

# BERGENFIELD POLICE DEPARTMENT

## POLICY AND PROCEDURE

<b>GENERAL ORDER:</b> CA-134	<b>VOLUME 1</b> Command & Administration	<b>PAGE 1 OF 8</b>	<b>REVISION DATE</b>	<b>PAGE: #</b>
<b>SUBJECT: Early Warning System/Guardian Tracking</b>				
<b>DATE ISSUED:</b> 03-07-2014	<b>ISSUING AUTHORITY:</b> CHIEF MUSTAFA RABBOH		7-10-14 CM 6/13/18 MR 6/19/18 MR 1/24/2020 WD	P. 3-4 pp. 2-8 pp. 4-5 p. 3
	SIGNATURE			
<b>POLICY SOURCE:</b>	<b>ACCREDITATION STANDARDS:</b>			

The purpose of this policy is to establish procedures for administering a personnel *early warning system*.

It is the policy of the Bergenfield Police Department to implement and utilize an *early warning system* for tracking and reviewing the incidents of risk and provide timely intervention consistent with Attorney General Guidelines.

### 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. 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 it results in improper performance or conduct.

C. Many different categories of officer conduct which indicate potentially escalating risk of harm to the public, agency, and/or the officer may be monitored. The following performance indicators shall include, but are not limited to, as per the Attorney General Guidelines:

**1. Internal affairs complaints against the officer, whether initiated by another officer or by a member of the public;**

**2. Civil Actions filed against the officer;**

**3. Criminal investigations of or criminal complaints against the officer;**

**4. Any use of force by the officer that is formally determined or adjudicated (for example, by internal affairs or a grand jury) to have been excessive, unjustified, or unreasonable;**

**5. Domestic Violence investigations in which the officer is an alleged subject;**

**6. An arrest of the officer, including on a driving under the influence charge;**

**7. Sexual harassment claims against the officer;**

**8. Vehicular collisions involving the officer that are formally determined to have been the fault of the officer;**

**9. A positive drug test by the 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. Unexcused absences by the officer; and**

**15. Any other indicators, as determined by the agency's chief executive.**

**\*\*Due to lack of candor or testimony that is misleading in some way by an officer**

#### **D. Initiation of Early Warning Process**

Three separate instances of performance indicators (as listed in Section I C, 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 as only one performance indicator.

### **E. Administration and Tracking**

The *early warning system* is primarily the responsibility of the Chief of Police, but any supervisor can initiate the early warning process based upon his/her own observations.

The Deputy Chief is assigned to manage the EW system and shall audit the agency's tracking system and records to assess the accuracy and efficacy of the tracking system, at least every six months. The Deputy Chief shall prepare a written report by March 1<sup>st</sup> and September 1<sup>st</sup> of the year noting the findings. The report shall be forwarded to the Chief of Police for review.

As per BCPO Directive, we will utilize the BCPO InfoShare Internal Affairs Module. **ANY** internal affairs investigations that involve any of the NJ Attorney General performance indicators summarized above **shall** be entered into the BCPO module by Internal Affairs personnel to be monitored as part of the Early Warning System. Only officers assigned to the Internal Affairs function will have access to the BCPO InfoShare Module.

## **II. Guardian Tracking Software**

**A.** This department will utilize **Guardian Tracking**<sup>®</sup> software in order to manage, track, and trigger alerts with respect to this *Personnel Early Warning System*. All employees shall check the **Guardian Tracking System** at least one time during their work shift.

**1. Guardian Tracking**<sup>®</sup> 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 this department's Internal Affairs policy.

**B.** Supervisors of all ranks and assignments 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 all supervisors to enter all **supplemental performance indicators** listed below for each of their subordinates. Supervisors who fail to document incidents as required by this policy will be subject to disciplinary action.

**D.** The following shall serve as a guide to the **supplemental performance indicators** contained within **Guardian Tracking**<sup>®</sup> designed specifically for entry by Sergeants and Lieutenants of this department.

**Demeanor/Attitude** - To be used when an employee exhibits, or is alleged to have exhibited, behavior that constitutes poor demeanor or attitude.

**Grooming/Dress** - To be used when an employee's manner of grooming or dress is not in compliance with department policy;

**Injury – On Duty** - To be used whenever an employee is injured while on duty regardless of circumstances;

**Injury of Arrestee** - To be used when an arrestee is injured or receives medical treatment as a result of the process of being arrested. An entry in this category does not presuppose that the officer acted improperly or contrary to policy or procedure

**Motor Vehicle Accident: On-Duty** - To be used when an employee is involved in a Motor Vehicle Accident while on duty. An entry in this category does not presuppose that the employee was at fault;

**Operation/Care of Equipment** - To be used when an employee fails to properly care for or damages department equipment.

**Performance Counseling Notice (PCN)** - To be used when an employee's performance is sub-standard or not in compliance with the standards set forth by this department and training is required that needs to be documented in the form of a counseling notice.

**Radio Procedure** - To be used whenever an employee uses radio procedure that is contrary to department policy or FCC regulations;

**Reports** – To be used when an employee turns in a report that is poorly prepared, incomplete or otherwise improper

**Resisting Arrest Charge** - To be used whenever an officer charges an arrestee with resisting arrest

**Tardiness** - To be used whenever an employee reports for work after the time set forth by his/her schedule in accordance with department policy.

**Use of Force Incident** – To be used when the employee is involved in an incident that requires a Use of Force report to be completed.

**Vehicle Operation** – To be used when an employee operates a department vehicle on duty in an improper or unsafe manner.

