


RUTHERFORD POLICE DEPARTMENT			
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SUBJECT: EARLY WARNING SYSTEM			
EFFECTIVE DATE: 3/23/2017	ACCREDITATION STANDARDS:	REVISION DATE 4/30/2018	PAGE # 5,6,7
BY THE ORDER OF: Chief John R. Russo			
SUPERSEDES ORDER #:			

PURPOSE: The purpose of this written directive is to establish a personnel early warning system.

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.

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. GUARDIAN TRACKING shall be the electronic system utilized for early warning entries and for establishing pre-determined thresholds for certain incidents that fit criteria warranting departmental tracking. Nothing in this SOP shall prohibit supervisory personnel from triggering an early warning investigation without Guardian Tracking entries.
- C. 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. Motor vehicle stop data;
 2. Search and seizure data;
 3. Internal complaints, regardless of outcome;
 4. Civil actions filed, regardless of outcome;
 5. Incidents of force usage, including firearms discharges and use of non-deadly force;
 6. Claims of duty-related injury;
 7. Arrests for resisting arrest;
 8. Arrests for assault on a law enforcement officer;
 9. Criminal investigations or complaints made against the employee;
 10. Vehicular pursuits;

11. Vehicular collisions;
 12. Cases rejected or dismissed by the prosecutor;
 13. Evidence suppressed by the court.
- D. Incidents requiring early warning analysis have been established within the Guardian Tracking system along with their respective flag threshold. Guardian Tracking training has been established and is available via the Department's Power DMS system.

II. ADMINISTRATION OF EARLY WARNING SYSTEM

- A. The early warning system is primarily the responsibility of the internal affairs unit; 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 shall conduct a manual or computerized 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. Guardian Tracking entries and flag warnings and responses shall be made available to Internal Affairs personnel.
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 and/or Tour Commander
- D. The internal affairs supervisor and the employee's supervisor and/or Tour Commander shall review the information provided by internal affairs along with any other relevant information from department records, including Guardian Tracking 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 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 Tour Commander and if warranted, the internal affairs supervisor. 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 unit 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. These entries shall be enter accordingly as Early Warning Flag Responses within Guardian Tracking.
- C. If the remedial/corrective intervention was training, documentation shall be filed in accordance with the department's written directive governing training (remedial training) and established Guardian Tracking procedures.

IV. TOUR COMMANDERS

- A. In addition to the regular data audits conducted by internal affairs, the Tour Commanders shall periodically or upon direct order of a superior, audit an individual employee's history. Using this information and their experience, the Tour Commander may be able to identify employees who

may need remedial/corrective intervention even before such is indicated by the early warning system data audit.

- B. When under early warning system monitoring, the employee's division commander and 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.
- C. Generally, personnel should expect to remain under intensive monitoring and supervision for six (6) months when an early warning flag is triggered and determined to be sustained.
- D. Supervisor/Employee Meeting
 - 1. All supervisor/employee meetings shall be thoroughly documented, which will be forwarded to the Chief of Police or his designee, and entered into the comments field of a Guardian Tracking Early Warning Flag Response. The affected employee and supervisor shall meet on a regular basis, minimally monthly, to discuss progress towards the agreed upon goals and objectives.
 - 2. All regular progress/status reports shall be submitted to the Chief of Police or his/her designee through the Early Warning Flag Response comment field when appropriate.

V. EARLY WARNING SYSTEM CATEGORIES AND THRESHOLDS

- A. Guardian Tracking categories shall be broken down into 3 subcategories:
 - a. **1-GENERAL** (day-to-day categories such as time off, sick leave, patrol functions).
 - i. DWI Arrests
 - ii. Officer Involved MVA (narrative must indicate if LEO is at fault)
 - iii. Vehicle Pursuits
 - iv. Use of Force Incidents (narrative must indicate if LEO force was found to be excessive)

- v. Vehicle Consent Search
 - vi. Volunteerism
 - vii. Sick Time
 - viii. Specific Time-Off Requests Consistent with CBA.
 - ix. Cases or arrests rejected or dismissed by a court
 - x. Case in which evidence obtained is suppressed by a court
 - xi. All other categories deemed necessary by Administration
- b. **2-RECOGNITION** (commendations, letters of applications, supervisor/peer/citizen recognition)
- i. Award
 - ii. Excellent Police Work
 - iii. Letter of Appreciation
 - iv. Recognition – Supervisor
 - v. Recognition – Peer
 - vi. Recognition – Citizen
- c. **3-DISCIPLINE** (Internal Affairs, complaints, counseling)
- i. Counselling/Warning
 - ii. Inspection Uniform/Equipment
 - iii. Performance/Productivity Warning
 - iv. Policy Violation
 - v. Internal Affairs Complain (internal & external)
 - vi. Demeanor Complaint
 - vii. Civil Action Against
 - viii. Criminal Investigation or Complaint Against
 - ix. Domestic Violence Alleged Subject
 - x. Arrest of Officer (Including DWI and AOC/ATS Warrants)
 - xi. Sexual Harassment
 - xii. Positive Drug test
 - xiii. Insubordination
 - xiv. Neglect of Duty
 - xv. Unexcused Absence (AWOL)
 - xvi. Tardiness
 - xvii. Moving Violation Summons/Borough Ordinance Complaint Against
- B. Threshold triggers have been added to the Guardian Tracking system to flag specific number of incidents within a respective category. Once a flag is triggered, the officer's supervisors shall be automatically electronically notified and required to perform an audit of those entries and submit a flag response report. Threshold triggers are in compliance with Attorney General Law Enforcement Directive No. 2018-3.
- C. Categories are subject to change at the discretion of the Chief of Police or his designee.

V. REMEDIAL/CORRECTIVE INTERVENTION

- A. Supervisory or command 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.
- E. All reports shall be forwarded to the Chief of Police 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.
- F. 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.

VI. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY

This policy shall be made available to the public upon request and shall be posted on the Rutherford Police webpage. <https://www.rutherford-nj.com/departments/police/>

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

VII. NOTIFICATION TO SUBSEQUENT LAW ENFORCEMENT EMPLOYER

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.

VIII. NOTIFICATION TO COUNTY PROSECUTOR

Upon initiation of the EW System review process, the Chief 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 EW System review process, the Chief 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.

