

	<h1>Standard Operating Procedure</h1>		<b>Volume:</b> 2	<b>Chapter:</b> 24
			<b>Title:</b> Early Warning System	<b>Pages:</b> 6
<b>Issuing Authority:</b> Steven R. Peters #201 Chief of Police		<b>References:</b> NJ Attorney General Guidelines MCPO Early Warning System Policy		
<b>Distribution:</b> <i>All Personnel</i>		<b>Revised New</b>	<b>Page</b>	<b>Section</b>
Accreditation Section Performance Evaluation		<b>02/26/18</b>	<b>4</b>	<b>2.24-5A, a,b</b>
Accreditation Standard 2.2.3				

**PURPOSE:** To provide guidelines for administering an Early Warning System to identify employees who may require proactive intervention efforts.

**PROCEDURE:** It is the policy of the Township of Ocean Police Department to implement and utilize an early warning system for tracking and reviewing the incidents or risk and provide timely intervention consistent with Attorney General Guidelines.

**2.24-1 General**

- A. An early warning system is designed to detect patterns and trends of conduct before it 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. Use of Force Reports
  - 2. Firearms Discharges
  - 3. Vehicle Pursuits
  - 4. Vehicle Crashes On Duty
  - 5. Search / Frisk Reports Including Demographic Data
  - 6. Citizen Complaints
  - 7. Internal Complaints, Regardless of Outcome;
  - 8. Scheduled or Unscheduled Sick Time Usage

Standard  
2.2.3a  
2.2.3b

9. Vehicle Stop Demographic Data;
10. Search and Seizure Demographic Data;
11. Arrests for Resisting Arrest
12. Arrests for Assault on a Law Enforcement Officer
13. Civil Actions Filed, Regardless of Outcome;
14. Claims of Duty Related Injury
15. Criminal Investigations or Complaints Made Against The Employee;
16. Incidents of Arrested Persons Injured;
17. Cases Rejected or Dismissed by the Prosecutor;
18. Evidence Suppressed By The Court.
19. Proactive Enforcement Deficiencies

\* Citizen or internal complaints that are determined to be “proper conduct” or “unfounded” shall be not counted as indicators.

Standard  
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2.2.3c

- D. The early warning system is the responsibility of the Commander of the Office of Professional Responsibility; but, any supervisor can initiate the early warning process based upon his/her own observations.
- E. The Commander of the Office of Professional responsibility shall cause an annual evaluation of the early warning system to assess its effectiveness and report that to the Chief of Police. The written report shall be presented to the Chief of Police by February 1<sup>st</sup> of the prevailing year noting the previous year’s participants and outcomes. Modifications to this process should be implemented at the earliest opportunity.

**2.24-2 Tracking Software**

- A. This department will utilize three software products in order to manage, and track, and trigger alerts with respect to the Early Warning System.
  1. Guardian Tracking<sup>®</sup> is an employee performance and behavioral monitoring documentation which contains an Early Warning System.
  2. Nat Geo 3.0<sup>®</sup> Police Demographic Data system. This system is used to monitor the demographic data of motor vehicle stops and field contact stops and search data.
  3. IA Pro<sup>®</sup> used by members of the Office of Professional Responsibility, to track internal and external complaints, investigations, use of force, firearms discharges, vehicle pursuits, and police involved, vehicle crashes.

**2.24-3 Early Warning System Activation**

- A. If the early warning system reveals a potential problem through the presence of a flag in the Guardian Tracking<sup>®</sup> software, or IA Pro<sup>®</sup> software as identified by a supervisor, the Commander of the Office of Professional Responsibility, or designee will gather all relevant information from the system(s). A separate incident will be generated in the Guardian Tracking<sup>®</sup> software using the appropriate Early Warning Intervention Incident category.
- B. The Commander of the Office of Professional Responsibility will cause a review of the data provided, along with more detailed information available from department records. If this review indicates that the early warning system flag is unwarranted, the Commander or his designee will document this result in writing. The incident narrative

placed in the Guardian Tracking<sup>®</sup> software or IA Pro<sup>®</sup> may serve as adequate documentation.

- C. If the review reveals that an employee has violated department rules, regulations or standard operating procedures, the Commander of the Office of Professional Responsibility 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 Commander shall determine the appropriate course of remedial action. All action taken will be documented in the Guardian Tracking<sup>®</sup> software under the previously created Early Warning Intervention Incident category.

#### **2.24-4 Remedial Action**

- A. Remedial intervention may include, but is not limited to:
  - 1. Training
  - 2. Retraining
  - 3. Counseling
  - 4. Intensive supervision and monitoring
  - 5. Peer counseling
  - 6. Employee Assistance Program
  - 7. Fitness for duty examination
- B. Internal disciplinary action, remedial action, and fitness for duty examinations are not mutually exclusive and should be jointly pursued if and when appropriate.
- C. 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.
- D. 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.
- E. Generally, three (3) instances of questionable conduct or flag indicators within the same three (3) 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. Generally, four (4) instances of tardiness within the same six (6) month period would initiate the early warning system process. Generally, three (3) instances of an on-duty motor vehicle crash in a one (1) year period would initiate the early warning system process.
- F. When under early warning system monitoring, the employee's direct 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

Standard  
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4. Advise of the monitoring process and the repercussions of future sustained transgressions
- H. All employee-supervisor meetings shall be thoroughly documented in the Guardian Tracking® software, which will automatically be forwarded through the chain of command 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.
1. All regular monthly progress/status reports shall be submitted via the Guardian Tracking® software.
  2. An additional six (6) months of documented monitoring is required following removal from early warning system. Monthly reports from the direct supervisor are required.
- I. All reports shall be forwarded to the Chief of Police through the Guardian Tracking® software for review. These reports will remain confidential and will be limited to supervisory level review.

