

# MOUNTAIN LAKES POLICE DEPARTMENT

## POLICY AND PROCEDURES



**SUBJECT: EARLY WARNING SYSTEM**

**EFFECTIVE DATE: 7/28/20**

**# OF PAGES: 7**

**ACCREDITATION STANDARDS:  
2.2.3**

**BY THE ORDER OF:**

**Chief Shawn Bennett**

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

**POLICY:** It is the policy of the Mountain Lakes Police Department to implement and utilize Guardian Tracking® Software as a personnel performance management and early warning system for maintaining, retrieving, and analyzing information regarding the performance of employees. The system will identify, reward, and promote professionalism, civil rights, integrity, best practices, as well as identify, intervene, and remediate potentially problematic behavior allowing for timely intervention consistent with the risk management procedures promulgated by the New Jersey State Attorney in its Internal Affairs Policies and Procedures. This written directive is in accordance with the New Jersey Attorney General's Law Enforcement Directive No. 2018-3.

## PROCEDURE:

### I. GUARDIAN TRACKING® SOFTWARE

- A. Guardian Tracking® Software allows supervisors the ability to document routine performance in one centralized location during the course of an evaluation period. This includes both positive and negative performance. As incidents are entered, Guardian Tracking® Software will monitor the frequency of specific incidents to determine if early intervention is warranted.
  - 1. Each entry shall include a narrative explaining the reason why the incident is being documented, any related investigative report numbers, and any findings if available.
  - 2. Certain incidents such as pursuits and use of force require additional review, which includes detail fields to be entered in the Guardian Tracking category incident entry.
  - 3. All fields must be completed in order for the entry to be accepted by Guardian Tracking.
- B. Supervisors will not document routine performance in any other format. All performance documentation will be entered into the Guardian Tracking® Software.
- C. Supervisors will have access to make entries and view all employees under their chain of command, with the exception to those areas identified in section three of this written directive.
- D. 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.
  - 1. 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.
- E. 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.
- F. Supervisors will log into the Guardian Tracking® Software **daily** for notification of any new or updated entries pertaining to themselves, or anyone under their command.
- G. Supervisors should always be looking to recognize and document positive performance. It is important that poor performance be documented but it is equally important that positive performance be documented. It is expected that professionalism of the employees in the department will result in mostly positive documentation.

#### H. Personnel Use of the Guardian Tracking® Software

1. All personnel will log into the program and review any recently created or updated incidents at least once during their tour of duty.
2. Employees will have the ability to reports specific incidents including peer commendations and special reports.
3. All documentation stored in the Guardian Tracking® Software will only be viewed by the affected officer/employee, direct supervisor, command staff and the Chief of Police.
4. All department personnel will ensure that all documentation within the Guardian Tracking® Software remains confidential.

## II. 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. 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 shall 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.
- 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.

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

- A. The early warning system 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, practice or trend of inappropriate behavior or misconduct.
- C. If the Guardian Tracking® Software 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 and/or Patrol Commander.
- D. The internal affairs supervisor and the employee's supervisor and/or Patrol Commander 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 may have engaged in misconduct in violation of the department rules and regulations or written directives, an internal investigation will be initiated.
  3. If the Guardian Tracking® Software reveals that the employee has engaged in conduct, which indicates a performance deficiency or lack of understanding or inability to comply with accepted procedures, the

supervisor shall consult with the Internal Affairs Unit Supervisor 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.

#### **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 the Chief of Police and if warranted, the internal affairs supervisor. 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 unit 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.
- C. If the remedial/corrective intervention was training, documentation shall be filed in accordance with the department's written directive governing training (remedial training).
- D. Supervisors shall forward all documentation as required by department written directives established to assist in a comprehensive audit. This data shall minimally include: use of force reports, vehicle pursuit reports, and attendance records.

#### **V. INTERNAL AFFAIRS SUPERVISOR**

- A. In addition to the regular data audits conducted by internal affairs, the Internal Affairs Supervisor shall periodically audit an individual employee's history. Using this information and their experience, the Internal Affairs Supervisor may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the early warning system data audit.
- B. When under early warning system monitoring, the Internal Affairs Supervisor and 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.

- C. 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).
- D. Supervisor/Employee Meeting
  - 1. All supervisor/employee meetings shall be thoroughly documented, which will be forwarded to the Chief of Police or his designee. The affected employee and supervisor 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 to the Chief of Police or his/her designee through the chain of command.
  - 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. 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. 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. Employee Assistance Program, when warranted, if available;
  - 7. Peer 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.

- D. All documentation in the Guardian Tracking® Software will be retained in accordance with the New Jersey Administrative Code and applicable retention schedule.

## **VII. 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.

## **VIII. 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 identify 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.
- B. On January 5th of the calendar year, the Chief of Police or a designee shall report, in writing, to the Morris County Prosecutor the total number of Early Warning reviews that were undertaken for the previous year.

## **IX. 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. However, all written reports created or submitted that identify specific officers are confidential and are not subject to public disclosure.