

	OLD BRIDGE POLICE DEPARTMENT POLICY AND PROCEDURE EARLY WARNING SYSTEM	NUMBER: 049-2013
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I. PURPOSE

The purpose of this written directive is to establish a personnel early warning system.

II. POLICY

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

III. EARLY WARNING SYSTEM

- A. The Early Warning System is designed to detect patterns and trends before the conduct escalates into more serious problems. As such, employees must understand that the early warning system is not identical to the disciplinary process. 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 warning system is to address potential problems through the use of appropriate management and supervisory strategies before formal discipline is warranted.
- B. 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 include, but are not limited to, the following documented indicators:
 - 1. Internal affairs complaints against the officer, whether initiated by another officer or by a member of the public;
 - 2. Civil actions filed against the officer;
 - 3. Criminal investigations of or criminal complaints made against the officer;
 - 4. Any use of force by an officer 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 officer is an alleged subject;
 - 6. An arrest of the officer, including on a driving under the influence charge;
 - 7. Sexual harassment claims against an officer;
 - 8. Vehicular collisions involving the officer that are formally determined to have been the fault of the officer;

9. A positive drug test by the officer;
 10. Cases or arrests by the officer that are rejected or dismissed by a court;
 11. Cases in which evidence obtained by an officer is suppressed by a court;
 12. Insubordination by the officer;
 13. Neglect of duty by the officer;
 14. Unexcused absences by the officer; and
 15. Any other indicators, as determined by the Chief of Police;
- C. Generally, three (3) instances of questionable conduct or flag indicators within the same twelve (12) month period would initiate the early warning system process.
- D. If a single incident triggers multiple performance indicators, that single incident shall not be double or triple counted, but instead shall be counted as only one (1) performance indicator.

IV. ADMINISTRATION OF EARLY WARNING SYSTEM

- A. The early warning system is primarily the responsibility of the internal affairs unit; but, any supervisor may initiate the early warning process based upon their own observations. Emphasis should be placed on anticipating employee problems before it results in improper performance or conduct.
- B. Internal affairs shall be alerted by the Guardian Tracking® Software if an employee has the emergence of a pattern, practices or trend of inappropriate behavior or misconduct. In addition, the internal affairs supervisor shall query the Guardian Tracking® Software and review an individual employee's history any time a new complaint is received.
1. Using this information and their experience, internal affairs investigators may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the Guardian Tracking® Software.
- C. If Guardian Tracking indicates the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, the internal affairs supervisor shall consult with the employees supervisor and/or division commander.
- D. The internal affairs supervisor and the employees supervisor and/or division commander shall review the information provided by internal affairs 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 Guardian Tracking® Software has returned an incorrect identification or "false positive," that conclusion should be documented.
2. If the Guardian Tracking® Software reveals that an employee has violated department rules and regulations or written directives, the supervisor in consultation with the internal affairs unit should proceed with an internal investigation and possible disciplinary action.
3. If the Guardian Tracking® Software reveals that the employee has engaged in conduct which indicates a lack of understanding or inability to comply with accepted procedures, the supervisor shall consult with the internal affairs unit to determine the appropriate course of remedial/corrective intervention.

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

1. Accepts Supervision – To be used with regard to an employee's ability or inability to accept supervision or constructive criticism;
2. Appearance - To be used when an employee's appearance is not in compliance with department policy;
3. Application of Leadership Skills - To be used when an employee demonstrates or exhibits commendable actions that indicate his/her knowledge of job responsibilities;
4. Attendance - To be used when an employee has an unscheduled absence. Prescheduled sick leave utilized for tests, scheduled surgery/procedures or any cause covered under contract and/or policy does not qualify under this category;
5. Attitude/Officer Bearing - To be used whenever a supervisor observes, or a citizen initiates, a formal or informal complaint regarding an employee's demeanor;
6. Award Nomination - To be used when an employee's actions on or off duty warrant recognition;
7. Case Procedure - To be used when an employee has or has not used proper case procedure;
8. Citizen's Complaint - To be used when a citizen makes a complaint either formal or informal about an employee other than demeanor complaints;

9. Commitment to Departmental Goals - To be used when an employee exemplifies or fails to commit to departmental goals;
10. Computer/Typing Skills - To be used when an employee fails to possess the ability to navigate computer software to complete daily assignments and knowledge of simple word processing skills;
11. Counseling - To be used when an employee receives counseling as the result of job performance;
12. Crime Scene Protection - To be used when an employee does an outstanding job in protecting a crime scene or fails to protect a crime scene;
13. Initiative and Growth - To be used when an employee demonstrates a willingness to initiate and complete projects and progress within their assignments;
14. Interviewing Skills - To be used when an employee has the ability or inability to elicit required information from suspects, victims, witnesses and associates;
15. Insubordination - To be used when an employee is insubordinate as defined by the Rules and Regulations;
16. Investigative Skills - To be used when an employee has the ability or inability to conduct a proper investigation;
17. Job Knowledge - To be used to indicate an employee's level of knowledge relative to their length of service to perform satisfactorily in their assigned duties;
18. Meeting Deadlines - To be used to indicate the employee's ability or inability to complete an assignment or project in a designated time period;
19. Motor Vehicle Crashes - To be used when an employee is involved in a motor vehicle crash;
20. Officer Safety - To be used to indicate the employee's ability or inability to use basic officer safety concepts;
21. Policy Violation - To be used when an employee violates departmental policy and other categories do not apply;
22. Problem Solving and Judgment - To be used to indicate the employee's ability or inability to arrive at sound conclusions and make proper decisions based upon training and experience;

