

Union Beach Police Department



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Early Warning System / Guardian Tracking

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PURPOSE The Union Beach Police Department is committed to providing law enforcement services that are fair, effective, and impartially applied. The purpose of this written directive is to establish a personnel early warning system.

POLICY It is the policy of the Union Beach Police Department to implement and utilize an early warning system. The early warning system will be used for tracking and reviewing incidents of risk and to identify any pattern or practice by any member of this agency which warrants timely intervention or remediation before it can escalate into a more serious problem, consistent with Attorney General Guidelines.

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. All levels of supervision, especially first line supervisors, are expected to recognize potentially at-risk 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.
- C. Many different measures of employee performance 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. Criminal investigations or complaints made against the employee;
 - 2. Internal complaints, regardless of outcome;
 - 3. Civil actions files, regardless of outcome;
 - 4. Incidents of force usage, including firearms discharges and use of non-deadly force;
 - 5. Claims of duty-related injury;
 - 6. Incidents of arrested persons injured;
 - 7. Vehicle pursuits;

8. Vehicle collisions;
 9. Cases rejected or dismissed by the prosecutor
 10. Evidence suppressed by the court
 11. Tardiness;
 12. Excessive sick time usage;
 13. Officer Involved in Domestic Violence
 14. Employee involved in a high conflict period (separation or breakup) with spouse or intimate partner.
 15. Other data to measure. These incidents may be higher than normal or indicate questionable circumstances:
 - a. Search and Seizures
 - b. Motor Vehicle Stops
 - c. Arrests for resisting arrest
 - d. Arrests for assault on a law enforcement officer
 16. Reprimand, either Written or Oral.
 17. Off-Duty Contact with Law Enforcement Agencies as a result of personal conduct.
- D. The above behaviors should be monitored for patterns of questionable conduct.
- E. Generally, three (3) instances of **questionable conduct** or flag indicators within a twelve (12) month period would initiate the early warning system process.
1. Incidents, indicators, or other monitored behavior shall be entered and monitored
 2. through the Guardian Tracking System. Each category will be assigned a numeric value which will correspond to the weight that particular behavior carries when triggering an early warning system flag. For example, an officer involved domestic violence incident carries a higher weight than a sick day.
 3. Once an early warning system flag is triggered, the circumstances and behaviors will be evaluated by the internal affairs function to determine if the employee should be entered into the early warning system process or corrective actions.

- a. The internal affairs function shall determine if the flag was raised as a false positive or the employee truly requires intervention.
4. All flags triggered in the early warning system shall require a response by the internal affairs function, documenting the outcome of their review.

II. ADMINISTRATION OF EARLY WARNING SYSTEM

- A. The early warning system is primarily the responsibility of the supervisor of the Internal Affairs Function; but, any supervisor may initiate the early warning process based upon their own observations. Emphasis should be placed on anticipating employee problems before it results in improper performance or conduct.
- B. Internal Affairs Function supervisor shall conduct an audit of its records to determine if an employee has the emergence of a pattern, practices or trend of inappropriate behavior or misconduct. In addition to the regular data audits by internal affairs, the internal affairs supervisor shall audit an individual employee's history any time a new complaint is received.
 1. Using this information and their experience, internal affairs investigators may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the early warning system data audit.
- C. If the audit indicates the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, the Internal Affairs investigator shall consult with the employee's supervisor.
- D. The internal affairs supervisor and the employee's supervisor shall review the information provided by Internal Affairs 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.
 1. If the audit indicates that the early warning system has returned an incorrect identification or "false positive," that conclusion should be documented.
 2. If the audit reveals that an employee has violated department rules and regulations or written directives, the supervisor in consultation with the Internal Affairs Unit should proceed with an internal investigation and possible disciplinary action.
 3. If the audit reveals that the employee has engaged in conduct which indicates a lack of understanding or inability to comply with accepted procedures, the supervisor shall consult with the Internal Affairs Unit to determine the appropriate course of remedial/corrective intervention.

