

**POINT PLEASANT POLICE DEPARTMENT
RICHARD P. LARSEN
CHIEF OF POLICE**

ORDER OF THE CHIEF OF POLICE

**ORDER NO. 1-10-18
SUPERCEDES ORDER NO 1-9-17**

SUBJECT: EARLY WARNING SYSTEM/GUARDIAN TRACKING

TO: All Employees

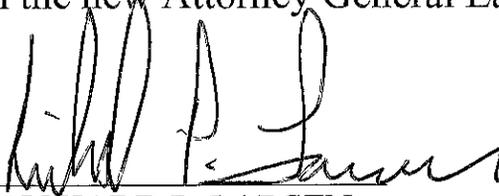
DATE: MAY 10, 2018

It is the policy the Point Pleasant Police Department to continue to utilize an early warning system. The early warning system will be used for tracking and reviewing incidents of risk and to identify any pattern or practice by any member of this agency which warrants timely intervention or remediation before it can escalate into a more serious problem, consistent with Attorney General Guidelines.

The policy is intended to standardize documentation for both positive and negative performance indicators and to identify employees who have developed a pattern of behavior which indicates intervention efforts may be necessary.

Only section VII. J is applicable to civilian employees.

This policy was updated to comply with the new Attorney General Law Enforcement Directive NO. 2018-3.


RICHARD P. LARSEN
CHIEF OF POLICE

Point Pleasant Borough Police

General Order
1-10-18

OF PAGES: 10

SUBJECT: Early Warning System/Guardian Tracking

EFFECTIVE DATE:
May 10, 2018

References:
AG Internal Affairs
Policy & Procedures
AG Directive 2018-3
OCPO LED-2018-011

BY THE ORDER OF:
Richard P. Larsen
CHIEF OF POLICE



Supercedes ORDER #: 1-9-17

PURPOSE The Point Pleasant Police Department is committed to providing law enforcement services that are fair, effective, and impartially applied. The purpose of this written directive is to establish a personnel early warning system.

POLICY It is the policy of the Point Pleasant Police Department to implement and utilize an early warning system. The early warning system will be used for tracking and reviewing incidents of risk and to identify any pattern or practice by any member of this agency which warrants timely intervention or remediation before it can escalate into a more serious problem, consistent with Attorney General Guidelines.

This policy is intended to standardize documentation for both positive and negative performance indicators and to identify employees who have developed a pattern of behavior which indicates intervention efforts may be necessary.

PROCEDURE:

I. 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. 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. These performance measures include, but are not limited to, the following documented indicators:
1. Criminal investigations or complaints made against the employee;
 2. Internal complaints, regardless of outcome;
 3. Civil actions files, regardless of outcome;
 4. Incidents of force usage, including firearms discharges and use of non-deadly force;
 5. Claims of duty-related injury;
 6. Internal Affairs Complaint;
 7. Vehicle collisions;
 8. Cases rejected or dismissed by the prosecutor;
 9. Evidence suppressed by the court;
 10. Tardiness;
 11. Abuse of sick time;
 12. Insubordination;
 13. Officer involved in Domestic Violence;
 14. Neglect of Duty;
 15. Reprimand, either Written or Oral;

- D. The above behaviors should be monitored for patterns of questionable conduct.
- E. Instances of **questionable conduct** or flag indicators would initiate the early warning system process to determine if the incident or behavior warrants remedial or corrective intervention.
 - 1. Incidents, indicators, or other monitored behavior shall be entered and monitored through the Guardian Tracking System.
 - 2. Once an officer has displayed the requisite number of performance indicators necessary to trigger the EW System review process (as set forth in paragraph I under section VII) assigned supervisory personnel shall initiate remedial action to address the officer's behavior.
 - 3. When an EW System review process is initiated, personnel assigned to oversee the EW System should (1) formally notify the subject officer, in writing; (2) conference with the subject officer and appropriate supervisory personnel; (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 six 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.
 - 4. Any statement made by the subject officer in connection with the EW System review process may not be used against the subject officer in any disciplinary or other proceeding.

II. ADMINISTRATION OF EARLY WARNING SYSTEM

- A. The early warning system is primarily the responsibility of the supervisor of the Internal Affairs Function; but, any supervisor should 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 Function supervisor shall conduct an audit of its records to determine if an employee has the emergence of a pattern, practices or trend of inappropriate behavior or misconduct. In addition to the regular data audits by internal affairs, the internal affairs supervisor shall audit 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 early warning system data audit.
- C. If the audit indicates the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, the Internal Affairs investigator shall consult with the employee's supervisor.

- D. The internal affairs supervisor and the employee's supervisor 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 audit indicates that the early warning system has returned an incorrect identification or "false positive," that conclusion should be documented.
 2. If the audit reveals that an employee has violated department rules and regulations, directives or policy the supervisor in consultation with the Internal Affairs Unit should proceed with an internal investigation and possible disciplinary action. The Chief of Police will also be notified.
 3. If the audit 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 who will consult with the Chief of Police to determine the appropriate course of remedial/corrective intervention.