- 23. Pursuits - To be used any time a pursuit report is filed. The entry must include the incident/case number;
- 24. Quality of Work/Report Writing - To be used to indicate the employee's ability or inability to utilize departmental forms to accomplish the task and accurately prepare reports that reflect the situation in a detailed and organized manner;
- 25. Radio Procedure - To be used whenever an employee utilizes radio procedure that is contrary to department policy or FCC regulations;
- 26. Rater Responsibilities - To be used to indicate the extent to which the supervisor, serving as a rater or reviewing officer, conducted or required others to conduct accurate, un-inflated and timely evaluations;
- 27. Tardiness - To be used whenever an employee reports for work after the time set forth by his/her schedule in accordance with department policy;
- 28. Use and Care of Equipment - To be used when an employee fails to properly care for or damages department equipment;
- 29. Use of Force – To be used whenever an employee utilizes physical, mechanical or deadly force. An entry in this category does not presuppose that the employee acted improperly or contrary to policy or procedure;
- 30. Written Reprimand – To be used when an employee receives disciplinary action constituting a written reprimand.

V. SUPERVISORS

- A. 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 division commander and if warranted, the internal affairs supervisor. The success of this program relies heavily on the first line supervisor's participation and involvement.
- B. If a supervisor has initiated remedial/corrective intervention, the internal affairs unit shall be formally notified of such efforts through the Guardian Tracking® Software. The incident narrative placed in the Guardian Tracking® Software may serve as adequate documentation.
- C. Guardian Tracking® Software

1. Guardian Tracking® Software allows supervisors the ability to document routine performance in one centralized location during the course of an evaluation period. As incidents are entered, Guardian Tracking® Software will monitor the frequency of specific incidents to determine if early intervention is warranted.
2. Supervisors will not document routine performance in any other format. All performance documentation will be entered into the Guardian Tracking® Software.
3. Supervisors will have access to make entries and view all employees under their chain of command.
4. Supervisory personnel, who identify deficiencies with other personnel outside of their chain of command, will submit the notice in the Guardian Tracking® Software to the employee's direct supervisor indicating the nature of the deficiency.
 - a. This process does not relieve supervisors of the obligation to take immediate action to correct serious infractions that may result in liability, injury, and/or disrepute.
5. Supervisory personnel who identify and wish to document positive performance conduct on other personnel, outside of their chain of command, will submit the nature of the performance directly to the employee involved. Supervisors within the chain of command will, by default, have access to this newly created documentation.

VI. DIVISION COMMANDERS

- A. The division commanders shall periodically review an individual employee's history. Using this information and their experience, the division commander may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the Guardian Tracking® Software.
- B. When under early warning system monitoring, the employee's division commander and 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.

C. Generally, personnel should expect to remain under intensive monitoring and supervision for three (3) months when an early warning flag is triggered.

D. Supervisor/Employee Meeting

1. All supervisor/employee meetings shall be thoroughly documented in the GuardianTracking® Software, which will automatically be forwarded to the Chief of Police or his designee. The affected employee and supervisor shall meet on a regular basis, minimally monthly, to discuss progress towards the agreed upon goals and objectives.
2. All regular monthly progress/status reports shall be submitted via the GuardianTracking® Software.
3. An additional six (6) months of documented monitoring is required following removal from the early warning system. Monthly monitoring reports from the direct supervisor are required.

VII. 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. Employee Assistance Program, when warranted, if available;
7. Peer counseling.
8. Any other appropriate remedial or corrective action.

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. When remedial/corrective intervention has been undertaken, the Chief of Police shall ensure that such actions are documented in writing. No entry should be made in the

employee's personnel file, unless the action results in a sustained investigation. If the remedial/corrective intervention is a training program, attendance and successful completion of that program should be noted in the employee's training record.

- D. All reports shall be forwarded to the Chief of Police through the Guardian Tracking® Software for review. These reports have the same confidential status as Internal Affairs documents and are subject to the same disclosure and retention regulations and guidelines.

VIII. NOTIFICATION TO SUBSEQUENT LAW ENFORCEMENT EMPLOYER

- A. If any officer who is or has been subject to an EWS review process applies to or accepts employment at a different law enforcement agency than the one where he/she underwent the EWS review process, notification is to be made to the law enforcement agency considering hiring this individual of the officer's EWS review process history and outcomes. Upon request, the prior or current employing agency shall share the officer's Early Warning System review process files with the subsequent employing agency.

IX. NOTIFICATION TO THE COUNTY PROSECUTOR OF THE EWS REVIEW PROCESS

- A. Upon initiation of the EWS review process, the Chief of Police or his/her designee shall make a confidential written notification to the County Prosecutor or his/her designee (MCPO Internal Affairs/Professional Responsibility Unit) of the identity of the subject officer, the nature of the triggering performance indicators and the planned remedial program.
- B. Upon completion of the EWS review process, the Chief of Police shall make confidential written notification to the County Prosecutor or his/her designee of the outcome of the EWS review, including any remedial measures(s) taken on behalf of the officer.

X. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY

- A. The Early Warning System policy shall be made available to the public upon request and shall be posted on the agency's website.
- B. All written reports created or submitted that identify specific officers are confidential and are not subject to public disclosure as per NJ Attorney General Directive 2018-3.