


<b>DEAL POLICE DEPARTMENT</b>			
<i>General Order</i> <b>018</b>		<b># OF PAGES: 8</b>	
<b>SUBJECT: EMPLOYEE EARLY WARNING SYSTEM</b>			
<b>EFFECTIVE DATE:</b> January 1, 2014	<b>NJSACOP ACCREDITATION STANDARDS:</b> 2.1.1, 2.2.3	<b>REVISION DATE</b> October 19, 2015 July 6, 2016	<b>PAGE #</b> 4 & 5 4 - 7
<b>BY THE ORDER OF:</b> Chief of Police Ronen Neuman			
<b>SUPERSEDES ORDER #:</b>			

**PURPOSE** To establish a personnel Early Warning System within the Deal Police Department.

**POLICY** In order to identify any practice or pattern of behavior by any employee of the agency which warrants intervention or remediation before it develops into a disciplinary problem. It is the policy of this department to implement and utilize a system of tracking and reviewing incidents of risk and provide timely intervention consistent with the guidelines of the Attorney General of the State of New Jersey.

## PROCEDURES

### I. OVERVIEW

- A. The personnel Early Warning System (EWS) is designed to detect patterns and trends before the conduct escalates into more serious problems. It is not a method of discipline nor is it designed to be punitive. Although it is possible that disciplinary action may be taken as a result of the evidence taken from the system which identifies a violation of Department Rules, Regulations' or Written Directives, this is not the sole or even the primary intent of the system. The primary intent is to address potential problems through the use of appropriate management and supervisory strategies before formal discipline is warranted and to correct an employees path, thus making them a more productive and successful member of the agency.

### II. ADMINISTRATION

- A. The Early Warning System shall be the responsibility of the Internal Affairs Unit and will be overseen by the Police Captain and/or Internal Affairs Commander. By virtue of its other responsibilities and placement in the organizational structure, the internal affairs unit is best able to maximize the benefits of such a system.
- B. In each situation which identifies a potential issue with an employee or one of the below listed criteria is met to initiate a review, the Internal Affairs Unit shall query the Early Warning System data through the *Guardian Tracking* software and review the individual employees history. Using this information the Captain and/or Internal Affairs Commander may be able to identify a need for counseling, training, or other remediation.

### III. REPORTING REQUIREMENTS

- A. In accordance with General Order GO-005, personnel will forward all complaints to the Internal Affairs Unit. Supervisors shall forward all rule violations, and minor infractions to the Captain and/or Internal Affairs Commander. This includes minor rule violations that the first line supervisor has handled (verbal warning, written warning, written reprimand).
- B. The Internal Affairs unit will enter all incidents into the *Guardian Tracking* system. A comprehensive employee performance history will be kept for all employees. All performance notices that do not require an IA case and investigation will be forwarded to the Chief of Police after entry into the system so they may be made part of the employee personnel file.
- C. Each time an incident is received by the Internal Affairs Unit and entered into the system, the employee history will be checked. If any of the following criteria are met the Early Warning System will be activated:
  - 1. Two (2) or more citizen complaints within a six (6) month period.
  - 2. Two (2) or more Internal Affairs investigations within a six (6) month period.
  - 3. Two (2) or more motor vehicle accidents involving Borough owned vehicles within a six (6) month period.

4. Two (2) or more vehicle pursuits within a six (6) month period.
5. Two (2) or more use of force incidents within a six (6) month period.
6. Two (2) or more assault on police officer charges or resisting arrest charges within a six (6) month period.
7. Two (2) or more negative performance notices within a twelve (12) month period.
8. Pattern of sick time abuse in a twelve (12) month period.
9. Two (2) or more incidents of tardiness or "AWOL" in a twelve (12) month period.
10. Unusual number of cases rejected or dismissed by the prosecutor.
11. Two (2) or more claims of duty-related injury in a twelve (12) month period.
12. Two (2) or more criminal complaints or allegations made in a twelve (12) month period.

