

# ELIZABETH POLICE DEPARTMENT GENERAL ORDERS



**VOLUME: 2**

**CHAPTER: 16**

**# OF PAGES: 7**

**SUBJECT: EARLY WARNING SYSTEM**

**EFFECTIVE DATE:**

**February 21, 2024**

**ACCREDITATION STANDARDS:**

**NJSACOP LE - 2.2.3**

**NJSACOP COMM - 2.2.2**

**CALEA (LE1) - 35.1.9**

**BY THE ORDER OF:**

**CHIEF GIACOMO SACCA**

**BY AUTHORITY OF:**

**POLICE DIRECTOR EARL J. GRAVES**

**SUPERSEDES ORDER #:**

**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. This general order 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.
- 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 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 who identify minor performance deficiencies that can be corrected through training may do so and document the corrective actions in the Guardian Tracking® system. All other performance deficiencies must be documented on a IA-14 Internal Affairs Report Form and forwarded to Internal Affairs for investigation.

### 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.
  - 1. There are three processes to the early warning system, and they are:
    - a. Identification Process - The process of identification of an employee who has triggered the requisite number of flags.

- b. Review Process - The process of reviewing the data to determine if monitoring of employee is necessary. Not all reviews necessitate the initiation of the monitoring process.
  - c. Monitoring Process - The process of monitoring behavior based upon the review process warranting further monitoring of the employee.
- 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 may 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 employee;
  - 3. Criminal investigations 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 involved;
  - 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 employee;
  - 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 employee;
  - 13. Neglect of duty by the employee;
  - 14. Unexcused absences by the employee;
  - 15. Any allegation of child abuse/neglect in which the employee is an alleged subject.
  - 16. Any other indicators, as determined by the agency's chief executive.
- 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.

E. Any allegation of domestic violence in which the employee is involved, or any allegation of child abuse/neglect in which the employee is an alleged subject will initiate the early warning system process.

F. Early Warning Review

1. The early warning review process is primarily the responsibility of the Internal Affairs Unit, but any supervisor may initiate the early warning review process based upon his/her own observations. Emphasis should be placed on anticipating employee problems before it results in improper performance or conduct.

2. The Internal Affairs Unit 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.

3. If the Guardian Tracking® Software indicates the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, the Internal Affairs Unit Supervisor shall consult with the employee's supervisor and/or commander.

4. The Internal Affairs Unit Supervisor and the employee's supervisor and/or commander shall review the information provided by the Internal Affairs Unit 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.

a. If the Guardian Tracking® Software has returned an incorrect identification or "false positive," that conclusion should be documented.

b. If the Guardian Tracking® Software reveals that an employee may have engaged in misconduct in violation of the department rules and regulations or general orders, an internal investigation will be initiated.

c. 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.

G. At least every six (6) months, internal affairs personnel shall audit the agency's tracking system and records to assess the accuracy and efficacy of the tracking system.

1. Internal Affairs shall complete a comprehensive evaluation of the "Early Warning System" annually, to evaluate its efficacy and regulatory compliance. Both reports including any findings shall be submitted in writing to the Chief of Police.

H. Supervisors

1. 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 Unit Supervisor. The success of this program relies heavily on the first line supervisor's participation and involvement.
2. If a supervisor has initiated remedial/corrective intervention, Internal Affairs 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.

I. Command Personnel

1. The commander(s) shall periodically review an individual employee's history. Using this information and his/her experience, the commander may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the Guardian Tracking® Software.
2. When under early warning system monitoring, the supervisor shall meet with the employee and to discuss the situation in depth to accomplish the following and thoroughly document the substance of these meetings in the Guardian Tracking System. The supervisor may notify the Internal Affairs officer if warranted.
  - a. Identify problems or potential problems;
  - b. Determine short and long-term goals for improvement;
  - c. Come to a consensus commitment on a plan for long-term improved performance;
  - d. Advise of the monitoring process and the repercussions of future sustained transgressions.
3. 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).
4. Employee Performance Review Meetings
  - a. All employee Performance Review meetings shall be thoroughly documented in the Guardian Tracking® Software, which will automatically be forwarded to the Chief of Police and the Internal Affairs Officer. The affected employee and supervisors shall meet on a regular basis, minimally monthly, to discuss progress towards the agreed upon goals and objectives.
  - b. All regular monthly progress/status reports shall be submitted via the Guardian Tracking® Software.

J. 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.

**K. Remedial/Corrective Intervention**

1. Supervisory or command personnel may initiate remedial/corrective intervention to correct behavior. Remedial/corrective intervention may include, but is not limited to:
  - a. Training;
  - b. Retraining;
  - c. Counseling;
  - d. Intensive supervision;
  - e. Fitness for duty examination;
  - f. Employee Assistance Program, or professional counseling referral, when warranted;
  - g. Peer counseling.
2. Internal disciplinary action, remedial/corrective intervention, and fitness for duty examinations are not mutually exclusive and should be jointly pursued if and when appropriate.

**III. 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.

**IV. 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. 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 County Prosecutor the total number of Early Warning reviews that were undertaken for the previous year.

**V. 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.