III. SUPERVISORS

- A. An employee's first line supervisor is usually the first member of the agency 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 the next supervisor above in the chain of command or, if warranted, internal affairs supervisor/officer. 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, the internal affairs function shall be formally notified of such efforts. This information shall be documented and appropriate copies forwarded to the internal affairs unit for filing.
 - 1. No entry should be made in the employee's personnel file, unless the action results in disciplinary/corrective action.
- C. If the remedial/corrective intervention was training, documentation shall be filed in accordance with the department's written directive governing training (remedial training).
- D. Supervisors shall forward all documentation as required by department written directives established to assist in a comprehensive audit. This data shall minimally include: use of force reports, vehicle pursuit reports, and attendance records (entered in the department's attendance records system).

IV. COMMAND SUPERVISOR(S)

- A. When under early warning system monitoring, the internal affairs supervisor / commander and the employee's 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.
- B. Generally, personnel should expect to remain under intensive monitoring and supervision for six (6) months when an early warning flag is triggered.
- C. Supervisor / Employee Meeting
 - 1. All supervisor / employee meetings shall be thoroughly documented in the Guardian Tracking System, which will be forwarded to the Chief of Police. The affected employee and supervisor shall meet on a regular basis, minimally monthly, to discuss progress toward the agreed upon goals and objectives.

2. All regular monthly progress / status reports shall be submitted to the Chief of Police or his/her designee through the chain of command.
3. An additional two (2) months of documented monitoring is required following removal from the early warning system. Monthly monitoring reports from the direct supervisor are required.

V. REMEDIAL/CORRECTIVE INTERVENTION

- A. Supervisory 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. Employee Assistance Program, 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 reports shall be forwarded to the Chief of Police for review through the Guardian Tracking System. These reports have the same confidential status as Internal Affairs documents and are subject to the same disclosure and retention regulations and guidelines.

VI. Employee Responsibilities

- A. **Duty to Identify:** When the off-duty conduct of any officer of this agency (Regular or Special Officer) causes a law enforcement response from any law enforcement agency, the officer shall identify themselves as law enforcement officers of this agency to the responding officers regardless of whether or not complaints and/or a temporary or final restraining order has been issued.

1. Identification will ensure that the responding law enforcement agency may notify the involved officer's agency of the incident.
- B. **Duty to Self-Report:** When the off-duty conduct of any officer of this agency (Regular or Special Officer) causes a law enforcement response from any law enforcement agency, the officer shall be required to self-report the incident to this agency. Notification shall be made regardless of whether or not complaints and/or a temporary or final restraining order has been issued.
1. In incidents where a complaints and/or a temporary or final restraining order has been issued, notification shall be made to the officer in charge of the shift immediately following the incident.
 2. In all other cases, notification shall be made to the officer's supervisor or the internal affairs officer within 24 hours if the incident.
- C. Incidents involving an off-duty officer involved in an incident which requires the use of force or other law enforcement action, shall also be required to immediately notify the primary law enforcement agency having jurisdiction where the incident occurred. The involved officer shall make notification to the officer in charge of this agency as soon as practical.
- D. The duty to identify and the duty to self-report shall not be required in cases where the police involvement consists **ONLY** of minor traffic infractions where no injury was sustained by any party.
1. Special Officers and regular officers who are serving in the probationary period of employment are required to **self-report any** incident where their off-duty conduct requires intervention or a response by any law enforcement agency to include minor traffic infractions or traffic stops regardless of whether or not complaints have been issued.
- E. An officer's failure to make such notifications, as required by this policy, may result in departmental discipline.
- F. All off-duty incidents reported shall be recorded in the records system as well as have an entry made in the Guardian Tracking Software.