**Vehicle Pursuit Incident** - To be used whenever an employee participates in a pursuit as either a primary or secondary unit as defined by department directive

**Six separate instances of supplemental performance indicators (as listed in Section II D, above) within any twelve-month period will trigger the EW System review process. 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.**

E. The following incidents will only be entered into the **Guardian Tracking®** System by the level of Captain or higher. Entries will only be made after review by the Internal Affairs Commander and approval by the Chief of Police, **except an entry for Sick Day Used. This entry will be made without review by IA or approval from the chief.**

**Court - Failure to Appear** – To be used when an employee fails to appear before the court after proper notification has been given.

**Excessive Use of Force** – Any use of force by an officer that is formally determined or adjudicated (for example, by internal affairs or a grand jury) to have been excessive, unjustified, or unreasonable.

**Policy Violation** - To be used when an employee violates departmental policy and none of the other categories available is appropriate

**Positive Drug Test** – To be used when an officer tests positive for a random or reasonable suspicion drug test.

**Sick Time Abuse** - To be used whenever an employee utilizes a sick day improperly or for an identified pattern of sick time use.

**Sick Time Used** - To be used whenever an employee utilizes an **unexcused** sick day. Entries in this category are restricted to **unexcused** sick time. Prescheduled sick leave taken for tests, scheduled surgery/procedures, **excused sick**, etc., does not qualify under this category;

### III. **Remedial/Corrective Action**

Once an officer has displayed the requisite number of performance indicators necessary to trigger the Early Warning System review process (as set forth in Section I.C, or Section II. D above) the Deputy Chief shall initiate remedial action to address the officer's behavior

When the Early Warning System review process is initiated, the Deputy Chief should:

- (1) formally notify the subject officer, in writing;
- (2) conference with the subject officer and appropriate supervisory personnel;
- (3) develop and administer a remedial program including the appropriate remedial/corrective actions listed below;
- (4) continue to monitor the subject officer for at least three months, or until the supervisor concludes that the officer's behavior has been remediated (whichever is longer);
- (5) document and report findings to the appropriate supervisory personnel and, if warranted, the internal affairs unit.

Any statement made by the subject officer in connection with the Early Warning System review process may not be used against the subject officer in any disciplinary or other proceeding.

- A. If the early warning system reveals a potential problem through the presence of a flag in the **Guardian Tracking**<sup>®</sup> software, or as identified by a supervisor, the Chief of Police or designee will gather all relevant information from the system. A separate incident will be generated in the **Guardian Tracking**<sup>®</sup> software using the appropriate *Early Warning Intervention Incident* category.
- B. The Chief of Police 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 Chief of Police or designee will document this result in writing. The incident narrative placed in the **Guardian Tracking**<sup>®</sup> software may serve as adequate documentation.
- C. If the review reveals that an employee has violated department policies and procedures, 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**<sup>®</sup> software under the previously created *Early Warning Intervention Incident* category.
- D. Remedial intervention may include but is not limited to:
  1. Training or re-training
  2. Counseling
  3. Intensive supervision
  4. Fitness for duty examination
  5. Employee Assistance Program (EAP) referral; and
  6. Any other appropriate remedial or corrective action.
- 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 or designee 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 training program attendance and successful completion of that program, it should be noted in the employee's training record.
- G. The Chief of Police or designee 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, three (3) triggers of performance indicators or flag indicators within any (12) month period would initiate the early warning system process. Generally, six (6) triggers of supplemental performance indicators within any twelve (12) month period would initiate the early warning system process.
- I. 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.
- J. All regular monthly progress/status reports shall be submitted via the **Guardian Tracking®** software.
- K. All reports shall be forwarded to the Chief of Police through the **Guardian Tracking®** software for review.

There are occasions when the Guardian system can be utilized to acknowledge an employee for a job well done. Below is a list of examples that should be utilized for entry by Sergeants and Lieutenants. The success of this program relies heavily on the first line supervisor's participation and involvement.

**Application of Leadership Skills** – To be used when an employee demonstrates or exhibits commendable actions that indicate his/her knowledge of job responsibilities.

**Commendation** - Official awards or citations that commend an employee's action.

**Crime Scene Protection** – To be used when an employee does an outstanding job in protecting a crime scene.

**Exceptional Performance** – actions that are above and beyond what is expected but may not be worthy of an official commendation.

**Initiative** - To be used when an employee either shows initiative in the performance of a job function or when needed to document the absence of initiative on the part of an employee;

**Interviewing Skills** - To be used when an employee has the ability to elicit required information from suspects, victims, witnesses and associates

**Letter of Praise** – Written correspondence received by the agency regarding positive actions demonstrated by an employee.

**Notes** - Notes are to be used to track any communications that do not need to be monitored.

**Outstanding Community Involvement** – To be used when an employee shows outstanding community involvement.

**PCN - Commendation** - To be used when an employee's behavior exceeds the

expectations and standards set forth by this department. Behavioral anchors listed in the department evaluation can be used as a guide for what constitutes positive performance.

**Positive Impact with Youths** – To be used when an employee has a positive impact with local youths

**Teamwork** – to be used when employee(s) exhibits exceptional teamwork behavior;

**Leadership Demonstrated** – to be used when an employee exhibits exceptional leadership

### **III. Notification to Subsequent Law Enforcement Employer**

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.

### **IV. Notification to County Prosecutor**

Upon initiation of the Early Warning System review process, the agency's chief executive or 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 agency's chief executive 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.

### **Public Accessibility and Confidentiality**

All Early Warning System policies shall be made available to the public upon request and shall be posted on the Bergenfield PD website.

All written reports created or submitted pursuant to A.G Directive 2018-3 that identify specific officers are confidential and not subject to public disclosure.