



BELMAR POLICE DEPARTMENT

STANDARD OPERATING PROCEDURE



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| ORDER NUMBER: 20-002 | EFFECTIVE DATE: NOVEMBER 18, 2020 |
| SUBJECT: Personal Performance Management and Early Warning System | # OF PAGES:12 |
| BY THE ORDER OF: Chief Tina M. Scott | SUPERSEDES ORDER#: |
| NJSACOP ACCREDITATION STANDARDS: | |

PURPOSE: The purpose of this written directive is to establish a personnel performance management and early warning system (PPMS).

POLICY: It is the policy of this department to implement and utilize an early warning system for tracking and reviewing incidents of risk and provide timely intervention consistent with Attorney General Guidelines. This written directive is in accordance with the Monmouth County Prosecutor's Directive, June 2016, and the New Jersey Attorney General's Law Enforcement Directive No. 2018-3.

PROCEDURE:

I. GUARDIAN TRACKING® SOFTWARE

- A. 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.
- B. Supervisory personnel will not document routine performance in any other format. All performance documentation will be entered into the Guardian Tracking® Software.
- C. Supervisory personnel will have access to make entries and view all employees under their chain of command, with the exception to those areas identified in section three of this written directive.
- D. Supervisory personnel, 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 or their direct supervisor. Supervisory personnel within the chain of command will, by default, have access to this newly created documentation.

1. 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.
- E. Supervisory personnel, who identify and wish to document positive performance conduct on other personnel, outside of their chain of command, will submit the nature of the performance directly to the employee involved. Supervisory personnel within the chain of command will, by default, have access to this newly created documentation.
- F. Command personnel will periodically review entries in the Guardian Tracking® Software to ensure supervisors are using the software in accordance with this written directive.

II. EMPLOYEE PERFORMANCE

- A. The employees' supervisor shall make appropriate contemporaneous entries in PPMS regarding employees' performance under their command/supervision. These entries shall serve to enhance the documentation and quality of the performance evaluation reports completed by the supervisor on his/her subordinates.
- B. Entries in PPMS shall be consistent with the established behavior criteria in accordance with the department performance evaluation system.

III. 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. 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 shall include, but are not limited to, the following documented indicators:

1. Internal complaints, whether initiated by another employee or by a member of the public and regardless of outcome;
(NOTE - This information is ONLY accessible to the Chief of Police and the Department's Internal Affairs Officer)
2. Civil actions filed against an officer, regardless of outcome;
(NOTE - This information is ONLY accessible to the Chief of Police and the Department's Internal Affairs Officer)
3. Criminal investigations or complaints made against an employee;
(NOTE - This information is ONLY accessible to the Chief of Police and the Department's Internal Affairs 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 employee is an alleged subject;
6. All domestic violence incidents (regardless of whether or not a complaint or TRO/FRO was issued).
7. An arrest of an employee, including on a driving under the influence charge;
8. Sexual harassment claims against an employee;
9. Vehicular collision involving an officer that is formally determined to have been the fault of the officer;
10. A positive drug test by an officer;
11. Cases or arrests by the officer that are rejected or dismissed by a court;
12. Cases in which evidence obtained by an officer that is

suppressed by a court;

13. Insubordination by the officer;
 14. Neglect of duty by the officer;
 15. Vehicular pursuits;
 16. Off-Duty Contact with Law Enforcement Agencies as a result of personal conduct.
 17. Unexcused absences or sick time abuse; and
 18. Any other indicators, as determined by the agency's chief executive.
- C. Generally, three (3) instances of questionable conduct or performance indicators (as listed in section B, above) within a 12-month period would initiate the early warning system process.
- D. 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. 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 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 Internal Affairs Supervisor shall consult with the employee's supervisor and/or command personnel.
 4. The Internal Affairs Supervisor and the employee's supervisor and the employee's supervisor and/or command personnel 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 employee violated the department rules and regulations or written directives, 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 Internal Affairs Supervisor to determine the appropriate course of remedial/corrective intervention.
- F. At least every six (6) months, internal affair's personnel shall audit the agency's tracking system and records to assess the accuracy and efficacy of the tracking system.
- G. 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 command personnel 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, the Internal Affairs Unit 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.

H. Command Personnel

1. Command personnel shall periodically review an individual employee's history. Using this information and his/her experience, command personnel 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 employee's supervisor and command personnel shall meet 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 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. Supervisor/Employee Meeting
 - a. All supervisor/employee meetings shall be thoroughly documented, in the Guardian Tracking® Software, which will automatically be forwarded to the Chief of Police or designee. The affected employee and supervisor 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.

- I. 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.

