

<b>MONMOUTH COUNTY SHERIFF'S OFFICE LAW ENFORCEMENT DIVISION GENERAL ORDER 2003-1</b>		
<b>SUBJECT: PERSONNEL EARLY WARNING SYSTEM</b>		
<b>BY THE ORDER OF:</b>	<b># OF PAGES:</b> 12	
<b>EFFECTIVE DATE: DECEMBER 8, 2003</b>	<b>ACCREDITATION STANDARDS:</b> 35.1.9	
<b>SUPERSEDES ORDER #:</b>		
<b>REVISION DATE: AUGUST 4, 2022</b>	<b>REFERENCES: NJ Attorney General Directives 2000-3 and 2018-3, Monmouth County Uniform Policy Early Warning System, Monmouth County Employee Guide to Policies, Benefits, and Services, Monmouth County Sheriff's Office Rules and Regulations</b>	

**PURPOSE:** The purpose of this policy is to establish guidelines for the Monmouth County Sheriff's Office Personnel Early Warning System.

**POLICY:** It is the policy of the Monmouth County Sheriff's Office to implement and utilize Guardian Tracking® Software as an Early Warning System for tracking and reviewing incidents of risk and provide timely intervention consistent with the New Jersey Attorney General's Law Enforcement Directive No. 2018-3, "Statewide Mandatory Early Warning Systems".

**PROCEDURES:**

**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 Early Warning 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) may 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: [Accreditation 35.1.9a]

1. Internal complaints, whether initiated by another employee or by a member of the public, and regardless of outcome;
  2. Civil actions filed against an employee, regardless of outcome;
  3. Criminal investigations or complaints made against an employee;
  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 the charge of driving under the influence;
  8. Sexual harassment claims against an employee;
  9. Vehicular collisions involving an employee wherein it has been determined to have been the fault of the employee;
  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 is suppressed by a court;
  13. Insubordination by the officer;
  14. Neglect of duty by the officer;
  15. Unexcused absences or sick time abuse by an employee;
  16. Vehicular pursuits;
  17. Off-duty contact with any law enforcement agency as a result of an employee's personal conduct; and
  18. Any other indicators as determined by the Sheriff or his/her designee.
- C.** Generally, three instances of questionable conduct or performance indicators (as listed in section B above) within any twelve-month period would initiate the Early Warning System process. [Accreditation 35.1.9b]

- 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. To be removed from the Early Warning System review process, the officer must have a twelve-month period of no performance indicators. Should that officer have performance indicators again, the Early Warning System review process shall again be triggered, and the Monmouth County Prosecutor's Office must be notified accordingly.

## **II. ADMINISTRATION OF EARLY WARNING SYSTEM [Accreditation 35.1.9d]**

- A. The Early Warning System is primarily the responsibility of the Office of Professional Responsibilities with oversight and control maintained by the Division Commander or his/her designee, but any supervisor may initiate the Early Warning process based upon their own observations. Emphasis should be placed on anticipating employee problems before they result in improper performance or conduct.
- B. The Office of Professional Responsibilities shall be alerted by Guardian Tracking® Software if an employee has the emergence of a pattern, practice, or trend of inappropriate behavior or misconduct. In addition, the Office of Professional Responsibilities shall query Guardian Tracking® Software and review an individual employee's history any time a new complaint is received.
  - 1. Using this information and their experience, Office of Professional Responsibilities personnel may be able to identify employees who may need remedial/corrective intervention even before such is indicated by Guardian Tracking® Software. [Accreditation 22.1.7b]
- C. If Guardian Tracking® indicates the emergence of a pattern, practice, or trend of inappropriate behavior or misconduct, Office of Professional Responsibilities personnel shall consult with the employee's supervisor.
- D. The Office of Professional Responsibilities personnel and the employee's supervisor shall review the information provided by the Early Warning System along with any other relevant information from agency records for the purpose of initiating a course of intervention designed to correct/prevent the emerging pattern, practice, or trend.
  - 1. If Guardian Tracking® Software indicates that the Early Warning System has returned an incorrect identification or "false positive," that conclusion shall be documented. A "false positive" is a scenario where the Early Warning System is technically triggered; however, remedial or corrective action is not warranted. For example, an officer who is the subject of three complaints that triggered the Early Warning System who is exonerated, or where the complaints are

deemed unfounded or not sustained, need not be subject to remedial or corrective action unless the agency deems such as appropriate.

2. If Guardian Tracking® Software reveals that an employee has violated agency rules and regulations or written directives, the supervisor in consultation with the Office of Professional Responsibilities shall proceed with an Office of Professional Responsibilities investigation and pursue possible disciplinary action.
  3. If 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 Office of Professional Responsibilities and the Division Commander or his/her designee to determine the appropriate course of remedial/corrective intervention.
- E. At least every six months, Office of Professional Responsibilities personnel shall audit the agency's tracking system and records to assess the accuracy and efficacy of the tracking system.

