

**Eatontown Police Department**  
**General Order: CH2-07**

<b>Section: The Personnel Function</b> <b><u>Evaluating Personnel</u></b>		<b>Effective Date: 08/01/2018</b>		
<b>Subject:</b> <b>Early Warning System</b>		<b>NJSACOP Standard: 2.2.3</b>		
<b>Volume: 1</b>	<b>Chapter: 2</b>	<b>Pages: 8</b>		
<b>Attorney General: Guideline on Internal Affairs</b> <b>Attorney General Law Enforcement Directive #2018-3</b> <b>Monmouth County Uniform Policy:</b>		<b>References:</b>		
<b>Issuing Authority:</b> William P. Lucia III – Chief of Police <b>Distribution:</b> Law Enforcement Personnel		<b>Revised On:</b>	<b>Page:</b>	<b>Section:</b>
		<b>New</b>		
		<b>3/20/2019</b>	<b>3-4, 5, 8</b>	<b>IV.E, V.A-F, VIII.C</b>

**I. PURPOSE**

The purpose of this General Order is to establish a policy and procedures for administering a personnel early warning system.

**II. POLICY**

It is the policy of the Eatontown Police Department to implement and utilize an early warning system for tracking and reviewing the incidents of risk and provide timely intervention consistent with Attorney General Guidelines and Attorney General Law Enforcement Directive No. 2018-3.

**III. PROCEDURES**

- 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 intervention strategies before negative discipline becomes necessary.
- B. 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.
- C. Many different measures of employee performance can be regularly examined for patterns or practices that may indicate potential problems.
- D. The early warning system is primarily the responsibility of the Chief of Police; however, any supervisor can initiate the early warning process based upon his/her own observations.

- E. The Chief of Police shall cause an annual evaluation of the early warning system to assess its effectiveness. The Chief of Police or designee 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.
- F. This agency will adhere to the Attorney General Law Enforcement Directive No. 2018-3 regarding Early Warning Systems.

#### IV. Guardian Tracking Software

- A. This department will utilize Guardian Tracking<sup>®</sup> software in order to manage, track, and trigger alerts with respect to this Personnel Early Warning System.
  - 1. Guardian Tracking<sup>®</sup> 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 this department's Internal Affairs General Order.
- B. Supervisors of all ranks and assignments 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. 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 General Order will be subject to disciplinary action.
- D. Patrol Officers, serving in the capacity of Officer in Charge of a shift, have the capability of recognizing positive performance of employees under their supervision by utilizing the Peer Recognition documentation category. Any other issues that would normally require documentation through the Guardian Tracking<sup>®</sup> system will be noted by the OIC in an e-mail to their sergeant. The e-mail shall contain the date, time and case number and detailed description of the incident. It shall be the sergeant's responsibility to enter the information into the Guardian Tracking<sup>®</sup> system in a timely manner.
- E. The following shall serve as a guide to general incident categories contained within Guardian Tracking<sup>®</sup> to be used by supervisors:

**Administrative Function:** to be used when an administrative function is initiated by a supervisor.

**Appearance/Grooming/Dress:** to be used when an employee's manner of grooming or dress is not in compliance with department policy.

**Application of Leadership Skills:** to be used when an employee demonstrates or exhibits commendable actions that indicate his or her knowledge of job responsibilities.

**Commendation:** to be used when an employee receives awards or citations that commend the employee's actions.

**Exceptional Performance:** to be used when an employee takes actions that are above and beyond what is expected but may not be worthy of an official commendation.

**Initiative:** to be used when an employee shows initiative in the performance of a job function.

**Injury – On Duty:** to be used whenever an employee is injured while on duty regardless of circumstances;

**Interviewing Skills:** to be used when an employee has the ability to elicit required information from suspects, victims, witnesses and associates.

**Job Knowledge and Self Development:** to be used when an employee demonstrates an ability to make decisions after considering all availability and knowledge without having to rely on direct supervisory input. Employee recognizes problems, considers alternatives and selects proper solutions.

