

Lavallette Police Department STANDING OPERATING PROCEDURE	Number	Effective Date
	1-26	January 19, 2019
Reference: N.J.S.A.C.O.P. Accreditation Standard 2.2.3 Attorney General's Directive 2018-3	Subject: Early Warning System	
	O.P.I Number	Rescinds
		1/18/19

Issuing Authority: Chief Colin M. Grant

SUBJECT: Early Warning System

PURPOSE: The purpose of this Standard Operating Procedure is to establish a policy and the procedures for administering a personnel early warning system.

POLICY: It is the policy of the Lavallette Police Department to implement and utilize an early warning system for tracking and reviewing the incidents of risk and provide timely intervention consistent with the New Jersey Attorney General's Law Enforcement Directive No. 2018-3.

PROCEDURES:

1. General

- 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. These performance measures may include, but are not

limited to, the following documented indicators as per the Attorney General Guidelines:

1. Internal complaints, whether initiated by another employee, whether initiated by another employee or by a member of the public and regardless of the outcome;
2. Civil actions filed against the officer, regardless of the outcome;
3. Criminal investigations or complaints made 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. All domestic violence incidents (regardless of whether or not a complaint or TRO/FRO was issued);
7. An arrest of an employee, including on a driving under the influence charge;
8. Sexual harassment claims against an employee;
9. Vehicular collisions involving an officer that are formally determined to have been the fault of the officer;
10. A positive drug test by an officer;
11. Cases or arrests by the officer that are rejected or dismissed by a court;
12. Cases in which evidence obtained by an officer is suppressed by a court;
13. Insubordination by the officer;
14. Neglect of duty by the officer;
15. Vehicular pursuits;
16. Off-duty conduct with Law Enforcement Agencies as a result of personal conduct
17. Unexpected absences or sick time abuse; and
18. Any other indicators, as determined by the agency's chief executive.

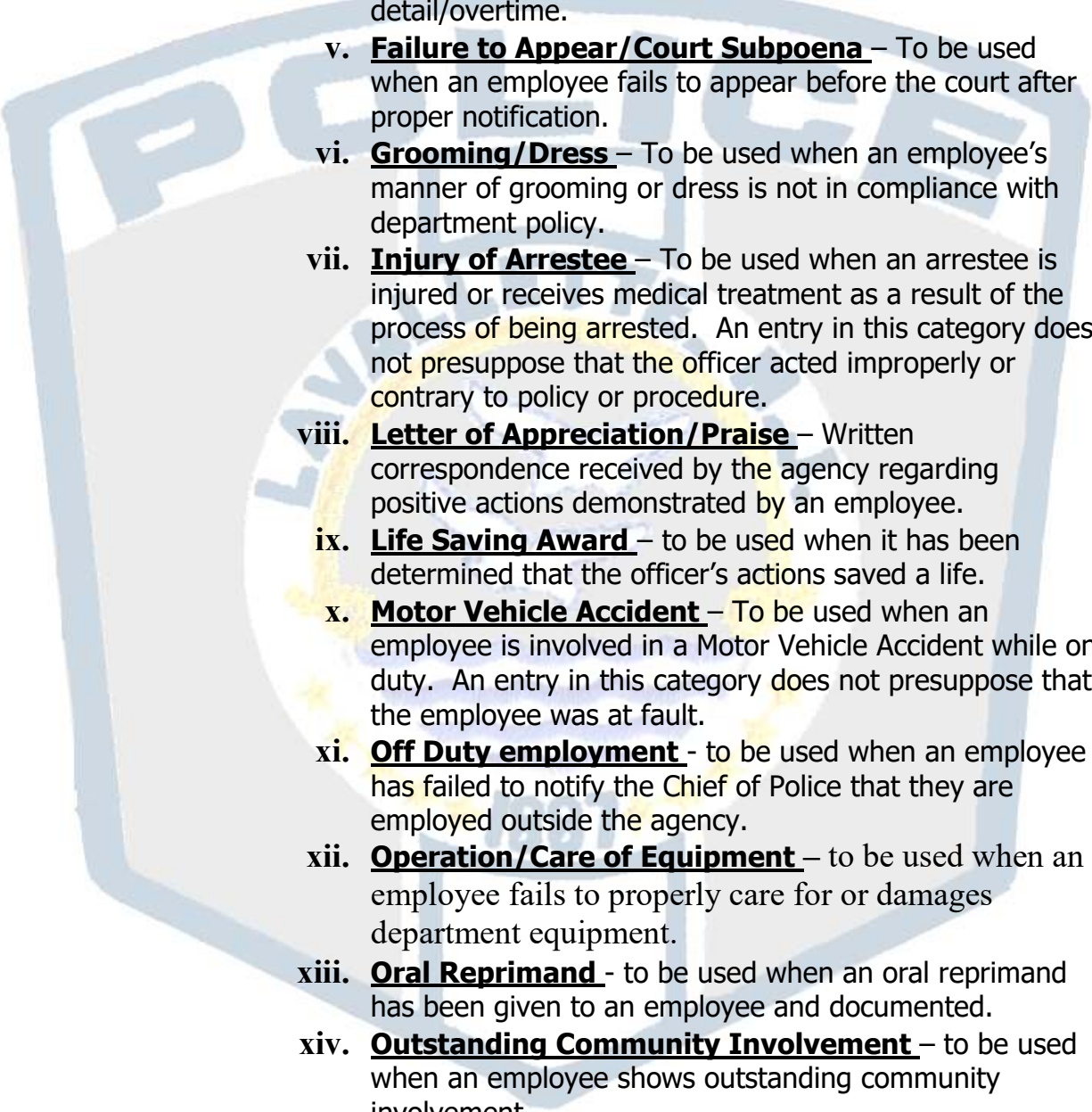
D. Generally, three (3) instances of questionable conduct or performance indicators (as listed in Section C, above) within a 12-month period would initiate the early warning system process.

