive, and should be jointly pursued if appropriate.
- E. When remedial action has been undertaken, the action shall be documented in the Guardian Tracking system. No entry should be made in the employee's personnel file, unless an associated Professional Standards investigation resulted in a finding of, "sustained". If the remedial action is a training program, attendance and completion of that program should be noted in the officer's training record. Documentation is the key to a successful outcome.

- F. The Professional Standards Unit should review an individual employee's history anytime a new complaint is made. Using this information, Professional Standards staff may be able to identify employees who may need counseling, training or other remedial action even before such is indicated by the early warning system's ongoing data review.
- G. Generally, three (3) instances of questionable conduct or flag indicators within the same six (6) month period would initiate the Early Warning System process.
- H. Generally, personnel should expect to remain under intensive monitoring and supervision for six (6) months.
- I. When under EWS monitoring, the employee's direct supervisor shall meet with the employee to discuss the situation in depth to:
- Identify problems or potential problems
  - Determine short and long-term goals for improvement
  - Come to a consensus commitment on a plan for long-term improved performance
  - Advise of the monitoring process and the repercussions of future sustained transgressions
- J. The meeting shall be thoroughly documented in the Guardian Tracking software which will automatically be forwarded to officer in charge of Professional Standards. The affected employee and supervisor shall meet on a regular basis, minimally monthly, to discuss progress towards the agreed upon goals and objectives.
- K. The Officer in charge of Professional Standards shall ensure that regular monthly progress/status reports are submitted via the Guardian Tracking software by the immediate supervisor concerning the employee's progress.
- L. An additional six (6) months of documented monitoring is required following removal from EWS status. Monthly monitoring reports from the direct supervisor are required.
- M. All reports shall be forwarded to the officer in charge of Professional Standards through the Guardian Tracking software for review. These reports have the same confidential status as Professional Standards documents.

### III. Attorney General Law Enforcement Directive 2018-3

- A. For the indicators listed in Attorney General Directive 2018-3, three (3) instances in any twelve (12) month period will initiate the Early Warning System. In addition to all of the steps listed in section II., Early Warning System initiations based on the Directive will also result in the following actions:
- The officer in charge of Professional Standards will make a confidential written notification to the Ocean County Prosecutor's Office which includes the identity of

the subject officer, the nature of the triggering performance indicators, and the planned remedial program.

- Upon completion of the review process and remediation, the officer in charge of Professional Standards will make a confidential written notification to the Ocean County Prosecutor's Office advising of the outcome of the review including any remedial actions taken.

B. This general order will be made available to the public via our agency website

#### IV. Guardian Tracking

- A. This agency will utilize Guardian Tracking software in order to manage, track, and trigger alerts with respect to the Personnel Early Warning System.
- B. First line supervisors, Division Commanders, and the Chief of Police shall have access to the Guardian Tracking system via an assigned login and personal password. Employees who have not been issued a login are not authorized to access the system.
- C. Any disciplinary actions taken which do not involve a Professional Standards investigation will be documented in the Guardian Tracking system.
- D. The Guardian Tracking database and all of its records will be maintained indefinitely.

#### V. Guardian Tracking Categories

The following shall serve as a guide to the incident categories contained within Guardian Tracking.

- Civil Action Filed- to be used when a party files a civil action against a member of the agency
- Demeanor/Attitude - to be used when an officer exhibits, or is alleged to have exhibited behavior that constitutes poor demeanor or attitude.
- Duty Related Injury- to be used whenever an employee is injured while on duty regardless of circumstances.
- Early Warning Intervention- to be used when the Guardian Tracking software has generated a flag based on an early intervention rule, or whenever a supervisor initiates an early intervention.
- Evidence Suppressed- to be used when evidence in a case is suppressed by a court of law
- Grooming/Dress- to be used when an employee's manner of grooming or dress is not in compliance with department policy.

- Initiative- to be used when an employee either shows initiative in the performance of a job function OR when needed to document the absence of initiative on the part of an employee
- Injury of Arrestee- to be used when an arrestee is injured or receives medical treatment as a result of the process of being arrested. An entry in this category does not presuppose that the officer acted improperly or contrary to policy.
- Insubordination- to be used when an employee is insubordinate as defined in the Rules and Regulations
- Negative Performance Note- to be used when an employee's performance is sub-par or not in keeping with the standards set forth by the agency. Behavioral anchors listed in the department evaluation can be used as a guide for what constitutes negative performance.
- Vehicle Collision- to be used when an employee is involved in a vehicle collision (both on and off-duty). Entries in this category do not presuppose that the officer is at fault.
- Operation/Care of Equipment- to be used when an officer fails to properly care for or damages department equipment.
- Policy Violation- to be used when an employee violates departmental policy and none of the other categories available is appropriate.
- Positive Performance Note- to be used when an employee's behavior exceeds the expectations and standards set forth by the agency. Behavioral anchors listed in the department evaluation can be used as a guide for what constitutes positive performance.
- Pursuit- to be used whenever an employee participates in a pursuit as either a primary or secondary unit as defined by department policy.
- Radio Procedure- to be used whenever an employee uses radio procedure that is contrary to department policy or FCC regulations.
- Reject/Dismissed Case- to be used whenever a case is rejected or dismissed by the prosecutor. An entry in this category does not presuppose that the officer's actions resulted in the rejection or dismissal of the case.
- Resisting Arrest Charge- to be used whenever an officer charges an arrestee with Resisting Arrest.
- Sick Day- to be used whenever an employee calls out sick for a shift
- Tardiness- to be used whenever an employee reports for work after the time set forth by the schedule or Scheduling Order in accordance with Department Policy.
- Use of Force—to be used whenever an officer uses a level of force requiring completion of a Use of Force Report
- Bereavement—to be used whenever an officer takes bereavement leave

- Counseling—to be used whenever a supervisor has a counseling session with a subordinate
- Arrest of Officer—to be used whenever an officer has been subjected to arrest
- Criminal Case Against Officer—to be used whenever an officer has become the subject of a criminal investigation or has been charged with a criminal offense
- Domestic Violence—to be used whenever an officer is the subject of a domestic violence allegation
- Internal Affairs Complaint—to be used whenever an internal affairs complaint is initiated
- Neglect of Duty—to be used whenever an officer is alleged to have engaged in conduct that violates Rule and Regulation 3:1.7
- Positive Drug Test—to be used whenever an officer receives a positive drug test result
- Sexual Harassment—to be used whenever an officer is alleged to have engaged in sexually harassing conduct
- Unexcused Absence—to be used whenever an officer is absent from duty without approved leave

#### VI. Duty to Disclose

- A. Any officer who has engaged, or knows that he or she is alleged to have engaged in conduct which would require documentation under this General Order has an individual obligation under this policy to notify the Professional Standards Unit of such fact.

#### VII. Guardian Tracking Responsibilities

- A. It will be the responsibility of all department supervisors to enter all incidents listed above for each of their subordinates. Supervisors who fail to document incidents as required by this policy will be subject to disciplinary action.
- B. Court liaison personnel shall supply an Interdepartmental Memo to an employee's immediate supervisor whenever evidence is suppressed or a case is dismissed or prosecution rejected.
- C. Guardian Tracking is an employee behavioral monitoring and early warning system. It does not in any way replace the Professional Standards system nor alleviate a supervisor nor any other employee from following the procedures mandated in the Professional Standards policy.