

NEW BRUNSWICK POLICE DEPARTMENT POLICY & PROCEDURES



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SUBJECT: EARLY WARNING SYSTEM

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ACCREDITATION STANDARDS: 2.2.3

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PURPOSE The purpose of this policy is to establish procedures for administering a personnel early warning system and to document actions by members of the agency that go above and beyond what is required of them.

POLICY It is the policy of the New Brunswick Police Department to implement and utilize an early warning system for tracking and reviewing the indicators of increased risk and provide timely, non-punitive intervention consistent with best practices. This early warning system will also be utilized to ensure that all positive aspects of a member's action will not go unrecognized. This written directive is in accordance with the New Jersey Attorney General's Law Enforcement Directive No. 2018-3.

PROCEDURES

I. GENERAL

- A. An early warning system is designed to detect patterns and trends before the conduct 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. Equally important in law enforcement is the desire that personnel take the extra step to ensure that any encounter with the public is as helpful as possible. When members of the agency go beyond what is required of them, recognition for their actions will be documented.
- C. All levels of supervision, especially first line supervisors, are expected to recognize potentially troublesome 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.
- D. 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 complaints, whether initiated by another employee or by a member of the public and regardless of outcome;
 - 2. Civil actions filed against an officer, regardless of outcome;
 - 3. Criminal investigations or complaints made against an employee;
 - 4. Any use of force by an officer that is formally determined or adjudicated to have been excessive, unjustified or unreasonable;
 - 5. Domestic violence investigations in which the employee is an alleged subject;
 - 6. An arrest of an employee, including on a driving under the influence charge;
 - 7. Sexual harassment claims against an employee;
 - 8. Vehicular collisions involving an officer that are formally determined to have been the fault of the officer;
 - 9. A positive drug test by an 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. Vehicular pursuits;
 15. Unexcused absences or sick time abuse;
 16. Any other indicators, as determined by the agency's chief executive.
- E. 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.
 - F. 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.
 - G. The early warning system is primarily the responsibility of the Watch Commander/Unit Supervisor; but any supervisor may initiate the early warning process based upon his/her own observations. The Watch Commander/Unit Supervisor will ensure notification to the respective Division Commander.
 - H. It shall be the responsibility of the Watch Commander or designee, to enter all Use of Force incidents and Vehicle Pursuits into the Guardian Tracking System, regardless of the member's assignment in the Department.
 - I. At least every six (6) months, the Chief of Police or his designee shall audit the agency's tracking system and records to assess the accuracy and efficacy of the tracking system. The Chief of Police shall review the previous participants and outcomes. Modifications to this process should be implemented at the earliest opportunity.

II. GUARDIAN TRACKING SOFTWARE

- A. This department will utilize Guardian Tracking® software in order to manage, track, and trigger alerts with respect to this Personnel Early Warning System.
 1. Guardian Tracking® is an employee behavioral monitoring and early warning system. In no way, does it excuse a supervisor or any other employee from following the procedures mandated in Vol. 2, Ch. 15, Internal Affairs.
- B. Supervisors shall have access to the Guardian Tracking system via an assigned login and personal password. Employees who have not been issued a login are not authorized to access the system.
- C. All supervisors have the responsibility to enter all incidents, including incidents that are positive and reflect a members outstanding actions, listed below in subsection II.D for each of their subordinates. Supervisors who fail to document incidents as required by this policy will be subject to disciplinary action.
- D. Examples of the incident categories contained within Guardian Tracking®:

1. Above and Beyond Performance;
2. Appearance (grooming, uniform and equipment);
3. Awards / Commendations / Letters of appreciation / Community;
4. Compliance with Policy and Procedures;
5. Complaint (criminal or administrative);
6. Domestic Violence Investigation;
7. Early intervention action;
8. Early intervention response;
9. Early intervention review;
10. Efficient use of time;
11. Insubordination;
12. Job well done;
13. Left early sick;
14. Officer involved MVA;
15. Operation – motor vehicle;
16. Operation & care of equipment;
17. Performance improvement plan;
18. Procedure – data entry (CAD, NCIC, etc.);
19. Procedure – radio;
20. Procedure – report writing;
21. Property / vehicle damage;
22. Recognition-Citizen / Supervisor;
23. Training-General;
24. Training-Remedial;
25. Volunteer & Community Involvement
26. Use of Force
27. Vehicular Pursuits

III. REMEDIAL ACTION

- A. If the early warning system reveals a potential problem through the presence of a flag in the Guardian Tracking® software, or as identified by a supervisor, the division commander or designee will gather all relevant information from the system. A separate incident will be generated in the Guardian Tracking® software using the appropriate Early Warning Intervention Incident (see subsection II.D.)
- B. The division commander 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 division commander or designee will document this result in writing. The incident narrative placed in the Guardian Tracking® software may serve as adequate documentation.
- C. If the review reveals that an employee has violated department directives, the Chief of Police 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 Chief of Police shall determine the appropriate course of remedial action. All action taken will be documented in the Guardian Tracking® software under the previously created Early Warning Intervention Incident category.
- D. Remedial 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;
 - 7. Peer counseling.
- E. Internal disciplinary action, remedial action, and fitness for duty examinations are not mutually exclusive and should be jointly pursued if and when appropriate.
- F. 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.
- G. 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.

- H. 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).
- I. 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;
 - 4. Advise of the monitoring process and the repercussions of future sustained transgressions.
- 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. All employee-supervisor meetings shall be thoroughly documented in the Guardian Tracking[®] software, which will automatically be forwarded 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.
- L. All regular monthly progress/status reports shall be submitted via the Guardian Tracking[®] software.
- M. An additional three (3) months of documented monitoring is required following removal from early warning system. Monthly monitoring reports from the direct supervisor are required.
- N. 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.
- O. Supervisors and management personnel are responsible for observing job performance and when appropriate, referring the employee to the Employee Assistance Program based upon decline or difficulties in job performance. See Employee Assistance Program, Volume 2, Chapter 23.

IV. 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.

V. 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.

VI. 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.