

FAIR LAWN POLICE DEPARTMENT



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SUBJECT: EARLY WARNING INTERVENTION PROGRAM

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PAGE #

2-7

1-6

BY THE ORDER OF:

Chief Glen Cauwels

SUPERSEDES ORDER #:

PURPOSE The purpose of this directive is to identify early warning signs from employees whose job performance alters or deteriorates noticeably and requires department intervention.

POLICY It is the policy of the Fair Lawn Police Department to provide assistance to employees exhibiting below standard, unusual, or less than professional job performance attributable to trauma or personal stresses as well as negligence, lack of knowledge or illegal behavior. Due to the need to avoid harm to themselves, fellow employees or the general public and because of the scope of responsibility and consequence of error for positions in the department, psychological fitness must be maintained at all times. Remedial actions will be offered wherever possible to assist employees in meeting their personal and career goals.

The Guardian Tracking[®] software's sole purpose is not to be used only as an early warning system. The software is designed to document the officers overall performance, good and bad. Supervisors are encouraged to document situations not only of a poor or unacceptable performance level but also where officers do a commendable job and/or show initiative. This written directive is in accordance with the New Jersey Attorney General's Law Enforcement Directive No. 2018-3.

PROCEDURES

I. EARLY WARNING SYSTEM PROGRAM (EWS)

- 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. 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 employee, whether initiated by another employee or by a member of the public;
 2. Civil actions filed against the officer;
 3. Criminal investigations of or criminal complaints against an employee;
 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 employee is an alleged subject;
 6. An arrest of the employee, including on a driving under the influence charge;
 7. Sexual harassment claims against an employee;
 8. Vehicular collisions involving the officers 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 employee; and
 15. Vehicle Pursuits which the officer is formally determined to have violated department policy or the NJ Attorney General Guidelines.

- C. An employee who is involved in three (3) or any combination of three (3) of the above listed incidents within any 12 month period shall trigger an early intervention flag, which would initiate the early warning system process. Once an officer has displayed the requisite number of performance indicators necessary to trigger the EW review process assigned personnel shall initiate remedial action to address the officer's behavior.
- D. An employee who has been late (2) times within a 180 day period shall trigger a Tardiness flag. This is separate from any corrective action/discipline that may be required and at this point the supervisor will advise the Operations Division Commander.
- E. 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.
- F. Supervisors shall sign into the Guardian Tracking System at least one time per shift week. All other employees shall sign into Guardian Tracking System when they receive an email notification that an entry about them was made.

II. ADMINISTRATION OF EARLY WARNING SYSTEM

- A. The Internal Affairs Captain shall serve as the coordinator for the program. The IA Captain shall audit the agency's tracking system and records to assess the accuracy and efficacy of the tracking system at least every 6 months. The Command Staff (Chief, Operations Captain, IA Captain, and Admin. Captain) shall have access to these reports through the normal course of work.
- B. The Command Staff will routinely review the Guardian Tracking® Software and shall be alerted by Guardian Tracking® if an employee has the emergence of a pattern, practices or trend of inappropriate behavior or misconduct. In addition, that employee's Captain shall query the Guardian Tracking® Software and review an individual employee's history any time a new indicator is entered.
 - 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 Guardian Tracking® Software.
- C. When the indicators detailed in this directive trigger an early warning intervention, Guardian Tracking® will display an "Intervention" tab in red on the Guardian Tracking® home screen and the subject employee shall be formally notified in writing, such as by email, that the intervention process was activated. This display will be viewable by all supervisory personnel within the employee's chain of command. When this early warning "Intervention" tab is displayed, the following procedures will take place:
 - 1. The subject employee's Captain identifying the intervention will view all incidents, which activated the intervention. He/she will immediately create an incident in Guardian Tracking® titled "Early Intervention Response" and detail what his/her supervisory review has identified and which of the following steps are to be taken:

- a. If the Guardian Tracking® Software indicates that the early warning system has returned an incorrect identification or "false positive," that conclusion should be documented.
- b. If the Guardian Tracking® Software reveals that an employee has violated department rules and regulations or general orders, the supervisor in consultation with the internal affairs unit should proceed with an internal investigation and possible disciplinary action.
- c. If the Guardian Tracking® Software 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 such as counseling and/or training on a Performance Notice.

III. SUPERVISORS

- A. 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 commanding officer and if warranted, the internal affairs supervisor. The success of this program relies heavily on the first line supervisor's participation and involvement.
- B. Guardian Tracking® Software
 1. Guarding Tracking® is a software based 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.
 2. Supervisors will document routine performance. 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.

IV. COMMANDERS

- A. The Captain who identified the intervention will notify the Chief in writing, such as by email, within 72 hours of the identification. The Chief of Police will review the steps taken by that Captain and will determine whether a more formal follow-up intervention is needed such as a meeting with the employee. If so the employee's immediate supervisor and Captain should meet first to discuss the situation in depth in order 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. Supervisor/Employee Meeting
1. All supervisor/employee meetings shall be thoroughly documented in the Guardian Tracking® Software, which will be automatically forwarded to the Chief of Police or his designee. The affected employee and supervisor shall meet on a regular basis, minimally monthly, to discuss progress towards the agreed upon goals and objectives. All regular monthly progress/status reports shall be submitted via the Guardian Tracking® Software.
- C. At least an additional three (3) months of documented monitoring or longer is required following removal from the early warning system. Monthly monitoring reports from the direct supervisor are required.
- D. Any statement made by the subject employee in connection with the Early Warning System review process may not be used against the subject employee in any disciplinary or other proceeding.

V. REMEDIAL/CORRECTIVE INTERVENTION

- A. Supervisory or command personnel may initiate remedial/corrective intervention to correct behavior. Remedial/corrective intervention, if action is warranted, 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, if available, when warranted;
 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 through the Guardian Tracking® Software for review. These reports have the same confidential status as Internal Affairs documents and are subject to the same disclosure and retention regulations and guidelines.

VI. NOTIFICATION TO SUBSEQUENT LAW ENFORCEMENT EMPLOYER

- A. 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.

VII. NOTIFICATION TO COUNTY PROSECUTOR

- A. 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 System 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 review, including any remedial measures taken on behalf of the subject officer.

VIII. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY

- A. The Early Warning System policy shall be made available to the public upon request and shall be posted on the agency website.