VII. Monmouth County Prosecutor's Office Notifications

- A. The Monmouth County Prosecutor's Office shall be notified of all incidents where it is alleged that a law enforcement officer committed an act of domestic violence or was the victim of domestic violence, and in instances where there is off-duty contact with law enforcement agencies as a result of personal conduct, regardless of whether or not complaints and/or temporary or final restraining order has been issued.

- B. The Chief of Police or designee shall promptly notify the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit by emailing: mcpopru@mcponj.org.
- C. When required, notification should include the following information:
1. Agency name;
 2. Officer's name;
 3. Victim's name, if other than officer;
 4. Reported date/time;
 5. Date of incident, if other than reported date/time;
 6. Incident location, including municipality;
 7. Assigned agency case number;
 8. Nature of incident;
 9. Injuries sustained by the victim;
 10. Witness names;
 11. Criminal complaint and/or TRO/FRO issued;
 12. Assigned personnel, e.g. (Local law enforcement officer, internal affairs officer); and
 13. Copies of all police reports and relevant paperwork.
- D. Emergent matters shall be reported directly to the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit by calling 732-577-8700.
- E. **Fitness-for-duty Protocol:**
1. The Chief of Police or designee shall make notification to the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crimes Unit to include, but not limited to 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. When a law enforcement officer has been disarmed, regardless of the reason and prior to a local law enforcement agency 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. This written plan should include whether or not the rearming will be conditional or unconditional. 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.
3. In addition, whenever this agency sends any officer for a fitness-for-duty evaluation, the Chief of Police or designee is also required to submit to the physician, psychiatrist or psychologist an itemized list of documents forwarded to him/her along with the documents it submitted. 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.

F. Annual Review of Early Warning System

1. An annual review of the agency's early warning system shall be conducted in January of each year. The Chief of Police or designee shall provide a letter to the Monmouth County Prosecutor's Office documenting proof of such review. This review shall include, but not be limited to, the following:
 - a. Number of audits conducted;
 - b. Number of Employees flagged;
 - c. Number of instances where remedial/corrective action was taken;
 - d. Number of internal affairs cases opened as a result of early warning system;
 - e. Changes in number of internal affairs complaints with reference to flagged indicators and whether they have increased/decreased;
 - f. Number of notifications made to the Monmouth County Prosecutor's Office.

VIII. Guardian Tracking Software

- A. This agency will utilize [Guardian Tracking System](#) in order to manage, track, and trigger alerts with respect to the Early Warning System.

1. The Guardian Tracking System is an employee behavioral monitoring and warning system. In no way, does it excuse a supervisor or any employee from following the procedures mandated in this department's [Internal Affairs Policy](#).
- B. Members of this agency 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. It is the responsibility of supervisors to enter all incidents listed below for any subordinate assigned to them. Supervisors who fail to document incidents as required by the policy may be subject to disciplinary actions.
 1. Some categories are available to officers who may act as a shift supervisor as times. Officers acting as a shift supervisor shall also make entries into the Guardian Tracking System where applicable.
- D. All employee-supervisor meeting shall be thoroughly documented in the Guardian Tracking System which will automatically be forwarded to the Chief of Police.
- E. Patrol Officers, and in some cases Special Officers, have the capability of recording incident of certain categories. Any category which allows entry by officers below the rank of Sergeant must be approved through the Guardian Tracking System by a supervisor prior to the incident being published.
- F. Patrol Officers, serving in the capacity of Officer in Charge of a shift, have the capability of recognizing positive performance of employees under their supervision by utilizing the Peer Recognition documentation category. Incidents of tardiness and sick time usage will also be entered by Patrol Officers serving in the capacity of OIC. Any other issues that would normally require documentation through the Guardian Tracking System and not available to Patrol Officers will be noted by the OIC in an e-mail to their sergeant. The e-mail shall contain the date, time and case number and detailed description of the incident. It shall be the sergeant's responsibility to enter the information into the Guardian Tracking System in a timely manner.
- G. Guardian Tracking will be used to assist in the employee evaluation process.
- H. Transparency is an important aspect to the Guardian Tracking system and employees will be notified through email if an entry is made regarding an incident involving them. However, in some instances it may be necessary to keep a particular incident confidential and prohibit an email notification to an employee about a particular incident. Guardian Tracking allows for the entry of confidential incidents. Confidential entries should not be routine. The confidential entries should be reserved for incidents where notification to a particular employee could jeopardize an investigation or other administrative purpose. A confidential entry should be approved by the Internal Affairs supervisor or the Chief of Police.
- I. Categories in the Guardian Tracking System will be separated into the following groups:

1. Recognition / Awards
 2. General
 3. FTO (Field Training)
 4. Early Warning System
 5. Discipline
- J. The following shall serve as a guide to the incident categories contained within the Guardian Tracking System:
1. Academy Documentation (General) –This shall be used to document any notices, discipline, action, inaction or other incident which is documented by staff members or peers while an employee is attending basic training at a police academy.
 2. Administrative / Meaningful Review (General) – This shall be used to track all Administrative / Meaningful Reviews required by any policy of this agency involving the actions of an employee.
 3. Appearance / Grooming / Dress (General) – This shall be used when an employee’s manner of grooming or dress is not in compliance with department policy.
 4. Assault on Officer Charges – This shall be used when an officer charges any individual with assault on a police officer where the employee is the victim.
 5. Award Nomination (Recognition / Award) – This shall be use to nominate an officer or employee for an award. These nominations are for any award program to include, but not limited to: PBA, 200Club, Agency, MOCIB, or any other program.
 6. Borough Council Action (General) - This shall be used to document any action by the Borough Council. Examples include resolutions, oaths, or other borough documentation.
 7. Breakup or Separation (Early Warning) – This shall be used to document a break up, separation or other turbulent time an employee is involved in during a relationship.
 8. Civil Action (Early Warning) – This category shall be used to document when an employee has any civil action brought against them.
 9. Commendation Notice (Recognition / Award) – This shall be used for a formal commendation for the actions of an officer or employee.

10. Computer Access (General) – This shall be used to document granting or denying access to any of the agency computer systems or software applications. It shall also be used to document any computer access issues.
11. Consent Search (Early Warning) – This shall be used to document any consent search conducted by an officer.
12. Counseling Notice (Discipline) – This shall be used to document any counseling notice.
13. Criminal Complaint (Early Warning) – This shall be used any time a criminal complaint is issued against an employee.
14. Demeanor (Early Warning) – This shall be used when an employee exhibits, or is alleged to have exhibited, behavior that constitutes poor demeanor or attitude.
15. Demotion (Discipline) – This shall be used when an employee is demoted.
16. Employee Involved Crash (Early Warning) – This shall be used to document any employee involved crash while on duty.
17. Equipment-Assigned (General) – This shall be used when equipment is assigned to an employee.
18. Equipment-Repair/Broken (General) – This shall be used to document when any assigned equipment is broken or in need of repair.
19. Equipment-Returned (General) – This shall be used to document when assigned equipment is returned by an employee.
20. Evidence Suppression by Court (Early Warning) – This shall be used to document when evidence is suppressed or rejected by a court.
21. Exceptional Performance (Recognition / Award) – This shall be used when an employee takes actions that are above and beyond what is expected, but may not be worthy of an official commendation.
22. FTO-Daily Observation Report (FTO) – This shall be used to document all daily observation reports by an FTO. The original written form shall be scanned and added to this incident entry.
23. FTO-Phase I (FTO) – This shall be used to document beginning of Phase I of the FTO program.
24. FTO-Phase II (FTO) – This shall be used to document beginning of Phase II of the FTO Program.

