


MONMOUTH COUNTY SHERIFF'S OFFICE LAW ENFORCEMENT DIVISION GENERAL ORDER 2003-1		
SUBJECT: PERSONNEL EARLY WARNING SYSTEM		
BY THE ORDER OF: SHERIFF SHAUN GOLDEN	# OF PAGES: 10	
EFFECTIVE DATE: DECEMBER 8, 2003	ACCREDITATION STANDARDS: 35.1.9, 22.2.6	
SUPERSEDES ORDER #:		
REVISION DATE: JANUARY 1, 2020	REFERENCES: NJ ATTORNEY GENERAL DIRECTIVE 2018-3 /INTERNAL AFFAIRS / MONMOUTH COUNTY UNIFORM POLICY EARLY WARNING SYSTEM	

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.

PROCEDURES

- A. Early Warning System.** The early warning system is designed to detect patterns and trends before the conduct escalates into more serious problems. 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. Performance Measures.** 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 affairs complaints, whether initiated by another employee or by a member of the public;
 - 2. Civil actions filed against a member or employee;

3. Criminal investigations or criminal complaints against a member or employee.
4. Any use of force by a member that is formally determined or adjudicated to have been excessive, unjustified, or unreasonable;
5. Domestic violence investigations in which the member or 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 a member or employee, including driving under the influence charge;
8. Sexual harassment claims against a member or employee;
9. Vehicular collisions involving a member or employee that are formally determined to have been the fault of the member or employee;
10. A positive drug test by the 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. Vehicular pursuits;
16. Off-Duty Contact with Law Enforcement Agencies as a result of personal conduct;
17. Unexcused absences or sick time abuse by a member or employee; and
18. Any other indicators as determined by the Sheriff or their designee.

C. Generally, three (3) instances of questionable conduct or performance indicators within the same (12) twelve-month period shall initiate the early warning system 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.

D. **Administration of Early Warning System.** The early warning system is primarily the responsibility of the Internal Affairs Officer(s), with oversight and control maintained by the Commander of the Law Enforcement Division. However, any supervisor may initiate the early warning process based upon his/her own observations. Emphasis should be placed on anticipating employee problems before it results in improper performance or conduct.

1. Internal Affairs shall be alerted by the Guardian Tracking Software if a member or employee has the emergence of a pattern, practices or trend of inappropriate behavior or misconduct. In addition the internal affairs officer(s) shall query the Guardian Tracking Software and review an individual employee's history any time a new complaint is received.
 - a. If the Guardian Tracking Software indicates the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, the Internal Affairs Officer shall consult with the employee's supervisor and/or commander.
2. The Internal Affairs Officer and the employee's supervisor and/or commander 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/interrupt the emerging pattern, practice or trend.
 - 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 agency rules and regulations or written directives, the supervisor in consultation with the Internal Affairs Officer should proceed with an Internal Affairs 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 Internal Affairs and the Commander of the Law Enforcement Division to determine the appropriate course of remedial/corrective intervention
3. At least every six (6) months, Internal Affairs personnel shall audit the agency's tracking system and records to assess the accuracy and efficacy of the tracking system.

E. Supervisors

1. 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 Commander, and if warranted, Internal Affairs. 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 Officer and Commander of the Law Enforcement Division shall be formally notified of such efforts. This information shall be documented and appropriate copies forwarded to Internal Affairs for filing. No entry should be made in the employee's formal personnel file, unless the action results in disciplinary/corrective action.

3. Second-line supervisors shall utilize and apply the process as indicated within this policy and will ensure that all first-line supervisory members 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 those supervisory personnel.

4. 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. As incidents are entered, Guardian Tracking Software will monitor the frequency of specific incidents to determine if early intervention is warranted.

b. Supervisors will not document routine performance in any other format. All performance documentation will be entered into the Guardian Tracking Software.

c. Supervisors will have access to make entries and view all employees under their chain of command.

d. Supervisory personnel, who identify deficiencies with other personnel outside of their chain of command, will submit the notice in the Guardian Tracking Software to the employee's direct supervisor indicating the nature of the deficiency.

(1) 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 disrepute.

e. Supervisory personnel who identify and wish to document positive performance on other personnel, outside of their chain of command, will submit the nature of the performance directly to the employee involved. Supervisors within the chain of command will, by default, have access to this newly created documentation.

f. Confidentiality of Data/Information

(1) 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.

- (2). The duplication or reproduction of any Guardian Tracking Software data/information for non-official agency purposes not authorized by the Sheriff is strictly prohibited.

F. Commanders

1. Commanders will periodically review entries in the Guardian Tracking Software to ensure supervisors are using the software in accordance with this written directive. The commanders 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 commander and 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 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 Commander of the Law Enforcement Division or their 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.
 - c. An additional six (6) months of documented monitoring is required following removal from the early warning system. Monthly monitoring reports from the direct supervisor are required.

5. 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.

