

	POLICE DEPARTMENT BOROUGH OF WEST LONG BRANCH STANDARD OPERATING PROCEDURE	S.O.P	104
		SPECIAL ORDER	
		MEMORANDUM	
		PERSONNEL ORDER	
EFFECTIVE DATE: 12 OCTOBER 2018	REVISED DATE:	NO. OF PAGES: -8-	
SUBJECT: EARLY WARNING SYSTEM			
DISTRIBUTION: ALL POLICE PERSONNEL		SUPERSEDES: SOP 014 SOP 009	
ISSUING AUTHORITY: CHIEF OF POLICE – PAUL E. HABERMANN #066			
COMMENTS:			

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 the New Jersey Attorney General’s Law Enforcement Directive No. 2018-3.

III. PROCEDURES

A. GENERAL

1. Guardian Tracking® is employee performance documentation software. The software is designed to benefit the entire organization by enhancing the supervisor’s ability to manage employee performance. Information maintained by the software will assist with various organizational processes, such as: performance appraisals, early intervention, recognizing training needs, employee recognition, and awards. This Software is designed to document employee performance and detect patterns and trends before certain conduct escalates into more serious problems. The intent is to address potential problems through the use of appropriate management intervention strategies before negative discipline becomes necessary.
2. All employees sworn and non-sworn will login onto the Guardian Tracking® system each shift to check for any applicable activity.
3. All levels of supervision, especially first line supervisors, are expected to recognize potentially at-risk employees, identify training needs and provide professional support in a consistent and fair manner. Emphasis should be placed on anticipating problems among employees before they result in improper performance or conduct.

4. It is the responsibility of all supervisors to enter all incidents listed below for each of their subordinates. Supervisors who fail to document incidents as required by this directive will be subject to disciplinary action. No member shall document behavior using the Guardian Tracking[®] system of a peer or superior. This information shall be brought to the immediate attention of their supervisor.

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

- a. Internal affairs complaints against an employee, whether initiated by another employee or by a member of the public, regardless of the outcome;
- b. Civil actions filed against the officer regardless of the outcome;
- c. Criminal investigations of or criminal complaints against an employee;
- d. 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;
- e. Domestic violence investigations in which the employee is an alleged subject;
- f. An arrest of the employee, including on a driving under the influence charge;
- g. Sexual harassment claims against an employee;
- h. Vehicular collisions involving the officers that are formally determined to have been the fault of the officer;
- i. A positive drug test by the officer;
- j. Cases or arrests by the officer that are rejected or dismissed by a court;
- k. Cases in which evidence obtained by an officer is suppressed by a court;
- l. Insubordination by the officer;
- m. Neglect of duty by the officer.
- n. Unexcused absences by an officer; and
- o. Any other indicators as determined by the Chief of Police

6. Generally, three (3) separate instances of questionable conduct or performance indicators (as listed in section III.A.5, above) within a 12 month period would trigger the early warning review process.

7. 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.

8. All supervisory personnel shall report any identified performance indicators (listed in section III.A.5, above) relative to the West Long Branch Police Department directly to the internal affairs unit.

B.ADMINISTRATION OF EARLY WARNING SYSTEM

1. The early warning system is primarily the responsibility of the internal affairs unit; however, any supervisor may initiate the early warning process based upon his or her own observations. Emphasis should be placed on anticipating employee problems before it results in improper performance or conduct. The supervisor of the internal affairs unit will be responsible to administrate the early warning system.

2. The employee's supervisor 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 employee's supervisor shall query the Guardian Tracking® Software and review an individual employee's history any time a new complaint is received. Using this information, the supervisor may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the Guardian Tracking® Software.

3. If the Guardian Tracking® Software indicates the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, the supervisor shall consult with the administrative officer.

4. The employee's supervisor and administrative officer shall review the information 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.

i. If the Guardian Tracking® Software has returned an incorrect identification or "false positive," that conclusion should be documented.

ii. If the Guardian Tracking® Software reveals that an employee has violated department rules and regulations or written directives, the supervisor after consultation with internal affairs may proceed with an internal investigation and possible disciplinary action.

