
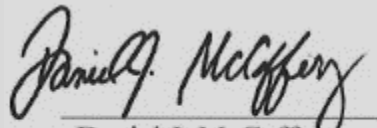


ROSELLE PARK POLICE DEPARTMENT				
VOLUME: GENERAL POLICY & PROCEDURE	NUMBER: 160	# OF PAGES: 7		
DISTRIBUTION: ALL (SWORN) PERSONNEL				
SUBJECT: Early Warning System				
EFFECTIVE DATE: 5/17/2018	ACCREDITATION STANDARDS: N/A	REVISION DATE	PAGE #	
BY THE ORDER OF:  Daniel J. McCaffery Chief of Police		1/1/2021		
SUPERSEDES ORDER #: N/A				

WARNING

This directive is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of the directive will only form the basis for departmental sanctions.

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 New Jersey Attorney General Guidelines.

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 the 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 may include, but are not limited to, the following documented indicators:
1. Internal affairs complaints against an officer whether initiated by another officer or by a member of the public;
 2. Civil actions filed against an officer;
 3. Criminal investigations of or criminal complaints against an officer;
 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 officer is an alleged subject;
 6. An arrest of an officer, including a driving while under the influence charge;
 7. Sexual harassment claims against an officer;
 8. Vehicular collisions involving an officer that is formally determined to have been the fault of the officer;
 9. A positive drug test by an officer;
 10. Cases or arrests by an 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 an officer;
 13. Neglect of duty by an officer;

14. Unexcused absences by an officer;
15. Any other indicators, as determined by the agency's chief executive;

C. Initiation of Early Warning Process

Three separate instances of performance indicators (as listed in section B above) within any twelve-month period will trigger the Early Warning System review process. If one incident triggers multiple performance indicators, that incident shall not be double or triple counted, but instead shall count only as one performance indicator.

D. 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 Tracker 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 trends of inappropriate behavior or misconduct, the Internal Affairs Unit Supervisor shall consult with the officers supervisor and /or commander.
 4. The Internal Affairs Unit Supervisor and the officers 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 officer 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 officer 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
- E. 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.

F. 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.
- 3. Supervisory personnel will not create a document entry on department personnel of an equal or higher rank regarding discipline IA complaints, policy/procedure/rule infractions and any similar events. In these situations, the supervisor will advise the appropriate next level command supervisor for evaluation and action.

G. Command Personnel

- 1. The commanders (Lieutenants and above) shall periodically review an individual employee's history. Using this information and his/her experience the commander may be able to identify employee's who may need remedial/corrective intervention even before such is indicated by the Guardian Tracking Software.

2. When under early warning system monitoring, the Internal Affairs Officer shall meet with the employee and supervisor to discuss the situation in depth to accomplish the following and thoroughly document the substance of these meetings in the Guardian Tracking system.
 - 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 repercussions of future sustained transgressions.
3. Generally, personnel should expect to remain under intensive monitoring and supervision for at least three 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 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.

H. 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.

I. 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. Peer Counseling;
- d. Counseling;
- e. Intensive Supervision;
- f. Fitness for duty examination;

J. Personnel

1. All personnel will log into and review any recently created or recently updated incidents during their tour of duty, when necessary, but at least once a week. Necessary response monitoring involves any personally related incident, or Incident involving a direct subordinate.
 - a. Personnel may select the “Add Comment” tab and document their response to a recently created or updated incident.
2. All personnel will ensure that all documentation within Guardian Tracking will remain confidential. Unauthorized sharing of information will result in disciplinary action.
3. All personnel will be electronically notified through their department email each time an entry, or update, is entered regarding them specifically.

K. Training

1. All personnel will be trained in the use of the Guardian Tracking Software.
 - a. Refer to Guardian Tracking Software User Manual and instructional video link, in Power DMS for additional instructions on how to use the program.

L. Confidentiality of Early Warning System Data/Information

1. Early Warning System data is confidential and not to be disclosed to the public or any unauthorized department employee. E.W.S. data will not be disclosed to any person not authorized by law or regulation to have access to such information, except governmental representatives acting in connection with their official duties.
2. Information deemed confidential and/or protected by federal or state statute, or regulation shall not be recorded in the E.W.S.

- a. No confidential medical information (i.e., nature of employee illness or names of treating physicians) shall be entered into the E.W.S.
 - b. No internal affairs reports shall be entered into the E.W.S. However, the immediate supervisor shall enter early warning behaviors and briefly summarize the conduct or performance warranting the entry.
3. The duplication or reproduction of any Early Warning System data/information for non-official department purpose not authorized by the Chief of Police is strictly prohibited.

M. Notification to Subsequent Law Enforcement Employer

1. If any officer who is or has been subject to the Early Warning System review process, applies to or accepts employment at a different law enforcement agency, it shall be the responsibility of the prior or current employing law enforcement agency to notify the subsequent law enforcement agency of the officer's Early Warning System review process history and dispositions. Upon request, the prior or current employing agency shall share the officer's Early Warning System review process files with the subsequent employing law enforcement agency.

N. Notification to the County Prosecutor

1. 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 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 process review, including any remedial measures taken on behalf of the subject officer.

Closing

All police procedures heretofore employed by this department which conflict with this order are hereby rescinded. Supervisors shall be held accountable for the enforcement and application of this order. All members of the Roselle Park Police Department are required to follow this order as applicable. Violations of this order subject members of this department to disciplinary action.