G. Remedial/Corrective Intervention

1. Intervention should be taken, whenever possible, by the affected member or employee's first-line supervisor with the aim of resolving the issue(s) at that level.
2. Supervisory or command personnel may initiate remedial/corrective intervention to correct behavior. Remedial/corrective intervention may include, but is not limited to the following:
 - a. Training;
 - b. Retraining;
 - c. Counseling;
 - d. Intensive Supervision;
 - e. Fitness for duty examination;
 - f. Employee assistance program referral, when warranted, and, if available;
 - g. Peer counseling.
3. Internal disciplinary action, remedial/corrective intervention, and fitness for duty examinations are not mutually exclusive and should be jointly pursued if and when appropriate.
4. When remedial/corrective intervention has been undertaken, the Commander of the Law Enforcement Division shall ensure that such actions are documented in writing. No entry should be made in the employee's formal personnel file, unless the action results in a sustained internal affairs 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.
5. All reports shall be forwarded to the Sheriff or designee 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.

H. Monmouth County Prosecutor's Office Notifications

1. For all incidents where it is alleged that an officer committed an act of domestic violence or was the victim of domestic violence, and in instances where there is off-duty contact with law enforcement agencies as a result of personal conduct, regardless of whether or not complaints and/or temporary or final restraining order

has been issued, the Commander of the Law Enforcement Division or designated Internal Affairs Officer shall promptly notify the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit by emailing mcpopru@mcponj.org.

- 2.** Officers are required to identify themselves as Monmouth County Sheriff's Officers to responding officers when their off-duty conduct results in a police call, regardless of whether or not complaints and/or a temporary or final restraining order has been issued. The involved off-duty Sheriff's Officer is also required to self-report the incident to Internal Affairs as soon as it is safe and practicable to do so. Said identification will ensure that the responding police department may notify the involved officer's agency of said police call. Please note that this notification is not required when the police involvement consists of minor traffic infractions where no injury was sustained by any party. An officer's failure to make such notification may result in disciplinary action.
- 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;
 - 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.)
- 4.** 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.

5. The Commander of the Law Enforcement Division or their designee shall provide to the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit a listing of any and all calls where it is alleged that a sworn member committed an act 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.
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.

I. Fitness-For-Duty Protocol

1. The Commander of the Law Enforcement Division or their 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 an officer has been disarmed, regardless of the reason, and prior to 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 Monmouth County Prosecutor's Office shall be notified of all the terms of the conditional rearming, and the duration of the conditional rearming.

4. In addition, whenever an officer is sent for a fitness-for-duty evaluation, the Commander of the Law Enforcement Division or designee shall submit to the physician, psychiatrist or psychologist an itemized list of the documents it forwarded to him/her, along with the documents it submitted. A copy of this itemized list must be maintained in the Internal Affairs file and made available to the Monmouth County Prosecutor's Office upon their request.
5. It is the continuing responsibility of the Professional Responsibility and Bias Crime Unit to open a file, review the incident, and investigate the matter further, if necessary.

J. Annual Review.

1. The early warning system shall be reviewed on an annual basis, during the month of January. The Commander of the Law Enforcement Division or their 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:
 - a. Number of audits conducted;
 - b. Number of employees flagged;
 - c. Number of instances where remedial/corrective action was taken;
 - d. Number of internal affairs cases opened as result of early warning system;
 - e. Changes in number of internal affairs complaints with reference to flagged indicators and whether they have increased or decreased;
 - f. Number of notifications made to the Monmouth County Prosecutor's Office.
2. Other office policies and procedures which comprise the framework of the Personnel Early Warning System and which should be referenced to provide guidance when intervention is necessary are:
 - a. General Order 97-1, Internal Affairs.
 - b. General Order 97-9, Training and Career Development.
 - c. General Order 97-29, Performance Evaluation.
 - d. General Order 98-26, Employee Assistance Program.
 - e. General Order 96-4, Substance Abuse.
 - f. General Order 2001-6, Workers Compensation.

- g. General Order 97-30, Line of Duty Deaths.
 - h. General Order 98-18, Compensation, Benefits and Conditions of Work.
 - i. Monmouth County Sheriff's Office Rules and Regulations.
 - j. Monmouth County Employee Guide to Policies, Benefits and Services.
3. The Commander of the Law Enforcement Division, shall, at the end of each calendar year, prepare or have prepared a written evaluation of the Personnel Early Warning System process.

K. Early Warning System Notification to Subsequent Law Enforcement Employer

- 1. If any officer who is or has been subject to an Early Warning System review process applies 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.
- 2. Upon request, the Monmouth County Sheriff's Office shall share the officer's Early Warning review process files with the subsequent employing agency.

L. Early Warning System Notification to County Prosecutor

- 1. Upon initiation of the Early Warning System review process, the Commander of the Law Enforcement Division 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 Commander of the Law Enforcement Division or a 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.

M. Public Accessibility and Confidentiality

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