

MANALAPAN TOWNSHIP POLICE DEPARTMENT

GENERAL ORDER



PERSONNEL EARLY WARNING SYSTEM

BY THE ORDER OF:

Chief Michael Fountain

OF PAGES:

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EFFECTIVE DATE:

9/9/16

ACCREDITATION STANDARDS: 2.2.3

PURPOSE The purpose of this general order is to establish a process to assist with early identification of department employees whose job performance alters or deteriorates noticeably and requires early department intervention.

POLICY The Manalapan Township Police Department recognizes its responsibility to provide assistance to employees exhibiting substandard, unusual, or less than professional job performance attributable to reasons other than negligence or misconduct. When an issue or series of issues develop that lead supervisors to believe that an employee may need assistance, he/she has a duty and ethical obligation to provide assistance, advise, support and guidance to the effected employee.

It is also the policy of the Manalapan Township Police Department to comply with the requirements of the Monmouth County Prosecutor's Office uniform policy on *Early Warning*.

PROCEDURES

I. GENERAL

- A. The early warning system is designed to identify critical performance indicators, patterns or trends and evaluate the data in a manner that is constructive to the employee and the department. This program will assist supervisors and managers in identifying behaviors that may be otherwise overlooked.
- B. The early warning system provide systematic reviews of specific employee performance and, when warranted, provides a mechanism for prompt supervisory intervention to correct behavior before formal disciplinary action is necessary.
- C. System components include, but are not limited to:
 - 1. A listing of behaviors or actions that should be monitored and documented;
 - 2. Supervisory review of behaviors or actions based on patterns of collected behavioral data;
 - 3. Middle management or command responsibilities when a review of collected behavioral data suggests a potential issue;

4. Remedial action including some type of employee assistance such as the employee assistance program;
 5. Reporting requirements of conduct and behavior;
 6. Annual evaluation of the system and notification of such evaluation to the Monmouth County Prosecutor's Office.
- D. The administrative division commander shall serve as early warning system coordinator. The administrative division commander is responsible for conducting periodic reviews of required agency records and Guardian Tracking® records as outlined in subsection II below. The administrative division commander shall have unfettered access to these reports.

II. GUARDIAN TRACKING®

- A. Guardian Tracking® is an electronic early warning system to augment the current performance evaluation system. Guardian Tracking® allows supervisors the ability to document performance in one centralized location during the course of an evaluation period. As incidents are entered, Guardian Tracking will monitor the frequency of specific incidents to determine if early intervention is warranted.
- B. At a minimum, the following incidents shall be entered into Guardian Tracking®:
1. Absenteeism – (also know as sick time abuse, including chronic tardiness). Supervisors shall identify such issues and make them know to the appropriate division commander. The appropriate division commander shall make the entry when he/she generates any letter about absenteeism as specified in this department's general order on *Time Management*.
 2. Citizen complaints – The internal affairs commander shall make the entry for all personnel identified in a citizen complaint. The entry will only indicate that a citizen complaint was filed and will not include any details regarding the complaint.
 3. Discipline – Supervisors shall enter all discipline, including performance notices, for all employees receiving such discipline.
 4. Employee involved motor vehicle collision – The supervisor who conducts or supervises the subsequent investigation shall also make the entry. See this department's general order on *Employee Involved Crash Investigations* for instructions on conducting an administrative review of the crash incident.
 5. Employee involved on-the-job injuries – The supervisor who conducts or supervises the subsequent review shall also make the entry. See this department's general order on *Employee Involved Injuries* for instructions on conducting an administrative review of the incident
 6. Firearms discharges – Shift supervisors shall enter all officers who purposely discharge a firearm for other than training or recreation. All unintentional discharges, regardless of the reason, shall be entered. This entry is required for all on duty and off duty discharges.

