

	POINT PLEASANT BEACH DEPARTMENT OF POLICE RULES AND REGULATIONS / POLICIES AND PROCEDURES	SOP 2018-03
VOLUME TITLE: <p style="text-align: center;">ADMINISTRATION</p>	SUBJECT: <p style="text-align: center;">EARLY INTERVENTION SYSTEM</p>	# PAGES <p style="text-align: center;">10</p>
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ATTORNEY GENERAL	ISSUED BY: <p style="text-align: center;">LT. GERALD J QUAGLIA</p>	
PROSECUTOR'S OFFICE	ISSUING AUTHORITY: <p style="text-align: center;">CHIEF JOSEPH A MICHIGAN</p>	EFFECTIVE DATE <p style="text-align: center;">4/1/2018</p>

I. PURPOSE:

- a. The purpose of this directive is to establish the policy and procedures for administering a personnel early intervention policy.

II. POLICY:

- a. It is the policy of the Point Pleasant Beach Police Department to utilize an early intervention policy for tracking and reviewing the indicators of increased risk and provide timely, non-punitive intervention consistent with best practices to augment the performance evaluation system. *(CALEA Standard 35.1.9)*

III. SPECIFICATIONS:

a. Administration and Tracking

- A. The Early Intervention Policy is designed to detect patterns and trends before the conduct escalates into more serious problems. The primary intent is to address potential problems through the use of appropriate management intervention strategies before negative discipline becomes necessary.
- B. All levels of supervision, especially first line supervisors, are expected to recognize potentially troublesome employees, identify training needs and provide professional support in a consistent and fair manner. Emphasis should be placed on anticipating employee problems before it results in improper performance or conduct.
- C. The agency's Chief Executive shall assign personnel to conduct the Early Warning System function. The Early Warning System will be administered by the internal affairs unit. Supervisory officers in the subject officer's chain of command will also be directly involved in any Early Warning System review process.
- D. Many different measures of employee performance can be regularly examined for patterns or practices that may indicate potential problems. These performance measures include, but are not limited to, the following documented indicators:
 - 1. Internal complaints, regardless of outcome;
 - 2. Civil actions filled against the officer;
 - 3. Use of force incidents that are formally determined or adjudicated to have been excessive, unjustified or unreasonable;
 - 4. Domestic violence investigations in which the officer is the alleged subject;
 - 5. An arrest of the officer, including driving under the influence;
 - 6. Sexual harassment claims against the officer;
 - 7. A positive drug test by the officer;

8. Cases or arrests by the officer that are rejected or dismissed by a court;
 9. Cases in which evidence obtained by an officer is suppressed by a court;
 10. Claims of duty-related injury;
 11. Criminal investigations or complaints made against the officer;
 12. Insubordination
 13. Neglect of duty:
 14. Vehicular pursuits;
 15. Vehicular collisions that have been formally determined to have been the fault of the officer.
- E. The Early Intervention Policy is primarily the responsibility of the Chief of Police, but any supervisor may initiate the early intervention process based upon their own observations.
- F. The Chief of Police shall conduct an annual evaluation of the Early Intervention Policy to assess its effectiveness. The Chief of Police or his/her designee shall prepare a written report by February 1st of the prevailing year noting the previous year's participants and result. Modifications to this process should be implemented at the earliest opportunity.
- G. 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 the division commander. The success of this program relies heavily on the first line supervisor's participation and involvement.
- H. Supervisors shall forward all documentation required by the Early Intervention Policy pursuant to written directives already established - Use of Force, Internal Affairs Investigations, Investigating and Reporting Damage to Police Vehicles, Personnel Policies and Procedures, Vehicle Pursuit Actions, Sick Leave and Tardiness.
- I. Supervisors will have input on recommendations affecting their employees such as required remedial training, counseling services through the Employee Assistance Program and disciplinary action.

- J. Referrals to the Employee Assistance Program shall be made in accordance with the Employee Assistance Program protocols. Personal problems may adversely affect an employee's personal and professional well-being and job performance. The most effective means of handling these problems may be through this program.

b. Guardian Tracking

- A. This department will utilize Guardian Tracking® in order to manage, track and trigger alerts with respect to the Early Intervention Policy. Guardian Tracking® is an employee behavioral monitoring and early intervention system. In no way, does it excuse a supervisor or any other employee from following the procedures mandated in this department's Internal Affairs directive.
- B. All supervisors shall have access to the Guardian Tracking system via an assigned login and personal password. Employees who have not been issued a login are not authorized to access the system.
- C. It is the responsibility of all supervisors, (Sergeants and shift OIC's), to enter all incidents listed below for each of their subordinates. Supervisors who fail to document incidents as required by this directive will be subject to disciplinary action.
- D. The following shall serve as a guide to the incident categories contained within Guardian Tracking®:
 - 1. Attendance/Punctuality - To be used when an employee has an unscheduled absence. Prescheduled sick leave utilized for tests, scheduled surgery/procedures or any cause covered under contract and/or policy does not qualify under this category;
 - 2. Awards/Medals – Whenever an employee receives an award or medal;
 - 3. Care of Equipment – To be used when an employee fails to properly care for or damages department equipment;