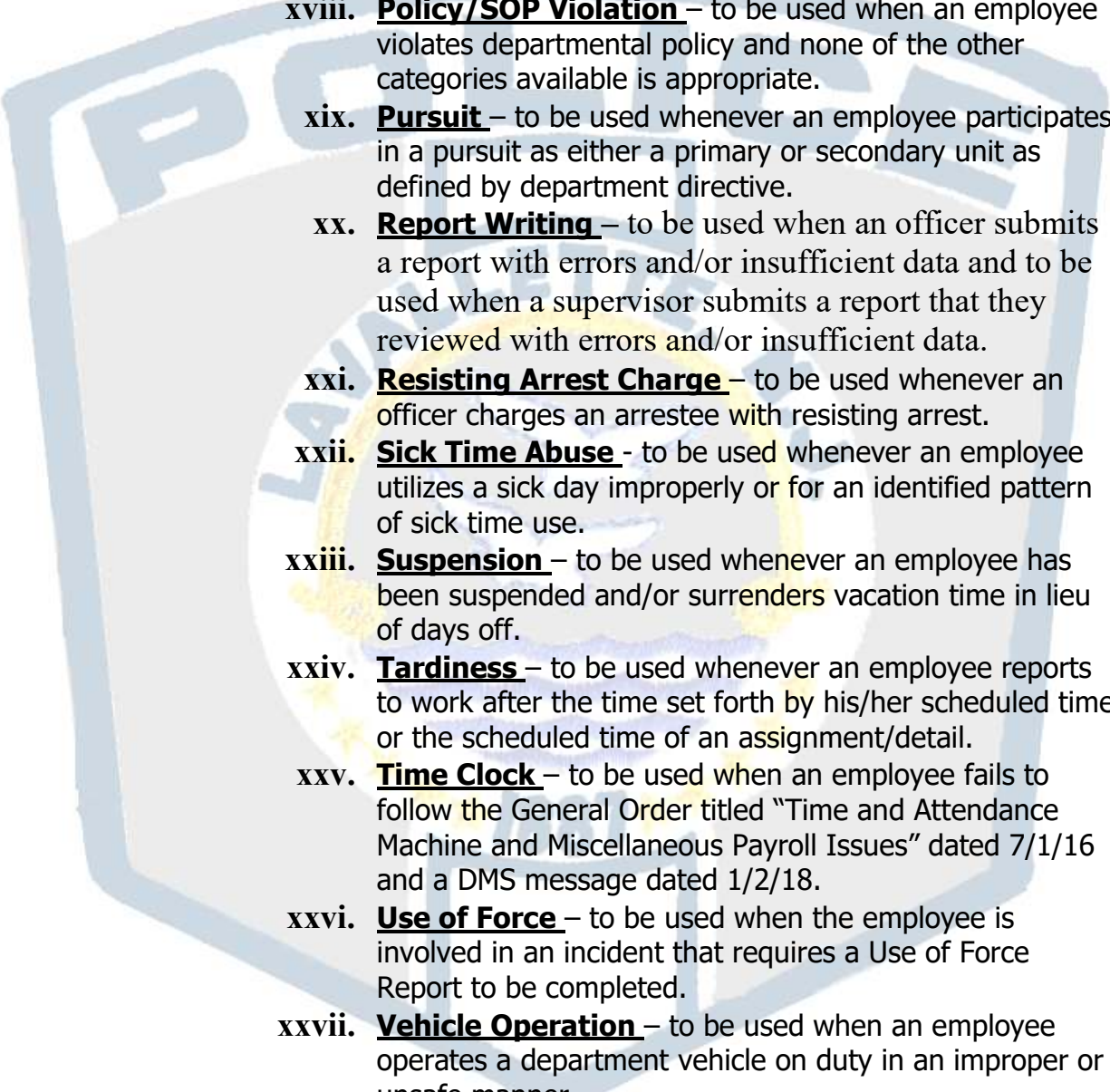
E. If one (1) incident triggers multiple performance indicators, that incident shall not be double or triple counted, but instead shall count as only one (1) performance indicator.

