

<b>CHATHAM TOWNSHIP POLICE DEPARTMENT STANDARD OPERATING PROCEDURES</b>			
<b>VOLUME: 2</b>	<b>CHAPTER: 16</b>	<b># OF PAGES: 6</b>	
<b>SUBJECT: EARLY WARNING SYSTEM</b>			
<b>BY THE ORDER OF:</b> Chief of Police Steven E. Hennelly		<b>ACCREDITATION STANDARDS:</b> 2.2.3	
<b>Effective Date:</b> 12/4/15		<b>SUPERSEDES ORDER #:</b>	
<b>REVISION DATE</b>	<b>SECTION</b>	<b>REVISION DATE</b>	<b>SECTION</b>
5/16/2018	I.B, V.A,V.E, VI, VII, VIII		

**PURPOSE:** The purpose of this written directive is to establish 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 Attorney General Guidelines ([Directive 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.
- 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 include, but are not limited to, the following documented indicators:
  - 1. Internal Affairs complaints against the officer, whether initiated by another officer or by a member of the public;
  - 2. Criminal investigations of or criminal complaints against the officer;
  - 3. Civil actions filed against the officer, regardless of outcome;

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 officer is an alleged subject;
  6. An arrest of the officer, including on a driving under the influence charge;
  7. Sexual Harassment claims against the officer;
  8. Criminal investigations or complaints made against the employee;
  9. Vehicular collisions that are formally determined to be the fault of the officer;
  10. A positive drug test by the officer;
  11. Cases rejected or dismissed by the court;
  12. Evidence suppressed by the court;
  13. Neglect of duty by the officer
  14. Sick time issues.
- C. Generally, three (3) instances of questionable conduct or flag indicators within the same twelve (12) month period would initiate the early warning system process.

## **II. 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. Internal affairs 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 and/or commander.
- D. The internal affairs supervisor and the employee's supervisor and/or 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 has violated department rules and regulations or written directives, the supervisor, in consultation with 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.

### **III. 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; 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 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 direct chain of command.
  4. Supervisors, who identify deficiencies with personnel outside of their chain of command, 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, 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.

#### **IV. DIVISION COMMANDERS**

- A. In addition to the regular data audits conducted by internal affairs, the division commanders shall periodically audit an individual employee's history. Using this information and their experience, the division 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 employee's division commander 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 six (6) months when an early warning flag is triggered.
- D. Supervisor/Employee Meeting
  - 1. All supervisor/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 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 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.

#### **V. REMEDIAL/CORRECTIVE INTERVENTION**

- A. Once an officer has displayed the requisite number of performance indicators necessary to trigger the Early Warning System, assigned supervisory personnel shall initiate remedial action to address the officer's behavior. Command personnel who oversee the Early Warning System shall do the following:
  - 1. Formally notify the subject officer in writing;
  - 2. Conference with the subject;
  - 3. Develop and administer a remedial program to include the appropriate remedial /corrective actions;

4. Continue to monitor the subject officer for three (3) months, or until the supervisor concludes that the officer's behavior has been remedied;
  5. Document and report findings to the Internal Affairs Unit.
- B. 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.
- C. Internal disciplinary action, remedial/corrective intervention, and fitness for duty examinations are not mutually exclusive and should be jointly pursued if appropriate.
- D. 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.
- E. 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.
- F. Any statement made by the subject officer in connection with the Early Warning System review process may not be used against the subject officer 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 than this agency shall notify the subsequent employing law enforcement agency of the officer's EWS review process history and outcome. Upon request, this agency shall share the Officer's EWS review process files with the new agency.

## **VII. NOTIFICATION TO THE COUNTY PROSECUTOR**

- A. Upon initiation of the EWS Review process, the Chief of Police or his designee

shall make a confidential written notification to the Morris County Prosecutor or their designee. The written notification shall include the following:

1. Identity of the subject officer;
  2. Nature of the triggering performance indicators;
  3. Planned remedial program
- B. Upon completion of the EWS review process, the Chief of Police or his designees shall make a confidential written notification to the Morris County Prosecutor or their designee of the outcome of the EWS review and any remedial measures taken on behalf of the subject officer.

#### **VIII. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY**

- A. All EWS policies adopted by law enforcement agencies 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.