### III. SUPERVISORS [Accreditation 35.1.9f]

- A. An employee's first-line supervisor is usually the first member of the agency to encounter and document specific incidents that affect an employee's performance. It is essential for the supervisor to speak with the employee, document these incidents and report findings to the appropriate section and/or bureau supervisor and, if warranted, to the Office of Professional Responsibilities. The success of this program relies heavily on the first-line supervisor's participation and involvement. [Accreditation 35.1.9d]
- B. If a supervisor has initiated remedial/corrective intervention, the Office of Professional Responsibilities and the Division Commander or his/her designee shall be formally notified of such efforts. The incident narrative placed in Guardian Tracking® Software may serve as adequate documentation. No entry shall be made in the employee's formal personnel file, unless the action results in disciplinary/corrective action.
- C. Second-line supervisors shall utilize and apply the process as indicated within this policy and will ensure that all first-line supervisors and employees under their command understand the purpose and practical applications of the process. Second-line supervisors shall utilize, when necessary, the same procedures indicated in this policy for first-line supervisors to address similar concerns involving supervisory personnel.
- D. **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. 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 Guardian Tracking® Software.
3. Supervisors will have access to make entries and view all employees under their chain of command.
4. Supervisory personnel who identify deficiencies with other personnel outside of their chain of command will submit the notice in Guardian Tracking® Software to the employee's immediate supervisor indicating the nature of the deficiency.
  - a. This process does not relieve supervisors of the obligation to take immediate action to correct serious infractions that may result in liability, injury, and/or discredit of the officer or the Monmouth County Sheriff's Office.
5. Supervisors who identify and wish to document positive performance conduct for an employee outside of their chain of command shall submit the nature of the performance directly to the employee involved. Supervisors within the employee's chain of command will have access to this newly created documentation by default.
6. **Confidentiality of Data/Information in Guardian Tracking® Software System.**
  - a. Guardian Tracking® Software data is confidential and shall not be disclosed to the public or any unauthorized agency employee. Guardian Tracking® Software 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. The duplication or reproduction of any Guardian Tracking® Software data/information for non-official agency purposes not authorized by the Sheriff is strictly prohibited.

#### **IV. COMMAND STAFF [Accreditation 35.1.9f]**

- A. Command staff shall periodically review entries in Guardian Tracking® Software to ensure supervisors are using the software in accordance with this directive. Furthermore, command staff shall periodically review an individual employee's history. Using this information and their experience, command staff may be able to identify employees who may need remedial/corrective intervention even before such is indicated by Guardian Tracking® Software.

- B.** When under Early Warning System monitoring, command staff personnel and the employee's supervisor shall meet with the employee to discuss the situation in depth to accomplish the following and thoroughly document the substance of these meetings in Guardian Tracking® System:
1. Identify problems or potential problems;
  2. Determine short-term and long-term goals for improvement;
  3. Come to a consensus commitment on a plan for long-term improved performance; and
  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 at least three months when an Early Warning flag is triggered or until the supervisor concludes that the employee's behavior has been remediated (whichever is longer).
- D. Supervisor/Employee Meeting.**
1. All supervisor/employee meetings shall be thoroughly documented in Guardian Tracking® Software, which will automatically be forwarded to the Division Commander or his/her designee. The affected employee and supervisor shall meet on a regular basis at a monthly minimum to discuss progress towards the agreed upon goals and objectives.
  2. All regular monthly progress/status reports shall be submitted via Guardian Tracking® Software.
  3. An additional six months of documented monitoring is required following removal from the Early Warning System. Monthly monitoring reports from the direct supervisor are required.
- E.** Any statement made by the officer in connection with the Early Warning System review process shall not be used against him/her in any disciplinary or other proceeding.

**V. REMEDIAL/CORRECTIVE INTERVENTION [Accreditation 35.1.9g]**

- A.** Intervention should be taken, whenever possible, by the affected employee's first-line supervisor with the aim of resolving the issue(s) at that level.

- B. 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 (EAP) referral, when warranted; [Accreditation 35.1.9h]
  - 7. Peer counseling.
- C. Internal disciplinary action, remedial/corrective intervention, and fitness for duty examinations are not mutually exclusive and should be jointly pursued if and when appropriate.
- D. When remedial/corrective intervention has been undertaken, the Division Commander or his/her designee shall ensure that such actions are documented in writing. No entry shall be made in the employee's personnel file unless the action results in a sustained allegation following an Office of Professional Responsibilities investigation. If the remedial/corrective intervention is a training program, attendance and successful completion of that program shall be noted in the employee's training record.
- E. All reports shall be forwarded to the Sheriff or his/her designee through Guardian Tracking® Software for review. These reports have the same confidential status as Office of Professional Responsibilities documents and are subject to the same disclosure and retention regulations and guidelines.
- F. It should be noted that a supervisor may initiate remedial or corrective action in response to an officer's behavior at any time, regardless of the Early Warning System being formally triggered.