- F. The early warning system is primarily the responsibility of the Chief of Police; but any supervisor can initiate the early warning process based upon his/her own observations.
- G. 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 1st of the prevailing year noting the previous year's participants and outcomes. Modifications to this process should be implemented at the earliest opportunity.

2. Guardian Tracking Software

- a. This department will utilize Guardian Tracking software in order to manage, track, and trigger alerts with respect to this Personnel Early Warning System.
 - i. 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 this department's Internal Affairs Policy SOP.
- b. Supervisors of all ranks and "acting" supervisors 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 SOP will be subject to disciplinary action.
- d. The following shall serve as a guide to the incident categories contained within Guardian Tracking:
 - i. **Absence Without Leave** – To be used when an employee fails to show for an assignment/detail that they were assigned/scheduled for.
 - ii. **Application of Leadership Skills** – To be used when an employee demonstrates or exhibits commendable actions that indicate his/her knowledge of job responsibilities.

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- iii. **Conduct Demeanor** – To be used when an employee exhibits, or is alleged to have exhibited, behavior that constitutes poor demeanor or attitude.
 - iv. **Detail Call Off** – To be used when an employee calls off from a detail that he/she was originally scheduled for causing another employee to miss out on that detail/overtime.
 - v. **Failure to Appear/Court Subpoena** – To be used when an employee fails to appear before the court after proper notification.
 - vi. **Grooming/Dress** – To be used when an employee's manner of grooming or dress is not in compliance with department policy.
 - vii. **Injury of Arrestee** – To be used when an arrestee is injured or receives medical treatment as a result of the process of being arrested. An entry in this category does not presuppose that the officer acted improperly or contrary to policy or procedure.
 - viii. **Letter of Appreciation/Praise** – Written correspondence received by the agency regarding positive actions demonstrated by an employee.
 - ix. **Life Saving Award** – to be used when it has been determined that the officer's actions saved a life.
 - x. **Motor Vehicle Accident** – To be used when an employee is involved in a Motor Vehicle Accident while on duty. An entry in this category does not presuppose that the employee was at fault.
 - xi. **Off Duty employment** - to be used when an employee has failed to notify the Chief of Police that they are employed outside the agency.
 - xii. **Operation/Care of Equipment** – to be used when an employee fails to properly care for or damages department equipment.
 - xiii. **Oral Reprimand** - to be used when an oral reprimand has been given to an employee and documented.
 - xiv. **Outstanding Community Involvement** – to be used when an employee shows outstanding community involvement.
 - xv. **Performance Notice-Positive/Peer** – To be used when an employee's behavior exceeds the expectations and standards set forth by this agency.