D. Role of Sergeants

1. The first line of supervision is critical to a successful Early Warning System.
2. Sergeants will familiarize themselves with their subordinates and routinely observe their demeanor, appearance, and conduct.
3. Supervisors will remain alert for indications of behavioral changes or stressors that may affect an employee's performance.
4. When Sergeants perceive or determine that an employee has problems or is causing problems, they will assess the situation and take appropriate action in accordance with this policy including referral to available employee assistance program, informal counseling by supervisor, notification to the Captain and/or Internal Affairs Commander, or other remedial action.

E. Role of the Captain and/or Internal Affairs Commander

1. Utilize and apply the process as indicated within this policy and shall ensure that all first line supervisory personnel understand the purpose and practical applications of the process.
2. Familiarize themselves with the work habits of supervisory members and when necessary utilize the same procedures indicated for Sergeants to address similar concerns involving those personnel.
3. Upon determining there is an issue with a Sergeant, the Captain and/or Internal Affairs Commander will discuss the concern with that Officer and attempt to resolve the issue. If the resolution of the problem is unsuccessful or the issue is of serious nature the Captain shall notify and confer with the Chief of Police for another course of action.

4. When any matter is brought to the attention of the Captain and/or Internal Affairs Commander, he shall review and gather all necessary information and data. He shall meet with the reporting Sergeant (if applicable) and determine the extent of the issue. If this review indicates that the system has returned a false positive then that shall be indicated in the final report.
5. If the review indicates that the individual has violated department Rules and Regulation, General Orders, Standard Operating Procedures, or any other directive he shall direct the Internal Affairs Unit to conduct an investigation and possible issue disciplinary action.
6. If the review indicates that the individual has engaged in conduct which indicates a lack of understanding or inability to comply with accepted procedures, the Captain and/or Internal Affairs Commander shall consult with the Sergeant and/or Chief of Police to determine the appropriate course of remedial action which may include retraining, counseling, and intensive supervision.
7. When remedial action is taken a report shall be submitted by the supervisor conducting the action detailing what was done. This information shall be made part of the EWS file, part of the employees training file if it was remedial in nature including any certificates for courses attended, or made part of the personnel file if disciplinary action was taken.
8. The EWS system shall be maintained exclusively by the Captain and/or Internal Affairs Commander and the Internal Affairs Unit.

#### **IV. REMEDIAL ACTION**

- A. In the event that remedial action is required the Captain and/or Internal Affairs Commander and reporting supervisor will discuss a plan that is appropriate and fitting for the situation. The plan will then be presented in writing to the Chief of Police for approval. Remedial action could include training, retraining, peer counseling, intensive supervision, or a change in work conditions, as examples.

#### **V. EMPLOYEE ASSISTANCE**

- A. Any employee that requests or requires assistance with respect to personal issues should be referred to the appropriate person or agency including but not limited to one or more of the following: Monmouth County Department of Health Employee Assistance Program, peer counseling arranged through the Police Department or the *COP2COP* program. If an employee requests assistance, the referral should be noted in the supervisors MEMO to the Captain and/or Internal Affairs Commander and shall remain strictly confidential.

#### **VI. MONMOUTH COUNTY PROSECUTOR'S OFFICE NOTIFICATIONS**

- A. Domestic Violence Protocol
  1. 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, regardless of whether or not complaints and/or a temporary or final restraining order has been issued, the Chief of Police or his/her

designee shall promptly notify the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit by emailing [mcpopru@mcponj.org](mailto:mcpopru@mcponj.org).

2. This notification should include the following information:
  - a. Agency name;
  - b. Officer's name;
  - c. Victim's name, if other than officer;
  - d. Reported date/time;
  - e. Date of incident, if other than reported date/time;
  - f. Incident location, including municipality;
  - g. Assigned case number;
  - h. Nature of incident'
  - i. Injuries sustained by victim;
  - j. Witnesses names;
  - k. Criminal complaint and/or TRO/FRO issued;
  - l. Assigned personnel, e.g., (local law enforcement officer, internal affairs officer); and
  - m. Copies of all police reports and relevant paperwork, e.g., (complaint, TRO, VNF, ect.).
3. All emergent matters shall be reported directly to the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit by calling the Monmouth County Sheriff's Office 9-1-1 Communications Center: 732-577-8700.
4. All Monmouth County law enforcement agencies are required to provide to 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:
  - a. All incidents that occurred within their jurisdiction in the past three (3) years;
  - b. All out of county and/or state notifications of domestic violence calls involving law enforcement officers; and