III. SUPERVISORS

- A. An employee's first line supervisor is usually the first member of the agency 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 the next supervisor above in the chain of command or, if warranted, internal affairs supervisor/officer. 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 function shall be formally notified of such efforts. This information shall be documented and appropriate copies forwarded to the internal affairs unit for filing.
1. No entry should be made in the employee's personnel file, unless the action results in disciplinary/corrective action or remedial/corrective intervention.
- C. If the remedial/corrective intervention was training, documentation shall be filed and forwarded to the Chief of Police (remedial training).

IV. COMMAND SUPERVISOR(S)

- A. When under early warning system monitoring, the operations commander, internal affairs supervisor and the employee's 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.
- B. Generally, personnel should expect to remain under intensive monitoring and supervision for six (6) months when an early warning flag is triggered.
- C. Supervisor / Employee Meeting
1. All supervisor / employee meetings shall be thoroughly documented in the Guardian Tracking System, which will be forwarded to the Chief of Police. The affected employee and supervisor shall meet on a regular basis, minimally monthly, to discuss progress toward the agreed upon goals and objectives.
 2. All regular monthly progress / status reports shall be submitted to the Chief of Police or his/her designee through the chain of command.

V. REMEDIAL/CORRECTIVE INTERVENTION

- A. Supervisory 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. If the remedial/corrective intervention is a training program, attendance and successful completion of that program should also be noted in the employee's training record.
- D. All reports shall be forwarded to the Chief of Police for review through the Guardian Tracking System. These reports have the same confidential status as Internal Affairs

documents and are subject to the same disclosure and retention regulations and guidelines.

VI. Employee Responsibilities

- A. **Duty to Identify:** When the off-duty conduct of any officer of this agency (Regular or Special Officer) causes a law enforcement response from any law enforcement agency, the officer shall identify themselves as law enforcement officers of this agency to the responding officers regardless of whether or not complaints and/or a temporary or final restraining order has been issued.
1. Identification will ensure that the responding law enforcement agency may notify the involved officer's agency of the incident.
- B. **Duty to Self-Report:** When the off-duty conduct of any officer of this agency (Regular or Special Officer) causes a law enforcement response from any law enforcement agency, the officer shall be required to self-report the incident to this agency. Notification shall be made regardless of whether or not complaints and/or a temporary or final restraining order has been issued.
1. In incidents where a complaints and/or a temporary or final restraining order has been issued, notification shall be made to the officer in charge of the shift immediately following the incident.
 2. In all other cases, notification shall be made to the Point Pleasant Police Officer in Charge as soon as possible.
 3. The Point Pleasant Officer in Charge will subsequently notify the Chief of Police of all matters brought to their attention.
- C. Incidents involving an off-duty officer involved in an incident which requires the use of force or other law enforcement action, shall also be required to immediately notify the primary law enforcement agency having jurisdiction where the incident occurred. The involved officer shall make notification that is consistent with Department Order Standards of Conduct & Code of Ethics (Dept Order No. 1-9-16).
- D. The duty to identify and the duty to self-report shall not be required in cases where the police involvement consists **ONLY** of minor traffic infractions where no injury was sustained by any party.
1. Special Officers and regular officers who are serving in the probationary period of employment are required to **self-report any** incident where their off-duty conduct requires intervention or a response by any law enforcement agency to include minor traffic infractions or traffic stops regardless of whether or not complaints have been issued.
- E. An officer's failure to make such notifications, as required by this policy, may result in departmental discipline.

F. All off-duty incidents reported shall be recorded in the records system as well as have an entry made in the Guardian Tracking Software.

G. **Bi-Annual Review of Early Warning System**

1. A bi-annual review of the agency's early warning system shall be conducted. This review shall include, but not be 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;

VII. Guardian Tracking Software

- A. This agency will utilize **Guardian Tracking System** in order to manage, track, and trigger alerts with respect to the Early Warning System.
 1. The Guardian Tracking System is an employee behavioral monitoring and warning system. In no way, does it excuse a supervisor or any of employee from following the procedures mandated in this department's **Internal Affairs Policy**.
- B. Members of this agency 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 supervisors to enter all incidents listed below for any subordinate assigned to them. Supervisors who fail to document incidents as required by the policy may be subject to disciplinary actions.
- D. All employee-supervisor meetings that are documented in the Guardian Tracking System which will automatically be forwarded to the Chief of Police.
- E. When Patrol Officers, serving in the capacity of Officer in Charge of a shift, encounter incidents of tardiness, sick time usage, etc., they will email their sergeant. Any other issues that would normally require documentation through the Guardian Tracking System and not available to Patrol Officers 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 System in a timely manner.
- F. Guardian Tracking will be used to assist in the employee evaluation process.