## 2.24-5

### **Monmouth County Prosecutor's Office and Department Notifications**

- A. Domestic Violence Protocol / Police Contact Protocol
- For all incidents where it is alleged that a law enforcement officer committed an act of domestic violence or was the victim of domestic violence, regardless of whether or not complaints and/or a temporary or final restraining order has been issued, the Chief of Police/CEO or his/her designee shall promptly notify the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit by emailing [mcpopru@mcponj.org](mailto:mcpopru@mcponj.org).
- a. Police Officers from this agency shall identify themselves as law enforcement officer to responding officers when their off-duty conduct results in a police call regardless of whether or not complaints and/or a temporary or final restraining order has been issued.
  - b. The involved off-duty police officer shall also be required to self-report the incident to this agency. Said identification will ensure that the responding police department may notify the involved officer's agency of said police call. Notification is not required when the police involvement consists of minor traffic infractions where no injury was sustained by any party. A police officers failure to make such notification may result in departmental discipline in accordance with departmental policy and procedures.
- B. Notification shall include the following information:
1. Agency name
  2. Officers' name
  3. Victim's name, if other than officer
  4. Reported date/time
  5. Date of incident, if other than reported date/time
  6. Incident location, including municipality
  7. Assigned case number
  8. Nature of incident

9. Injuries sustained by victim
  - 10) Witness names
  10. Criminal complaint and/or TRO/FRO issued
  11. Assigned personnel, e.g., (local law enforcement officer, internal affairs officer)
  12. Copies of all police reports and relevant paperwork, e.g., (complaint, TRO, VNF, etc.)
- C. All emergent matters shall be reported directly to the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit by calling 732-577-8700.
- D. All Monmouth County law enforcement agencies are required to provide to the Monmouth County Prosecutor's Office Professional responsibility and Bias Crimes Unit a listing of any and all calls where it is alleged that a law enforcement officer committed an act of domestic violence or was the victim of domestic violence, regardless of whether or not complaints and/or a temporary or final restraining order has been issued to include, but not limited to:
1. All incidents that occurred within their jurisdiction in the last three (3) years
  2. All out of county and/or state notifications of domestic violence calls involving law enforcement officers
  3. Verification that if an officer from another county, state or out of state agency was involved that notification has been made to the involved officer's employing agency.
- E. All domestic violence incidents (regardless of whether or not a complaint or TRO/FRO was issued) shall be included in the local law enforcement agency's early warning system as one of the documented indicators.
- F. It is the continuing responsibility of the Professional Responsibility and Bias Crimes Unit to open a file, review the incident, and investigate the matter further, if necessary.

#### **2.24-6 Fitness-for-Duty Protocol**

- A. The Chief of Police/CEO or his/her designee shall make notification to the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crimes Unit by emailing [mcpopru@mcponi.org](mailto:mcpopru@mcponi.org) to include, but not limited to the following:
1. Any time an officer is sent for a fitness for duty evaluation regardless of the reason for the evaluation
  2. Any time an officer is disarmed, regardless of the reason for the disarming
  3. Any time the early warning system results in the law enforcement officer being counseled, disciplined, sent for a fitness for duty evaluation, or disarmed
  4. Any time the early warning system indicates the officer has received three (3) citizen complaints within a six (6) month period, regardless of the reason.
- B. All emergent matters shall be reported directly to the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit by calling 732-577-8700.
- C. When a law enforcement officer has been disarmed, regardless of the reason and prior to a local law enforcement agency rearming the officer, the Monmouth County Prosecutor's Office must be provided with a copy of the corresponding fitness-for-duty report and a written plan regarding the rearming of the officer. This written plan should include whether or not the rearming will be conditional or unconditional. If it is a conditional rearming, the agency must notify the Monmouth County Prosecutor's Office of all the terms of the conditional rearming, and the duration of the conditional rearming.

- D. In addition, whenever a local law enforcement agency sends any officer for a fitness-for-duty evaluation, the Chief of Police/CEO or his/her designee is also required to submit to the physician, psychiatrist or psychologist an itemized list of the documents it forwarded to him/her along with the documents it submitted. A copy of this itemized list must be maintained in the agency's internal affairs file and made available to the Monmouth County Prosecutor's Office upon request.
- E. It is the continuing responsibility of the Professional Responsibility and Bias Crimes Unit to open a file, review the incident, and investigate the matter further, if necessary.

**2.24-7 ANNUAL REVIEW**

- A. All Monmouth County law enforcement agencies are required to review its early warning system on an annual basis during the month of January. The Chief of Police/CEO or his/her designee shall provide a letter to the Monmouth County Prosecutor's Office documenting proof of such review.

The review shall include, but not be limited, to the following:

1. Number of audits conducted
2. Number of employee's flagged
3. Number of instances where remedial/corrective action was taken
4. Number of internal affairs cases opened as result of early warning system
5. Changes in number of internal affairs complaints with reference to flagged indicators and whether they have increased/decreased
6. Number of notifications made to the Monmouth County Prosecutor's Office