5. 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 administrative officer to determine the appropriate course of remedial/corrective intervention.

6. At least every six (6) months, internal affair's personnel shall audit the departments tracking system and records to assess the accuracy and efficiency of the tracking system.

C. 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. The success of this program relies heavily on the first line supervisor's participation and involvement.

2. If a supervisor has initiated remedial/corrective intervention, internal affairs 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.

3. Guardian Tracking® Software:

a. 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.

b. Supervisors will have access to make entries and view all employees under their chain of command.

c. Supervisors who identify deficiencies with other personnel outside of their chain of command will submit the nature of the performance deficiency directly to the employee involved, through the Guardian Tracking Software. Supervisors within the chain of command will, by default, have access to this newly created documentation. This process does not relieve the documenting supervisors of the obligation to take immediate action to correct serious infractions that may result in liability, injury, and/or disrepute.

d. Any Supervisor who identifies and wishes 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.

e. Administrative officers will periodically review entries in the Guardian Tracking Software to ensure supervisors are using the software in accordance with this written directive.

f. Supervisors shall forward all documentation as required by written directives established to assist in a comprehensive audit. This data shall minimally include:
- use of force reports, vehicle pursuit reports and attendance records -

D. ADMINSTRATIVE OFFICERS

1. Administrative officers shall periodically review an individual employee's history. Using this information and his/her experience, the administrative officer may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the Guardian Tracking® Software.
2. When under early warning system monitoring, the employee's administrative officer shall meet with the employee and supervisor to discuss the situation in depth to:
 - a. Identify problems or potential problems;
 - b. Determine short and long-term goals for improvement;
 - c. Come to a consensus commitment on a plan for long-term improved performance;
 - d. Advise of the monitoring process and the repercussions of future sustained transgressions.
3. Generally, personnel should expect to remain under intensive monitoring and supervision for at least three (3) months when an early warning flag is triggered or until the supervisor concludes that the employee's behavior has been remediated (whichever is longer).
4. Employee Meeting:
 - a. All employee meetings shall be thoroughly documented in the Guardian Tracking® Software, which will automatically be forwarded to the Chief of Police or his designee. The affected employee and supervisors shall meet on a regular basis, minimally monthly, to discuss progress towards the agreed upon goals and objectives.
 - b. All regular monthly progress/status reports shall be submitted via the Guardian Tracking® Software.
 - c. 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.
5. Any statement made by the officer in connection with the early warning system review process may not be used against them in any disciplinary or other proceeding.

E. REMEDIAL/CORRECTIVE INTERVENTION

1. Supervisory or administrative personnel may initiate remedial/corrective intervention to correct behavior. Remedial/corrective intervention may include; but is not limited to:
 - a. Training or retraining;

- b. Counseling;
- c. Intensive supervision;
- d. Fitness-for-duty examination;
- e. Employee Assistance Program (EAP) referral; and
- f. Peer counseling.

2. Internal disciplinary action, remedial/corrective intervention, and fitness for duty examinations are not mutually exclusive and should be jointly pursued if and when appropriate.

3. 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.

4. All reports shall be forwarded to the Chief of Police 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.

F. NOTIFICATION TO SUBSEQUENT LAW ENFORCEMENT EMPLOYER

1. If any officer who is or has been subject to an Early Warning System review process applies to or accepts employment at a different law enforcement agency than the one where he or she underwent the Early Warning System 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 Warning System 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.