- G. Transparency is an important aspect to the Guardian Tracking system and employees will be notified through email if an entry is made regarding an incident involving them. However, in some instances it may be necessary to keep a particular incident confidential and prohibit an email notification to an employee about a particular incident. Guardian Tracking allows for the entry of confidential incidents. Confidential entries should not be routine. The confidential entries should be reserved for incidents where notification to a particular employee could jeopardize an investigation or other administrative purpose. A confidential entry should be approved by the Internal Affairs supervisor or the Chief of Police.
- H. Categories in the Guardian Tracking System will be separated into the following groups:
1. Recognition / Awards
 2. General
 3. FTO (Field Training)
 4. Early Warning System
 5. Discipline
- I. The following **Early Warning** Categories shall serve as a guide to the incident categories contained within the Guardian Tracking System that require notification to the County Prosecutor's Office if there are three (3) separate instances of performance indicators within any twelve (12) month period, as outlined in section (M) below.
1. Internal Affairs Complaint- complaint against the subject officer, whether initiated by another officer or by a member of the public.
 2. Civil Action Filed- civil actions filed against the subject officer.
 3. Criminal Investigation- criminal investigations of or criminal complaints against the officer.
 4. Use of Force deemed excessive- any use of force by the officer that is formally determined or adjudicated (for example, by internal affairs or grand jury) to have been excessive, unjustified, or unreasonable.
 5. Domestic Violence Investigation- domestic violence investigations in which the officer is an alleged subject.
 6. Member Arrested- an arrest of the officer, including on a driving while intoxicated charge.
 7. Sexual Harassment- sexual harassment claims against the officer.
 8. At Fault Vehicle Crash- vehicular collisions involving the officer that are formally determined to have been the fault of the officer.

9. Positive Drug Test- a positive drug test by the officer.
10. Cases or arrests dismissed- cases or arrests by an officer that are rejected or dismissed by a court because of lying or improper procedures by the subject officer.
11. Suppressed Evidence- cases where evidence was suppressed due to improper evidence seizure by the officer.
12. Insubordination- insubordination by the officer as defined by the Police Department Rules and Regulations, Department Policy, Borough Ordinance or New Jersey Administrative Code.
13. Neglect of Duty- neglect of duty by the officer as defined by the Police Department Rules and Regulations, Department Policy, Borough Ordinance or New Jersey Administrative Code.
14. Unexcused Absences/Abuse of Sick Time- this shall be used to note that employee does not report to work or work in accordance with the prescribed schedule of working hours; to include tardiness, leaving early, breaks, absent without leave, abuse of sick time.

J. The following categories are not subject to the reporting requirements as detailed in section (I) above, however, they are also contained and monitored within the Guardian Tracking System.

1. Counseling Notice (Discipline) – This shall be used to document any supervisory counseling notice.
2. FTO-Daily Observation Report (FTO) – This shall be used to document all daily observation reports by an FTO. The original written form shall be scanned and added to this incident entry.
3. OJI – Loss of Time (General) – This shall be used to document on the job injuries and/or filing a workers compensation claim.
4. Performance Evaluation (General) – This shall be used to document an employee’s performance evaluation. Any supporting documents should be attached to the incident.
5. Recognition – Public (Recognition / Award) – This shall be used when a member of the public or outside agency provides positive or noteworthy action of any employee.
6. Recognition – Supervisor (Recognition / Award) – This shall be used when a Supervisor wishes to recognize any other employee for any action worthy of recognition.
7. Remedial Training (Discipline) – This shall be used to document remedial training.

8. Sick Day (Sick Day) – This shall be used to document when an employee calls out sick or uses sick time for a scheduled shift, or detail. Upon review of a generated sick day flag, any discovered abuse will be entered into the Unexcused Absences/Abuse of Sick Time category, under section VII, I, 14 of this policy. Corrective/remedial intervention shall also be implemented for any discovered or recognized abuse of sick time.
9. Suspension (Discipline) – This shall be used to document any suspension.
10. Oral Reprimand (Discipline) – This shall be used when an employee receives a disciplinary action constituting an oral reprimand in writing.
11. Written Reprimand (Discipline) – This shall be used when an employee receives a disciplinary action constituting a written reprimand.

K. Other categories may be added by the Chief of Police when deemed necessary.

L. Notification to Subsequent Law Enforcement Employer

If any officer who is or has been subject to an EW System review process applies to or accepts employment at a different law enforcement agency than the one where he or she underwent the 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 EW System review process history and outcomes. Upon request, the prior or current employing agency shall share the officer's EW system review process files with the subsequent employing agency.

M. Notification to County Prosecutor

If three (3) separate performance indicators are triggered within a twelve (12) month period for any of the 14 listed categories from section (I), then the agency's chief executive officer or a designee shall make a confidential written notification to the County Prosecutor's Office or his/her designee of the identity of the subject officer, the nature of the triggering performance indicators, and the planned remedial program.

N. Public Accessibility and Confidentiality

The Guardian Tracking System policies shall be made available to the public upon request and shall be posted on the agency's website. All written reports created or submitted pursuant to this Directive that identify specific officers are confidential and not subject to public disclosure.