25. FTO-Phase III (FTO) – This shall be used to document beginning of Phase III of the FTO Program.
26. FTO-Phase IV (FTO) – This shall be used to document beginning of Phase III of the FTO Program.
27. Grievance (General) – This shall be used to document a grievance by an employee in a collective bargaining contract.
28. In Custody Injury (Early Warning) – This shall be used to document an injury to a person in our custody.
29. Initiative (Recognition / Award) – This category shall be used when an employee shows initiative in the performance of a job function.
30. Internal Affairs Complaint (Early Warning) – This shall be used to document an internal affairs complaint received against an employee.
31. Job/Assignment Notification (General) – This shall be used to document any job, function or other assignment given to an employee or to document issues regarding such an assignment.
32. Letter of Appreciation (Recognition / Award) – This category shall be used to document any letter of appreciation received.
33. Life Saving Award (Recognition) – This shall be used to document an employee receiving a lifesaving award.
34. MV Search (Early Warning) – This shall be used to document a MV search without a warrant or based only on probable cause. This is not for consent searches which have a separate category.
35. Off Duty Incident (General) – This shall be used to document any off duty incident.
36. Officer Involved DV (Early Warning) – This shall be used to document when an employee in the victim or defendant in a domestic violence incident.
37. Officer Safety (General) - This shall be used to indicate the employee's ability or inability to use basic officer safety concepts.
38. OJI – Loss of Time (Early Warning) – This shall be used to document on the job injuries which result in loss of time from the agency.
39. OJI – No Loss of Time (Early Warning) – This shall be used to document on the job injuries which do not result in the loss of time.

40. Performance Evaluation (General) – This shall be used to document an employee’s performance evaluation. Any supporting documents should be attached to the incident.
41. Policy Review (General) – This shall be used to document when a policy is reviewed with an employee.
42. Policy Violation (General) – This shall be used to document a policy violation.
43. Promotion (General) – This shall be used to document a promotion within the agency.
44. Recognition – Peer (Recognition / Award) – This shall be used when an employee wishes to recognize any other employee for any action worthy of recognition.
45. Recognition – Public (Recognition / Award) – This shall be used when a member of the public wishes to have positive or noteworthy action of any employee noted and recognized.
46. Rejected Case by Prosecutor (Early Warning) – This shall be used to document any case which the prosecutor rejects or unable to bring to court specifically due to an officer’s actions.
47. Remedial Training (Discipline) – This shall be used to document remedial training.
48. Report Writing/Prep Issue (General) – This shall be used to document issues regarding report writing or case preparation.
49. Resisting Arrest Charges (Early Warning) – This shall be used to document when an officer charges someone with resisting arrest.
50. Sick Day (Early Warning) – This shall be used to document when an employee calls out sick for a scheduled shift.
51. Social Media Use (General) – This shall be used to document issues regarding social media usage.
52. Suspension (Discipline) – This shall be used to document any suspension.
53. Tardiness-Explained (Early Warning) – This shall be used whenever an employee asks another employee to remain on duty in his/her place until they can report for duty.
54. Tardiness-Unexcused (Early Warning) – This shall be used whenever an employee reports for work, including but not limited to regular duty, off-duty work, court appearances, etc. after the time set forth by his or her schedule in accordance with department policy.

- 55. Termination (Discipline) – This shall be used to document an employee termination.
- 56. Training Notification (General) – This shall be used to document when an employee is notified that they are assigned or scheduled for a training event or course.
- 57. Training Request (General) – This shall be used to request a training event or in-service school.
- 58. Training Verification (General) – This shall be used to document and verify that a training event or course was attended and passed.
- 59. Use of Force (Early Warning) – This shall be used to document when an employee is involved in a use of force incident.
- 60. Vehicle Pursuit (Early Warning) – This shall be used whenever an employee participates in a pursuit as either a primary or secondary unit as defined by department directive.
- 61. Verbal Reprimand (Discipline) – This shall be used when an employee is issued a verbal reprimand.
- 62. Written Reprimand (Discipline) – This shall be used when an employee is issued a written reprimand.

K. Other categories may be added by the administration when deemed necessary.