**Operation/Care of Equipment:** to be used when an employee fails to properly care for or damages department equipment.

**Outstanding Community Involvement:** to be used when an employee shows outstanding community involvement.

**Peer Recognition:** to be used to recognize a fellow employee for performance worthy of recognition.

**Performance Notice – Counseling Letter:** to be used when an employee's performance is sub-standard or not in compliance with the standards set forth by this department and training is required that needs to be documented in the form of a counseling notice.

**Performance Notice – Oral Reprimand:** to be used when an employee's performance is sub-standard or not in compliance with the standards set forth by this department and the employee is counseled orally.

**Performance Notice – Positive:** to be used when an employee's behavior exceeds the expectations and standards set forth by this department.

**Performance Notice – Written Reprimand:** to be used when an employee's performance is sub-standard or not in compliance with the standards set forth by this department and the employee is counseled with a written notice.

**Policy Violation:** to be used when an employee violates departmental policy or general order and none of the other categories available is appropriate;

**Radio Procedure:** to be used whenever an employee uses radio procedure that is contrary to department policy, general order or FCC regulations.

**Recognitions (Supervisor):** to be used by a supervisor to document actions by a subordinate worthy of recognition.

**Tardiness-Explained:** to be used whenever an employee asks another employee to remain on duty in his/her place until they can report for duty, said request being made during the officer's shift.

**Tardiness-Unexcused:** to be used whenever an employee reports for work, including but not limited to regular duty, off-duty work, court appearances, etc. after the time set forth by his or her schedule in accordance with department policy or general order.

## **V. Agency Early Warning System**

- A. The Eatontown Police Department will use the Guardian Tracking® software to monitor employees' behavior and actions through categories established within the system. These categories are separate from those established by Attorney General Law Enforcement Directive 2018-3 which are outlined in Section VI of this General Order.
- B. Supervisors will review and utilize the Agency Early Warning System in conjunction with an employee's mid-year and annual evaluation. Supervisors are also encouraged to periodically review a subordinate's entries within the Guardian Tracking® system, particularly if an employee exhibits behavior that may require intervention by the supervisor and / or staff level officer.
- C. If the early warning system reveals a potential problem as identified and reported by a supervisor, the Chief of Police or designee will gather all relevant information from the system. A separate incident will be generated in the Guardian Tracking® software using the appropriate Early Warning Incident category.
- D. The Chief of Police will cause a review of the data provided, along with more detailed information available from department records. If this review indicates that any further action is unwarranted, the Chief of Police or designee will document this result in writing. The incident narrative placed in the Guardian Tracking® software may serve as adequate documentation.
- E. If the review reveals that an employee has violated department General Orders or reveals a pattern of concerning behavioral indicators, the Chief of Police may proceed with an internal investigation, if warranted. If an internal investigation is initiated, a new guardian entry will be generated under the AGD Internal Affairs category and Attorney General Law Enforcement Directive 2018-3 guidelines will apply.
- F. If the review reveals that the employee has engaged in conduct that indicates a lack of understanding or inability to comply with accepted procedures, the Chief of Police 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 Incident category.

## VI. Attorney General Early Warning System Activation

A. The following categories are required to be monitored as per the Attorney General Directive (AGD). The Chief of Police may at any time include additional indicators to be included with these categories for notification guidelines.

