



<b>NEW JERSEY INSTITUTE OF TECHNOLOGY DEPARTMENT OF PUBLIC SAFETY STANDARD OPERATING PROCEDURES</b>		
<b>SUBJECT: PERSONNEL EARLY WARNING SYSTEM</b>		
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ACCREDITATION STANDARDS: 2.2.3	BY THE ORDER OF:  Chief of Police Joseph Marswillo	

**PURPOSE:** The purpose of this written directive is to establish a Personnel Early Warning System designed to detect patterns and trends that can identify personnel problems before conduct escalates into more serious infractions.

**POLICY:** It is the policy of this department to maintain a Personnel Early Warning System to provide systematic reviews of specific events involving all agency employees. This system is necessary for the Department to exercise its responsibility to evaluate, identify, and assist employees who exhibit signs of performance or stress related problems. The Personnel Early Warning System is one method by which employees may be identified as possibly needing assistance with performance or stress related problems. The policy is intended to serve as a systematic approach to highlight tendencies that might otherwise be overlooked. This written directive is in accordance with the New Jersey Attorney General’s Law Enforcement Directive No. 2018-3.

## PROCEDURE:

### I. DEFINITION

- A. Early Warning System: A system designed to detect personnel 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 and supervisory intervention strategies before negative discipline become necessary.

### II. EARLY WARNING SYSTEM

- A. All levels of supervision, especially first line supervisors, are expected to recognize potentially troublesome actions, 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 deficient performance or improper conduct.
- B. Many different measures of employee conduct and performance shall be regularly examined for patterns or practices that may indicate potential problems. The Internal Affairs unit shall utilize Guardian Tracking® Software to identify potential problems or patterns. These performance measures include, but are not limited to the following documented indicators:
1. Internal affairs complaints against an employee, whether initiated by another employee or by a member of the public;
  2. Civil actions filed against the officer;
  3. Criminal investigations of or criminal complaints against an employee;
  4. 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. Domestic violence investigations in which the employee is an alleged subject;
  6. An arrest of the employee, including on a driving under the influence charge;
  7. Sexual harassment claims against an employee;
  8. Vehicular collisions involving the officer that are formally determined to have been the fault of the officer;
  9. A positive drug test by the 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 officer;

13. Neglect of duty by the officer;
  14. Unexcused absences by the employee;
  15. Vehicular pursuits;
  16. Motor vehicle or pedestrian stop data indicative of bias - based policing;
  17. Claims of duty-related injury;
  18. Arrests for resisting arrest;
  19. Arrests for assault on a law enforcement officer;
  20. Arrests on questionable legal basis;
  21. Suspects injured during arrests;
  22. Ongoing or sudden poor performance;
  23. Unusual Behavior or noticeable change in appearance or hygiene.
- 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 process.
- D. 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.
- E. If a review is initiated, a case-by-case assessment of the employee's Internal Affairs file and all other pertinent records shall be conducted by the Internal Affairs Unit. Upon confirmation by the Internal Affairs Commander that one of the above conditions has been substantiated, the Internal Affairs Commander and the Operations Commander shall consult to determine the appropriate remedial action.

### **III. ADMINISTRATION OF EARLY WARNING SYSTEM**

- A. The Early Warning System is primarily the responsibility of the Internal Affairs Commander. However, all supervisors must pay particular attention to, and shall document any incident of inappropriate conduct and forward the information through the chain of command to the Internal Affairs Commander.
- B. The Internal Affairs Commander shall review an individual employee's history any time a new internal affairs complaint is made. Using this information, employees who may need counseling, training or other remedial action may be identified even before such is indicated by the Early Warning System's ongoing data review.
- C. 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.

1. 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.
- D. 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 Operations Commander.
- E. The employee's supervisor, Internal Affairs, and Operations Commander 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.
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 supervisor after consultation with Internal Affairs 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 Operations Commander to determine the appropriate course of remedial/corrective intervention.
- F. 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.
- G. If the review reveals indicators other than violations of departmental directives that may be indicative of psychological or emotional influences, the Internal Affairs and Operations Commander shall consult as to whether or not referral to and Employee Assistance program or other university or outside counseling is appropriate.

#### **IV. SUPERVISORS**

- 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 their commander. 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, 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.

C. Guardian Tracking® Software

1. 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.
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 employees under their chain of command.
4. 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. Supervisors within the chain of command will, by default, have access to this newly created documentation.
  - 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, 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.

V. OPERATIONS COMMANDERS

- A. The Operations Commanders shall periodically review an individual employee's history. Using this information and his/her experience, the Operations Commander may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the Guardian Tracking® Software.
- B. When under Early Warning System monitoring, the Operations Commander and the employee's immediate supervisor(s) shall meet with the employee 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.

- e. The meeting shall be thoroughly documented and forwarded to the Chief of Police through the chain of command. The affected employee and immediate supervisor shall meet on a regular basis, minimally monthly, to discuss progress towards the agreed upon goals and objectives.
- C. Any statement made by the subject employee in connection with the Early Warning System review process may not be used against the subject employee in any disciplinary or other proceeding.
- D. Employee Meeting
  - 1. 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.
  - 2. All regular monthly progress/status reports shall be submitted via the Guardian Tracking® Software.
  - 3. 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.
- E. 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).

## **VI. REMEDIAL/CORRECTIVE INTERVENTION**

- A. 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. Referral to the Employee Assistance Program (EAP), when warranted, if available;
  - 7. Peer counseling.
    - a. Peer counseling is experience, emotional, social or practical support provided by a supervisor to an employee. It can take a number of forms such as peer mentoring, listening, or 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 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.

## **VII. PROGRAM REVIEW AND EVALUATION**

- A. The Chief of Police shall cause an annual evaluation of the early warning system to assess its effectiveness. The Internal Affairs unit shall prepare a written report by February 1st of the prevailing year noting the previous year's participants and outcomes. Modifications to this process should be implemented at the earliest opportunity.

## **VIII. NOTIFICATION TO SUBSEQUENT LAW ENFORCEMENT EMPLOYER**

- A. 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.

## **IX. 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 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 Chief of Police 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.

## **X. 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 website.