- c. 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.
  5. All domestic violence incidents (regardless of whether or not a complaint or TRO/FRO was issued) shall be included in the local law enforcement agency's early warning system as one of the documented indicators.
  6. It is the continuing responsibility of the Professional Responsibility and Bias Crimes Unit to open a file, review the incident, and investigate the matter further, if necessary.
- B. Fitness-for-Duty Protocol
1. The Chief of Police or his/her designee shall make notification to the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crimes Unit by emailing [mcpopru@mcponj.org](mailto:mcpopru@mcponj.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.
  2. All emergent matters shall be reported directly to the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit by calling the Monmouth County Sheriff's Office 9-1-1 Communications Center: 732-577-8700.
  3. When a law enforcement officer has been disarmed, regardless of the reason and prior to a local law enforcement 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.
  4. In addition, whenever a local law enforcement agency sends any officer for a fitness-for-duty evaluation, the Chief of Police or his/her designee is also required to submit to the physician, psychiatrist or psychologist an itemized list of the documents it forwarded to him/her along with 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.

5. It is the continuing responsibility of the Professional Responsibility and Bias Crimes Unit to open a file, review the incident, and investigate the matter further, if necessary.

## **VII. ANNUAL REVIEW**

- A. All Monmouth County law enforcement agencies are required to review its early warning system on an annual basis during the month of January. The Chief of Police or his/her designee shall provide a letter to the Monmouth County Prosecutor's Office documenting proof of such review. The review shall include, but not be limited, to the following:
  1. Number of audits conducted;
  2. Number of employees flagged;
  3. Number of instances where remedial/corrective action was taken;
  4. Number of internal affairs cases opened as a result of early warning system;
  5. Changes in number of internal affairs complaints with reference to flagged indicators and whether they have increased/decreased; and
  6. Number of notifications made to the Monmouth County Prosecutor's Office.

## **VIII. GUARDIAN TRACKING SOFTWARE**

- A. The Deal Police Department will utilize *Guardian Tracking* software in order to manage, track, and trigger alerts with respect to this Personnel Early Warning System.
  1. *Guardian Tracking* is an employee behavioral monitoring and early warning system. In no way, does it excuse a supervisor or any other employee from following the procedures mandated in GO-005 Internal Affairs.
- B. Employees 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. All personnel have the responsibility to enter all incidents available to them on their home page of the software. Personnel who fail to document incidents as required by this policy will be subject to disciplinary action.
  1. Most incidents entered should contain supporting documentation via the "upload file" tab on the software entry (CAD entries, Investigation reports, Evaluations, ect.).
  2. Supervisors are encouraged to document all positive performance by their employees. Examples of positive performance may include:
    - a. Exceptional duty (CPR Save, successful resolution of a complex investigation, ect.)

- b. Letter of thanks from a citizen
  - c. Commendation (Internal/External)
3. Supervisors 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.
- D. If 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 Internal Affairs Unit will gather all relevant information from the system. A separate incident will be generated in the *Guardian Tracking* software using the appropriate Early Warning Intervention Incident.
  - E. The Captain and/or Internal Affairs Commander may conduct a review of any individual employee's history anytime a new complaint is made. Using this information, Captain and/or Internal Affairs Commander, or designee 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.
  - F. All personnel will log into and review any recently created or recently updated incidents. Personnel shall log into the *Guardian Tracking* software on a regular basis.
    - 1. Personnel may select the "sub-entry" tab and document their response to a recently created or updated incident.
  - G. All reports forwarded through the software have the same confidential status as Internal Affairs documents and are subject to the same disclosure and retention regulations and guidelines. Unauthorized sharing of information may result in disciplinary action.
  - H. All personnel will be trained in the use of the *Guardian Tracking* software.
    - 1. Refer to *Guardian Tracking Software User Manual*, posted on PowerDMS, for additional instructions on how to use the program.