1. **AGD Internal Affairs Complaint:** Internal affairs complaints against the officer, whether initiated by another officer or by a member of the public.
2. **AGD Civil Action Filed:** Civil actions filed against the officer.
3. **AGD Criminal Invest/Complaint:** Criminal investigations of or criminal complaints against the officer.
4. **AGD Use of Force/Excessive:** 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.
5. **AGD DV Incident:** Domestic violence investigations in which the officer is an alleged subject.
6. **AGD Officer Arrest:** An arrest of the officer, including on a driving under the influence charge.
7. **AGD Sexual Harassment Claim:** Sexual harassment claims against the officer.
8. **AGD MVA / Officer at Fault:** Vehicular collisions involving the officer that are formally determined to have been the fault of the officer.
9. **AGD Positive Drug Test:** A positive drug test by the officer.
10. **AGD Dismissal of Case / Arrest:** Cases or arrests by the officer that are rejected or dismissed by a court.
11. **AGD Suppression of Evidence:** Cases in which evidence obtained by an officer is suppressed by a court.
12. **AGD Insubordination:** Insubordination by the officer.
13. **AGD Neglect of Duty:** Neglect of duty by the officer.
14. **AGD Unexcused Absences:** Unexcused absences by the officer.

B. Initiation of Early Warning Process:

Three (3) separate instances of performance indicators (as listed in Section IV.A), within any 365-day period will initiate the early warning system review process. 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.

## **VII. Remedial / Corrective Action**

- A. Once an officer has displayed the requisite number of performance indicators necessary to trigger the Early Warning System review process (as set forth in Section VI.A, above), assigned supervisory personnel shall initiate remedial action to address the officer's behavior.

When an Early Warning System review process is initiated, personnel assigned to oversee the Early Warning System should:

1. Formally notify the subject officer, in writing;
2. Conference with the subject officer and appropriate supervisory personnel so that they may;
  - 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. Develop and administer a remedial program including the appropriate remedial/corrective actions listed below;
4. Continue to monitor the subject officer for at least three months, or until the supervisor concludes that the officer's behavior has been remediated (whichever is longer);
5. Document and report findings to the appropriate supervisory personnel and, if warranted, the internal affairs unit.

Any statement made by the subject officer in connection with the Early Warning System review process may not be used against the subject officer in any disciplinary or other proceeding.

- B. Remedial intervention may include, but is not limited to:

1. Training or retraining;
2. Counseling;
3. Intensive supervision and monitoring;
4. Fitness for duty examination;
5. Employee Assistance Program (EAP) referral;
6. Any other appropriate remedial or corrective action.

- C. Internal disciplinary action, remedial action, and fitness for duty examinations are not mutually exclusive and should be jointly pursued if and when appropriate.
- D. When remedial action 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 internal investigation. If the remedial action is a training program, attendance and successful completion of that program should be noted in the employee's training record.
- E. The Chief of Police shall cause a review of any individual employee's history anytime a new entry is made. Using this information, the Chief of Police 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 employee-supervisor meetings shall be thoroughly documented in the Guardian Tracking® software, which will automatically be forwarded to the Chief of Police. The affected employee and supervisor shall meet on a regular basis to discuss progress towards the agreed upon goals and objectives.
- G. 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 guidelines.

#### **VIII. Additional Attorney General Law Enforcement Directive Requirements**

##### **A. Notification to Subsequent Law Enforcement Employer**

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.

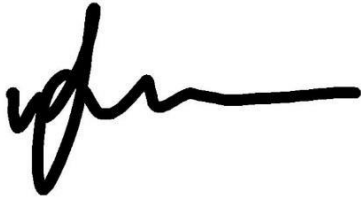
##### **B. Notification to County Prosecutor**

Upon initiation of the Early Warning System review process, the agency's chief executive or a designee shall make a confidential written notification to the County Prosecutor or his/her designee of the identity of the subject officer, the nature of the triggering performance indicators, and the planned remedial program. Upon completion of the Early Warning System review process, the agency's chief executive shall make a confidential written notification to the County Prosecutor or his / her designee of the outcome of the Early Warning System review, including any remedial measures taken on behalf of the subject officer.

C. Public Accessibility and Confidentiality

All written reports created or submitted pursuant to this Directive that identify specific officers are confidential and not subject to public disclosure.

By Order of:

A handwritten signature in black ink, appearing to read 'W. Lucia III', with a long horizontal flourish extending to the right.

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Chief William P. Lucia III