**VI. MANDATORY NOTIFICATIONS TO THE MONMOUTH COUNTY PROSECUTOR'S OFFICE (MCPO) [Accreditation 35.1.9d]**

**A. Officer Has Triggered Early Intervention System Review Process.**

- 1. An officer has triggered the Early Intervention System review process due to three separate instances of performance indicators within any twelve-month period.

2. Upon initiation of the Early Warning System review process, the Division Commander 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.
3. Upon completion of the Early Warning System review process, the Division Commander or his/her designee 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.

**B. Domestic Violence Matters Involving a Law Enforcement Officer.**

1. Any incident in which an officer is alleged to have committed an act of domestic violence or was the victim of domestic violence must be reported. Although being a victim of a domestic violence incident is not a mandatory performance indicator, the MCPO must be notified anytime an officer is an alleged victim of a domestic violence matter. These matters must be reported regardless of whether or not complaints and/or a temporary or final restraining order have been issued, and regardless of where the underlying incident occurred (in or out-of-county).
2. Domestic violence matters involving law enforcement officers employed by state or out-of-county agencies must be reported to both the officer's employing agency and the MCPO. Notification to the MCPO shall include verification that the officer's employing agency has been notified about the domestic violence incident, as well as state whether the officer has been disarmed pursuant to Attorney General Law Enforcement Directive 2000-3, "Seizure of Weapons from Municipal and County Law Enforcement Officers."
3. When required, notification should include the following information:
  - a. Agency name;
  - b. Officer's name;
  - c. Victim's name, if other than the officer;
  - d. Reported date/time;
  - e. Date of incident, if other than reported date/time;
  - f. Incident location, including municipality;
  - g. Assigned case number;





2. Prior to the Monmouth County Sheriff's Office rearming the officer, the MCPO must be provided with a copy of the corresponding fitness for duty report in its entirety and a written plan regarding the rearming of the officer, to include whether such would be conditional or unconditional. The officer shall not be rearmed until the MCPO has the opportunity to review the fitness for duty report and written plan and articulate any objections, concerns, or recommendation to this agency. This is to be done any time an officer is disarmed for any reason, and is not limited to domestic violence incidents.

**G. Method of Notification.**

1. Notifications identified above shall be made to the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit (PRU) via email at [mcpopru@mcponj.org](mailto:mcpopru@mcponj.org). Where notification is required, all available information shall be provided, including any law enforcement reports and other documentation. Emergent matters, such as the arrest of an officer or his/her involvement in a domestic violence incident, shall be reported directly to the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit (PRU) by calling 732-577-8700 and asking for the on-call PRU supervisor.

**VII. NOTIFICATION TO SUBSEQUENT LAW ENFORCEMENT EMPLOYER**  
[Accreditation 35.1.9d]

- 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/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 outcome(s).
- B. Upon request, the prior or current employing agency shall share the officer's Early Warning System review process files with the subsequent employing agency.

**X. ANNUAL REVIEW OF THE EARLY WARNING SYSTEM** [Accreditation 35.1.9e]

- A. The Early Warning System shall be reviewed on an annual basis during the month of January. The Division Commander 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: [Accreditation 35.1.9c]
  1. Number of audits conducted;
  2. Number of employees flagged;

3. Number of instances remedial/corrective action was taken;
  4. Number of Office of Professional Responsibilities cases opened as result of the Early Warning System;
  5. Changes in number of Office of Professional Responsibilities complaints with reference to flagged indicators and whether they have increased or decreased;
  6. Number of notifications made to the Monmouth County Prosecutor's Office.
- B.** Other office written directives which comprise the framework of the Personnel Early Warning System and which should be referenced to provide guidance when intervention is necessary are:
1. General Order 97-1: Office of Professional Responsibilities;
  2. General Order 97-9: Training and Career Development;
  3. General Order 97-29: Performance Evaluations;
  4. General Order 98-26: Employee Assistance Program (EAP); [Accreditation 35.1.9h]
  5. General Order 96-4: Substance Abuse;
  6. General Order 2001-6: Workers Compensation;
  7. General Order 97-30: Line of Duty Serious Injury or Death;
  8. General Order 98-18: Compensation, Benefits and Conditions of Work;
  9. Monmouth County Sheriff's Office Rules and Regulations;
  10. Monmouth County Employee Guide to Policies, Benefits, and Services.

**XI. 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.