

Harding Township Police Department POLICIES AND PROCEDURES

SUBJECT: EARLY WARNING SYSTEM

EFFECTIVE DATE: December 15, 2020

NUMBER OF PAGES: 6

BY THE ORDER OF:

Chief of Police Erik Heller



PURPOSE: The purpose of this written directive is to maintain a personnel early warning system.

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.

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.
1. There are three processes to the early warning system, and they are:
 - a. Identification Process - The process of identification of an employee who has triggered the requisite number of flags.
 - b. Review Process - The process of reviewing the data to determine if monitoring of employee is necessary. Not all reviews necessitate the initiation of the monitoring process.
 - c. Monitoring Process - The process of monitoring behavior based upon the review process warranting further monitoring of the employee.
- 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 may include, but are not limited to, the following documented indicators:
1. Internal Affairs complaints, whether initiated by another employee or by a member of the public and regardless of outcome;
 2. Civil actions filed against an officer, regardless of outcome;
 3. Criminal investigations or complaints made against an employee;
 4. Any use of force by the officer that is formally determined or adjudicated to have been excessive, unjustified, or unreasonable;
 5. Domestic violence investigations in which the employee is an alleged subject;
 6. An arrest of an employee, including on a driving under the influence charge;
 7. Sexual harassment claims against an employee;
 8. Vehicular collisions involving an officer that is formally determined to have been the fault of the officer;
 9. A positive drug test by an 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 employee;
 13. Neglect of duty by the employee;
 14. Unexcused absences or sick time issues;
- C. Generally, three (3) instances of questionable conduct or performance indicators (as listed in section B, above) within a 12-month period would initiate the early warning system identification process.

II. ADMINISTRATION OF EARLY WARNING SYSTEM

- A. The early warning review process is primarily the responsibility of the Internal Affairs Unit but, 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.
- B. The Internal Affairs Unit 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 the Guardian Tracking® Software indicates the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, the internal affairs supervisor 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 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 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. At least every six (6) months, internal affair's personnel shall audit the agency's tracking system and records to assess the accuracy and efficacy of the tracking system.

III. SUPERVISOR

- 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 the Chief of Police. **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 Chief of Police 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 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 subordinate employees.
 4. Supervisors will submit the nature of the performance deficiency directly to the employee involved.
 - a. 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.
 5. Supervisors are encouraged to document positive performance conduct. Supervisors will submit the nature of the performance directly to the employee involved by use of the Guardian Tracking® Software.

IV. COMMAND PERSONNEL

- A. Command personnel will periodically review entries in the Guardian Tracking® Software to ensure supervisors are using the software in accordance with this written directive.

- B. Command personnel shall periodically review an individual employee's history. Using this information and his/her experience, command personnel may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the Guardian Tracking® Software.
- C. Monitoring Process
 - 1. Once an employee has displayed the requisite number of performance indicators necessary to trigger the Early Warning System, assigned supervisory personnel shall review and initiate remedial action, if necessary, to address the employee's behavior. Command personnel who oversee the Early Warning System shall do the following:
 - a. Formally notify the subject employee in writing;
 - b. Conference with the subject employee;
 - c. Develop and administer a remedial program to include the appropriate remedial/corrective actions, if necessary;
 - d. Continue to monitor the subject employee for three (3) months, or until the supervisor concludes that the employee's behavior has been remedied, if remedy was warranted;
 - e. Document and report findings to the Internal Affairs Unit.

V. REMEDIAL/CORRECTIVE INTERVENTION

- A. The 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. Professional counseling.
- 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 Guardian Tracking® Software. 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 Guardian Tracking® Software. These reports have the same confidential status as Internal Affairs documents and are subject to the same disclosure and retention regulations and guidelines.
- E. 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.

VI. NOTIFICATION TO SUBSEQUENT LAW ENFORCEMENT EMPLOYER

- A. If any officer who is or has been subject to an Early Warning System review process with this agency applies to or accepts employment at another law enforcement agency, this agency shall notify the subsequent employing law enforcement agency of the officer's Early Warning System review process history and outcomes. Upon request, this agency shall share the officer's Early Warning System review process files with the new agency.

VII. NOTIFICATION TO COUNTY PROSECUTOR

- A. Upon initiation of the Early Warning System review process, the Chief of Police or a designee shall make a confidential written notification to the Sergeant of the Morris County Prosecutor's Office Professional Standards Unit. The notice shall include the following;
 - 1. Identity of the subject officer;
 - 2. Nature of the triggering performance indicators: and
 - 3. Planned remedial program.
- B. Upon completion of the Early Warning System review process, the Chief of Police or designee shall make a confidential written notification to the Morris County Prosecutor or his/her designee of the outcome of the Early Warning System review and any remedial measures taken on behalf of the subject officer.

VIII. 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 pursuant to this SOP that identify specific officers are confidential and are not subject to public disclosure.