G. NOTIFICATION TO COUNTY PROSECUTOR

1. Domestic Violence Protocol and Off-Duty Contact with Law Enforcement Agencies as a result of personal conduct:

a. For all incidents where it is alleged that a law enforcement officer committed an act of domestic violence or was the victim of domestic violence, and in instances where there is off duty-contact with law enforcement agencies as a result of personal conduct, regardless of whether or not complaints and/or a temporary or final restraining order has been issued, the Chief of Police or designee shall promptly notify the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit by emailing mcpopru@mcponj.org.

b. All law officers are required to identify themselves as law enforcement officers to responding officers when their off-duty conduct results in a police call, regardless of whether or not complaints and/or a temporary or final restraining order has been issued. The involved off-duty police officer shall also be required

to self-report the incident to internal affairs. Said identification will ensure that the responding police department may notify the involved officer's agency of said police call. Notification is not required when the police involvement consists of minor traffic infractions where no injury was sustained by any party. A police officer's failure to make such notification may result in departmental discipline in accordance with departmental policy and procedures.

c. When required, notification should include the following information:

- Agency name;
- Officer's name;
- Victim name, if other than officer;
- Reported date and time;
- Date of incident, if other than reported date/time;
- Incident location;
- Assigned case number;
- Injuries sustained by victim;
- Witness names;
- Criminal complaint and or TRO/FRO issued;
- Assigned personnel, e.g. (local law enforcement officer, internal affairs officer); and
- Copies of all police reports and relevant paperwork, e.g., (complaint, TRO, VNF, etc.)

d. All emergent matters shall be reported directly to the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit by calling 732-577-8700.

e. This department is required to provide the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crimes Unit a listing of any and all calls where it is alleged that a law enforcement officer committed an act of domestic violence or was the victim of domestic violence, regardless of whether or not complaints and/or a temporary or final restraining order has been issued to include, but not limited to:

- All incidents that occurred within this jurisdiction in the past three (3) years;
- All out of county and or state notifications of domestic violence calls involving law enforcement officers;
- Verification that if an officer from another county, state or out of state agency was involved that notification has been made to the involved officer's employing agency.

2. Fitness-for-duty Protocol – The Chief of Police or designee shall make notification to the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crimes Unit by emailing mcpopru@mcpo.nj.org to include, but not limited to the following:

a. Any time an officer is sent for a fitness for duty evaluation regardless of the reason for the evaluation;

- b. Any time an officer is disarmed, regardless of the reason for the disarming;
- c. Any time the early warning system results in the law enforcement officer being counseled, disciplined, sent for a fitness for duty evaluation, or disarmed; or
- d. Any time the early warning system indicates the officer has received three (3) citizen complaints within a six (6) month period, regardless of the reason.
- e. All emergent matters shall be reported directly to the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit by calling 732-577-8700.
- f. When a law enforcement officer has been disarmed, regardless of the reason and prior to a this agency rearming the officer, the Monmouth County Prosecutor's Office must be provided with a copy of the corresponding fitness-for-duty report and a written plan regarding the rearming of the officer. This written plan should include whether or not the rearming will be conditional or unconditional. If it is a conditional rearming, the agency must notify the Monmouth County Prosecutor's Office of all the terms of the conditional rearming, and the duration of the conditional rearming.
- g. In addition, whenever this agency sends any officer for a fitness-for-duty evaluation, the Chief of Police or designee is also required to submit to the physician, psychiatrist or psychologist an itemized list of the documents it submitted. A copy of this itemized list must be maintained in the agency's internal affairs file and made available to the Monmouth County Prosecutor's Office upon request.
- h. It is the continuing responsibility of the Office Professional Responsibility and Bias Crime Unit to open a file, review the incident and investigate the matter further, if necessary.

H. ANNUAL REVIEW

1. This department is required to review its early warning system on an annual basis during the month of January. The Chief of Police or designee shall provide a letter to the Monmouth County Prosecutor's Office documenting proof of such review. The review shall include, but not limited, to the following:
 - a. Number of audits conducted;
 - b. Number of employees flagged;
 - c. Number of instances where remedial/ corrective action was taken;
 - d. Number of internal affairs cases opened as a result of early warning system;
 - e. Changes in number of internal affairs complaints with reference to flagged indicators and whether they have increased/ decreased;
 - f. Number of notifications made to the Monmouth County Prosecutor's Office.