J. 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. Counseling;
 - d. Intensive supervision;
 - e. Fitness for duty examination;
 - f. Professional counseling, when warranted, if available;
 - g. Peer counseling.
2. Internal disciplinary action, remedial/corrective intervention, and fitness for duty examinations are not mutually exclusive and should be jointly pursued if and when appropriate.
3. When remedial/corrective intervention 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/corrective intervention is a training program, attendance and successful completion of that program should be noted in the employee's training record.

IV. CONFIDENTIALITY OF PPMS DATA/INFORMATION

- A. PPMS data is confidential and shall not be disclosed to the public or any unauthorized department employee. PPMS 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.
- B. Information deemed confidential and/or protected by federal or state statute, or regulation shall not be recorded in PPMS.

1. No confidential medical information (i.e., nature of employee illness or names of treating physicians) shall be entered into PPMS.
 2. No internal affairs reports shall be entered into PPMS. However, the immediate supervisor shall enter early warning behaviors and briefly summarize the conduct or performance warranting the entry.
- C. The duplication or reproduction of any PPMS data/information for non-official department purposes not authorized by the Chief of Police is strictly prohibited

V. MONMOUTH COUNTY PROSECUTOR'S OFFICE NOTIFICATIONS

- A. Domestic Violence Protocol
1. For all incidents where it is alleged that a law enforcement officer committed an act of domestic violence or was the victim of domestic violence, regardless of whether or not complaints and/or a temporary or final restraining order has been issued, the Chief of Police or his/her designee shall promptly notify the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit by emailing mcpopru@mcponj.org.
 2. This notification should include the following information:
 - a. Agency name;
 - b. Officer's name;
 - c. Victim's name, if other than officer;
 - d. Reported date/time;
 - e. Date of incident, if other than reported date/time;
 - f. Incident location, including municipality;
 - g. Assigned case number;
 - h. Nature of incident;
 - i. Injuries sustained by victim;
 - j. Witness names;

- k. Criminal complaint and/or TRO/FRO issued;
 - l. Assigned personnel, e.g., (local law enforcement officer, internal affairs officer); and
 - m. Copies of all police reports and relevant paperwork, e.g., (complaint, TRO, VNF, etc.).
3. All emergent matters shall be reported directly to the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit by calling 732-577-8700.
 4. The Belmar Police Department shall provide to the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crimes Unit a listing of any and all calls where it is alleged that a law enforcement officer committed an act of domestic violence or was the victim of domestic violence, regardless of whether or not complaints and/or a temporary or final restraining order has been issued to include, but not limited to:
 - a. All incidents that occurred within their jurisdiction in the past three (3) years;
 - b. All out of county and/or state notifications of domestic violence calls involving law enforcement officers;
 - c. Verification that if an officer from another county, state or out of state agency was involved that notification has been made to the involved officer's employing agency.
 5. It is the continuing responsibility of the Professional Responsibility and Bias Crimes Unit to open a file, review the incident, and investigate the matter further, if necessary.
- B. Fitness-for-Duty Protocol
1. The Chief of Police or his/her designee shall make notification to the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crimes Unit by emailing mcpopru@mcponj.org 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. All emergent matters shall be reported directly to the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit by calling 732-577-8700.
 3. When a law enforcement officer has been disarmed, regardless of the reason and prior to the Belmar Police Department 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.
 4. In addition, whenever the Belmar Police Department sends any officer for a fitness-for-duty evaluation, the Chief of Police or his/her designee is also required to submit to the physician, psychiatrist or psychologist an itemized list of the documents it forwarded to him/her along with the documents it submitted.
 5. 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.
 6. It is the continuing responsibility of the Professional Responsibility and Bias Crimes Unit to open a file, review the incident, and investigate the matter further, if necessary.

VI. ANNUAL REVIEW

- A. The Belmar Police Department shall review its early warning system on an annual basis during the month of January. The Chief of Police or his/her designee shall provide a letter to the Monmouth County Prosecutor's Office documenting proof of such review. The review shall include, but not be limited, to the following:
1. Number of audits conducted;
 2. Number of employees flagged;
 3. Number of instances where remedial/corrective action was taken;
 4. Number of internal affairs cases opened as result of early warning system;
 5. Changes in number of internal affairs complaints with reference to flagged indicators and whether they have increased/decreased;
 6. Number of notifications made to the Monmouth County Prosecutor's Office.

VII. 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 Belmar Police Department to notify the subsequent employing law enforcement agency of the officer's Early Warning System review process history and outcomes. Upon request, the Belmar Police Department shall share the officer's Early Warning System review process files with the subsequent employing agency.

VIII. 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.

IX. 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.

All written reports created or submitted pursuant to this written directive that identify specific officers are confidential and not subject to public disclosure.