



Bridgewater Township Police Department Policy/Procedure

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Authored/ Revised By: Capt. Kevin Tennant

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REVIEW / REVISIONS

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- I. **PURPOSE:** To provide guidelines for establishing an Early Warning System to identify employees who may require proactive intervention efforts.

- II. **POLICY:** It is the policy of the department to implement and utilize Guardian Tracking Software as a personnel performance management and early warning system for maintaining, retrieving, and analyzing information regarding the performance of employees. The system will identify, reward, and promote professionalism, civil rights, integrity, best practices, as well as identify, intervene, and remediate potentially problematic behavior allowing for timely intervention consistent with the risk management procedures promulgated by the New Jersey State Attorney in its Internal Affairs Policies and Procedures. This written directive is in accordance with the New Jersey Attorney General's Law Enforcement Directive No. 2018-3.

- III. **PROCEDURE:**
 - A. **Early Warning System**

1. The Early Warning System is designed to detect patterns and trends before the conduct escalates into more serious problems. Employees must understand that the Early Warning System is not discipline. Although it is possible that disciplinary actions 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 poor performance through the use of appropriate management and supervisory strategies before discipline is warranted.
2. 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 employee problems before it results in improper performance or conduct.
3. There are three (3) main components to an Early Warning System are; Review, Intervention & Monitoring.
4. Many different measures of employee performance (actions and behaviors) can be regularly examined for patterns or practice that may indicate potential problems. These performance measures shall include, but are not limited to, the following documented indicators:
 - a. Internal Complaints, whether initiated by another employee or by a member of the public regardless of outcome; (NOTE- This information is ONLY accessible to the Chief of Police and the Administration Captain)
 - b. Civil actions filed against and officer, regardless of outcome; (NOTE- This information is ONLY accessible to the Chief of Police and the Administration Captain)
 - c. Criminal investigations or complaints made against an employee; (NOTE- This information is ONLY accessible to the Chief of Police and the Administration Captain)
 - d. Any use of force by an officer, **that is formally determined or adjudicated (for example, by internal affairs or grand jury) to have been excessive, unjustified or unreasonable;**
 - e. Any show of force by an officer (when an officer unholsters their weapon and is pointed at a person);

- f. Domestic violence investigations in which the employee is an alleged subject;
- g. An arrest of an employee, including on a driving under the influence charge;
- h. Sexual harassment claims against an employee;
- i. Vehicular collisions involving an officer that is formally determined to have been at fault of the officer;
- j. A positive drug test by an officer;
- k. Cases or arrests by the officer that are rejected or dismissed by a court;
- (1) Cases in with evidence obtained by an officer is suppressed by a court.
- l. Insubordination by the officer;
- m. Neglect of duty by the officer;
- n. Vehicular pursuits;
- o. Unexcused absences or sick time abuse;
- p. Any other indicators, as determined by the Chief of Police;
- q. Discretion may be utilized if there is any combination of the aforementioned indicators during any given period of time that could initiate the Early Warning System process.

- 5. Generally, three (3) instances of questionable conduct or performance indicators (listed above) within 12-month period would initiate the early warning system process.
- 6. If one incident triggers multiple performance indicators, that incident shall not be double or triple counted, but shall count as only one performance indicator.

B. Guardian Tracking Software

- 1. 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.

2. Supervisors will not document routine performance in any other format. All performance documentation will be entered into the Guardian Tracking Software.
3. 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 A of this directive.
4. 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.
 - a. 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.
5. Supervisors, who identify and wish to document positive performance conduct on other personnel, outside 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.
6. Commanders will periodically review entries in the Guardian Tracking Software to ensure supervisors are using the software in accordance with this written directive.

C. Early Warning Review

1. The early warning review process is primarily the responsibility of the Administration Captain, but any supervisor may initiate the early warning review process based upon their observations. Emphasis should be placed on anticipating employee problems before it results in improper performance or conduct.
2. The Administration Captain 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 Administration Captain shall consult with the employee's supervisor and/or commander.

4. The Administration Captain will review the employees Early Warning System file to determine if an intervention is necessary.
5. When an Early Warning System review process is initiated, the Administration Captain will:
 - a. Formally notify the subject officer, in writing. If the notification to the officer could jeopardize an ongoing criminal investigation, the County Prosecutor may at, his/ her discretion permit delayed notification to the officer or the initiating of the Early Warning System review process.
 - b. Meet with the subject officer and appropriate supervisory personnel;
 - c. Develop and administer a remedial program, including the appropriate remedial/corrective actions listed in section F.
6. For incidents involving Police involved MVA's, pursuits or Use of Force, must be submitted into Guardian Tracking.
7. The Administration Captain and the employee's supervisor and/or commander shall review the information provided along with any other relevant information from department records for the purpose of initiating a course of intervention designed to correct/interrupt the merging 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 policies and procedures, 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 Administration Captain to determine the appropriate course of remedial/corrective intervention.

- d. At least every six (6) months, internal affair's personnel shall audit the agency's tracking system and records to assess the accuracy and efficiency of the tracking system. Audit will be conducted by the Operations Captain.

D. 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 supervisors to speak with the employee, document these incidents and report findings to their commander and if warranted, the Administrative Captain. 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. Supervisors who wish to document positive performances are encouraged to do so through Guardian Tracking.
4. Upon initiation of the Early Warning System review process for a specific officer, the Chief of Police or his designee shall notify the Somerset County Prosecutors Office Internal Affairs Unit at minimum, the identity of the subject officer, the nature of the triggering performance indicators and the planned remedial program.

E. Command Personnel

1. The commanders shall periodically review an individual employee's history. Using this information and their 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 Administration Captain 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 Software.
 - 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. Employees 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 Operations & Administration Captain. 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.
 5. 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.

F. 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. Statement of Understanding;
 - c. Retraining;
 - d. **Guardian Tracking Counseling;**

- e. Intensive Supervision;
 - f. Fitness for duty examination;
 - g. Employee Assistance Program, when warranted, if available;
 - h. Peer counseling.
2. Internal disciplinary action, remedial/corrective intervention, and fitness for duty examinations are not mutually exclusive and should be jointly pursued when appropriate.
 3. Referrals to the Employee Assistance Program shall be made in accordance with the Employee Assistance Program protocols. Personal problems may adversely affect an employee's personal and professional well-being and job performance. The most effective means of handling these problems may be through this program.

G. Notification to Subsequent Law Enforcement Employer

1. If any officer who is or has been subject to an EW System review process applies to or accepts employment at a different law enforcement agency than the one where he or she underwent the EW 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 EW System review process history and outcomes. Upon request, the prior or current employing agency shall share the officer's EW System review process files with the subsequent employing agency.

H. Notification to County Prosecutor

1. Upon initiation of the EW System review process for any officer, the Chief of Police or his/her 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 EW System review process, the agency's chief executive shall make a confidential written notification to the County Prosecutor or his/her designee of the outcome of the EW System review, including any remedial measures taken on behalf of the subject officer.

- I. All Early Warning System policies adopted by this agency shall be made available to the public upon request and shall be posted on the Departments website.