7. Motor vehicle pursuits – The shift supervisor shall enter the name of the primary officer involved in the pursuit. At their discretion, shift supervisors may choose to enter other involved officers depending on the scope of their involvement. The supervisor who reviews the pursuit incident report shall also make the entry. See this department's general order on *Pursuits and Forcible Stopping* for instructions on conducting an administrative review of the pursuit incident.
 8. Performance improvement plan – The supervisor developing a performance improvement plan with a subordinate shall make a concurrent entry.
 9. Use of force – All officers who apply reportable force (i.e., physical force, mechanical force, deadly force) shall be entered with their own entry. Supervisors have the discretion to enter officers applying non-reportable force (i.e., constructive authority or physical contact) if the incident warrants such an entry (e.g., handcuffing that results in an injury to the arrestee, pointing a firearm at a person, etc.). The supervisor who reviews the use of force incident shall also make the entry. See this department's general order on *Use of Force* for instructions on conducting an administrative review of the use of force incident.
- C. Three incidents in a 90-day period will generate a flag for early warning. Supervisors and commanders may initiate early warning intervention at any time regardless of the number of incidents.
- D. When the triggers are met to initiate an early warning intervention, Guardian Tracking® shall display an *INTERVENTION* tab in red on the Guardian Tracking® home screen. This display will be viewable by all supervisory personnel within the employee's chain of command. When the early warning *INTERVENTION* tab is displayed, the following procedures shall take place;
1. The first line supervisor identifying the intervention will view all incidents, which activated the intervention in addition to any other documentation created in the previous 180-day period. Supervisors will immediately create an incident titled 'Early Intervention' (CAD code: Other Admin; 94) and detail what their supervisory review has identified and what steps, if any, have been taken (e.g., discussion, referral, verbal counseling, etc.). All supporting documents should be uploaded to the Guardian Tracking® intervention entry for reference.
 2. The internal affairs commander shall routinely review Guardian Tracking® for signs of intervention. Once identified, the internal affairs commander shall ensure that the supervisory steps taken by the first line supervisor are adequate. The internal affairs commander shall make a subsequent entry in Guardian Tracking® documenting his/her review and what additional steps must be taken. In addition, the internal affairs commander may meet with the employee's division commander and the employee's first line supervisor to prepare a formal course of action. The internal affairs commander shall notify the Chief of Police within 72 hours of his/her review and Guardian Tracking® update.

3. The Chief of Police shall review the steps taken by the first line supervisor, the internal affairs commander and the division commander. The Chief of Police shall determine whether formal follow-up intervention is needed. Upon his/her approval, a formal meeting will be arranged with the employee.
- E. Early warning intervention meetings shall be conducted to inform the employee that he/she has been identified for follow-up in the program, explain the purpose of the meeting and that these meetings are to be facilitative and non-disciplinary in nature.
 - F. Early warning intervention meetings will result in options or course of actions being determined and established by the Chief of Police with input from the identified employee, internal affairs commander, division commander and the employee's first line supervisor. Options or course of action include, but are not limited to;
 1. No further action required;
 2. Counseling and monitoring by employee's immediate supervisor;
 3. Corrective actions, as appropriate;
 4. Performance improvement plan with regular reviews and reports;
 5. Visit to the department's health care professional/township physician;
 6. Mandatory remedial or additional training designed to improve the employee's skill;
 7. Voluntary or mandatory referral to the department's employee assistance program.
 - G. At least annually during the month of January, the internal affairs commander shall complete a written evaluation of the early warning system program to determine the program's effectiveness and to propose any necessary changes. This evaluation shall be submitted to the office of the Chief of Police.
 - H. The Chief of Police or his/her designee shall provide notification 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 employees 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.

III. MONMOUTH COUNTY PROSECUTOR'S OFFICE PROTOCOLS

A. Domestic violence protocol:

1. 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 or his/her designee shall promptly notify the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit by emailing mcpopru@mcponj.org.
2. 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.
3. This notification is in addition to the any notifications required by this department's general order on *Employee Involved Domestic Violence Investigations*.
4. This notification shall include the following information:
 - a. Agency name;
 - b. Officer's name;
 - c. Victim's name, if other than officer;
 - d. Reported date/time;
 - e. Date of incident, if other than reported date/time;
 - f. Incident location, including municipality;
 - g. Assigned case number;
 - h. Nature of incident;
 - i. Injuries sustained by victim;
 - j. Witness' names;
 - k. Whether a criminal complaint and/or TRO/FRO issued;
 - l. Assigned personnel, (e.g., local law enforcement officer, internal affairs officer, supervisor, etc.); and
 - m. Copies of all police reports and relevant documents, (e.g., arrest report, complaint, TRO, victim notification form, etc.).
5. The internal affairs commander shall provide to the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crimes Unit a listing of 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:

- a. All incidents that occurred within this jurisdiction in the past three (3) years;
 - b. All out-of-county and/or out-of-state notifications of domestic violence incidents involving law enforcement officers;
 - c. 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.
6. 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.

B. Fitness-for-duty protocol:

1. The Chief of Police or his/her designee shall make notification to the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crimes Unit by emailing mcpopru@mcponj.org for the following:
 - a. Any time an officer is sent for a fitness for duty evaluation regardless of the reason for the evaluation;
 - b. Any time an officer is disarmed, regardless of the reason for the disarming;
 - c. Any time the early warning system results in the law enforcement officer being counseled, disciplined, sent for a fitness for duty evaluation, or disarmed; or
 - d. 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.
2. 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.
3. When a law enforcement officer has been disarmed, regardless of the reason and prior to 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.
 - a. This written plan should include whether or not the rearming will be conditional or unconditional.
 - b. 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.

4. In addition, whenever the Chief of Police or his/her designee sends any officer for a fitness-for-duty evaluation, the Chief of Police or his/her designee is also required to maintain an itemized list of all documents, and copies of all documents, that were submitted to the physician, psychiatrist or psychologist. 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.
5. 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.