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- xvi. **Performance Notice- Positive/ Supervisor** – to be used when an employee’s behavior exceeds the expectations and standards set forth by this agency.
 - xvii. **Performance Deficiency** – to be used when an employee’s performance is sub-standard or not keeping with the standards set forth by this agency.
 - xviii. **Policy/SOP Violation** – to be used when an employee violates departmental policy and none of the other categories available is appropriate.
 - xix. **Pursuit** – to be used whenever an employee participates in a pursuit as either a primary or secondary unit as defined by department directive.
 - xx. **Report Writing** – to be used when an officer submits a report with errors and/or insufficient data and to be used when a supervisor submits a report that they reviewed with errors and/or insufficient data.
 - xxi. **Resisting Arrest Charge** – to be used whenever an officer charges an arrestee with resisting arrest.
 - xxii. **Sick Time Abuse** - to be used whenever an employee utilizes a sick day improperly or for an identified pattern of sick time use.
 - xxiii. **Suspension** – to be used whenever an employee has been suspended and/or surrenders vacation time in lieu of days off.
 - xxiv. **Tardiness** – to be used whenever an employee reports to work after the time set forth by his/her scheduled time or the scheduled time of an assignment/detail.
 - xxv. **Time Clock** – to be used when an employee fails to follow the General Order titled “Time and Attendance Machine and Miscellaneous Payroll Issues” dated 7/1/16 and a DMS message dated 1/2/18.
 - xxvi. **Use of Force** – to be used when the employee is involved in an incident that requires a Use of Force Report to be completed.
 - xxvii. **Vehicle Operation** – to be used when an employee operates a department vehicle on duty in an improper or unsafe manner.
 - xxviii. **Withdraw from assignment** –to be used whenever an employee withdraws from an assignment.
 - xxix. **Work Related Accident/Injury** – to be used whenever an employee is injured while on duty regardless of circumstances.

xxx. **Written Counseling** – to be used when an employee has been given a written counseling notification.

xxxi. **Written Reprimand** – to be used when an employee has been given a written reprimand.

3. Remedial Action

- a. If the early warning system reveals a potential problem through the presence of a flag in the Guardian Tracking System software, or as identified by a supervisor, the Chief of Police or his designee will gather all relevant information from the system. A separate incident will be generated in the Guardian Tracking System software using the appropriate Early Warning Intervention Incident category.
- b. The Chief of Police will cause a review of the data provided, along with more detailed information from departmental records. If this review indicates that the early warning system flag 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.
- c. If the review reveals that an employee has violated department SOP's, the Chief of Police may proceed with an internal investigation, if warranted. 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 Intervention category.
- d. Remedial intervention may include, but is not limited to:
 - i. Training;
 - ii. Retraining;
 - iii. Counseling;
 - iv. Intensive supervision;
 - v. Fitness for duty examination;
 - vi. Peer counseling.
- e. Internal disciplinary action, remedial action, and fitness for duty examinations are not mutually exclusive and should be jointly pursued if and when appropriate.
- f. 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 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.

- g. The Chief of Police shall cause a review of any individual employee's history anytime a new complaint 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.
- h. Generally, four (4) instances of questionable conduct or flag indicators within the same six (6) month period would initiate the early warning system process. Generally, three (3) use of force incidents within the same six (6) month period would initiate the early warning system process. Generally, two (2) vehicle pursuit incidents within the same six (6) month period would initiate the early warning system process.
- i. Generally, personnel should expect to remain under intensive monitoring and supervision for six (6) months.
- j. When under early warning system monitoring, the employee's direct supervisor shall meet with the employee to discuss the situation in depth to:
 - i. Identify problems or potential problems;
 - ii. Determine short and long term goals for improvement;
 - iii. Come to a consensus commitment on a plan for long term improved performance;
 - iv. Advise of the monitoring process and the repercussions of future sustained transgressions.
- k. 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, minimally monthly, to discuss progress towards the agreed upon goals and objectives.
- l. All regularly monthly progress/status reports shall be submitted via the Guardian Tracking software.
- m. 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.
- n. 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 and retention regulations and guidelines.

4. Notification to Subsequent Law Enforcement Employer

- a. 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 EW System process, it is the responsibility of the prior or current employing 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.

5. Notification to the County Prosecutor

- a. Upon initiation of the EW 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/training. Upon completion of the EW 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 EW System review, including any remedial measures taken on behalf of the subject officer.

6. Annual Report to the Attorney General

- a. By January 31st of each year, each County Prosecutor shall submit a report to the Attorney General, through the division of Criminal Justice's Prosecutors' Supervision and Training Bureau. This summary shall include a statement indicating those agencies under the County Prosecutor's supervision that are in compliance with this directive and those that are not.

7. Public Accessibility and Confidentiality

- a. All EW System policies adopted by law enforcement agencies shall be made available to the public upon request and shall be posted on the agency's website. Annual reports from the County Prosecutors to the Attorney General also 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 not subject to public disclosure.

