


BEACH HAVEN POLICE DEPARTMENT				
VOLUME: 2	CHAPTER: 14	# OF PAGES: 5		
SUBJECT: Early Warning System				
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BY THE ORDER OF: Chief James Markoski				
SUPERSEDES ORDER #:				

PURPOSE: The purpose of this written directive is to establish a personnel Early Warning System (EWS). An Early Warning System is an important management tool to detect patterns and trends in police conduct before that conduct escalates. An effective Early Warning System can assist a law enforcement agency in identifying and remediating problematic officer conduct that poses a potential risk to the public, to the agency, and to the officer. EW Systems therefore serve to not only increase public safety and public confidence in law enforcement, but also to assist officers through early intervention.

POLICY: It is the policy of this department to utilize Guardian Tracking Software. The software will be used for tracking and reviewing incidents of risk and provide timely intervention consistent with Attorney General Guidelines. This written directive is in accordance with the New Jersey Attorney General's Law Enforcement Directive No. 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 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; and
 - 15. Any other indicators, as determined by the agency's Chief of Police.
- C. Generally, three (3) instances of questionable conduct or flag indicators within a 180-day 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.

II. ADMINISTRATION OF EARLY WARNING SYSTEM

- A. The early warning system is primarily the responsibility of the Internal Affairs; 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 employee's supervisor shall document any instances of inappropriate behavior and misconduct by an employee in Guardian Tracking. If a pattern or trend of

misconduct or improper behavior emerges, the supervisor shall report such conduct in writing to the Internal Affairs Unit.

- C. Internal Affairs shall review the incident in Guardian Tracking.
 - 1. Using this information listed in Guardian Tracking, Internal Affairs may be able to identify employees who may need remedial/corrective intervention.
 - 2. If Internal Affairs notices a pattern, practice or trend of inappropriate behavior or misconduct based on the employee's entries in Guardian Tracking, the Internal Affairs officer 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.
 - 3. If the investigation reveals that an employee has violated department rules and regulations or written directives, Internal Affairs should proceed with an internal investigation and possible disciplinary action.
 - 4. If a review of the information reveals that the employee has engaged in conduct which indicates a lack of understanding or inability to comply with accepted procedures, the Internal Affairs officer shall consult with the Captain or Chief to determine the appropriate course of remedial/corrective intervention.

III. PERFORMANCE EVALUATIONS

- A. Performance evaluations shall be conducted on a semi-annual basis.
- B. Supervisors are responsible for reviewing those officers assigned to their shift.
- C. Supervisors will be evaluated by their subordinates, and the evaluations forwarded to the Captain for review.
- D. The Captain shall complete evaluations for the Detective as well as any other personnel not assigned to a patrol shift, excluding the Chief of Police.
- E. The Chief of Police shall complete a performance evaluation for the Captain.
- F. Performance Evaluations will be used to address any areas in need of improvement.
- G. A copy of the evaluation shall be forwarded to Internal Affairs for review and documentation of any deficiencies.
- H. Evaluations shall be included in the employee's personnel file located in the Chief's office.

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 and document these incidents in Guardian Tracking. 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 in writing.
- C. Supervisors, who identify deficiencies with other personnel outside of their chain of command, will submit the nature of the performance deficiency to that employee's immediate supervisor.
- D. 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, will document such conduct in Guardian Tracking.

V. Responsibility of Internal Affairs

- A. Internal Affairs is responsible for maintaining employee records and personnel files.
- B. The Internal Affairs Unit shall periodically review an individual employee's personnel file and entries in Guardian Tracking. Using this information and his/her experience, the Internal Affairs officer may be able to identify employees who may need remedial/corrective intervention.
- C. When under early warning system monitoring, the Internal Affairs officer shall formally notify the employee in writing, and shall meet with the employee and supervisor 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.
 - 5. 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. Employee Meeting
 - 1. All employee meetings shall be thoroughly documented by Internal Affairs, 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 in writing to Internal Affairs.
 - 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.
 - 4. 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.

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. Professional counseling, 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 written reports created or submitted pursuant to this written directive that identify specific employees are confidential and not subject to public disclosure.

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 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.

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.