4. Citizen's Complaint - To be used when a citizen makes a complaint either formal or informal about an employee other than demeanor;
5. Civil Action – Any civil action filed against an officer;
6. CJIS Errors – To be used whenever a Communication Operator or Police Officer makes an error using the CJIS Network;
7. Commendations – Letters, Cards, or E-mails of thanks received on behalf of an officer. Phone calls, Voice mails, or in person expressions of thanks to Supervisors;
8. Counseling Session – When an employee is counseled for any reason;
9. Criminal Investigation or Complaints – Any criminal investigation or complaint involving an officer;
10. Disciplinary Action – Used whenever disciplinary action is leveled against an employee;
11. Dismissed or Rejected Court Case – Whenever a case or arrest by an officer is rejected or dismissed by the court;
12. Domestic Violence – When an officer is the alleged subject;
13. IA Complaint – Whenever an officer is the subject of an IA complaint;
14. Insubordination;
15. Letter of Recognition – Received from a supervisor, the public or government official;
16. MVAs – MVAs involving department vehicles;
17. Neglect of Duty;
18. OJIs – Employee On the Job Injuries;
19. Outstanding Performance – Any performance above and beyond noted by a supervisor;
20. Policy Re-Training - Any re-training of an employee in department policy;

21. Policy Violation - To be used when an employee violates departmental policy;
22. Positive Drug Test;
23. Quality/Quantity of Work – When an employee’s work is not up to department standards;
24. Recognition from Public – Any recognition from the public, whether written or verbal;
25. Rudeness/Attitude - To be used whenever a supervisor observes, or a citizen initiates, a formal or informal complaint regarding an employee’s demeanor;
26. Sexual Harassment – Any claim against an officer;
27. Supervisor Notice – Used to document any observation or action taken by a supervisor that would not fit into any other category;
28. Suppressed Evidence – Whenever evidence obtained by an officer is suppressed by a court;
29. Training – Any training received;
30. Training – CJIS – Whenever an officer works the desk a dispatching capacity;
31. Use of Force – To be used whenever an employee utilizes physical, mechanical or deadly force. An entry in this category does not presuppose that the employee acted improperly or contrary to policy or procedure;
32. Verbal Reprimand – When an employee is verbally reprimanded;
33. Vehicle Pursuits – Allows for tracking of yearly totals;
34. Work Habits – Used to document poor or unacceptable work habits;
35. Written Reprimand – To be used when an employee receives disciplinary action constituting a written reprimand.

c. Remedial Action

- A. If the Early Intervention Policy reveals a potential problem through the presence of a flag in the Guardian Tracking[®] or as identified by a supervisor, the employee's division commander or designee will gather all relevant information from the system. A separate incident will be generated in the Guardian Tracking[®] utilizing the appropriate Early Intervention Policy incident category.
- B. The employee's division commander will implement a review of the data provided, along with more detailed information available from department records. If this review indicates that the Early Intervention Policy flag is unwarranted, the division commander or designee will document this result in writing. The incident narrative placed in the Guardian Tracking[®] may serve as adequate documentation.
- C. If the review reveals that an employee has violated department directives, the employee's division commander may proceed with an internal investigation. If the review reveals that the employee has engaged in conduct that indicates a lack of understanding or inability to comply with accepted procedures, the division commander shall determine the appropriate course of remedial action. All action taken will be documented in the Guardian Tracking[®] under the previously created Early Intervention Policy incident category.
- D. When an Early Warning System review process is initiated, personnel assigned to oversee the Early Warning System should:
 - 1. Formally notify the subject officer, in writing;
 - 2. Conference with the subject officer and appropriate supervisory personnel;
 - 3. Develop and administer a remedial program including the appropriate remedial/corrective actions listed below;
 - 4. Continue to monitor the subject officer for at least 6 months, or until the supervisor concludes that the officer's behavior has been remediated (whichever is longer);
 - 5. Document and report findings to the appropriate supervisory personnel and, if warranted, the internal affairs unit;

6. Any statement made by the subject officer in connection with an Early Warning System review process may not be used against the subject officer in any disciplinary or other proceeding.

E. Remedial 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;
7. Peer counseling;
8. Any other corrective action

F. Internal disciplinary action, remedial action and fitness for duty examinations are not mutually exclusive and should be jointly pursued if and when appropriate.

G. When remedial action has been undertaken, the division commander 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 complaint. If the remedial action is a training program, attendance and successful completion of that program should be noted in the employee's training record.

H. The division commander shall cause a review of any individual employee's history anytime a new complaint is made. Using this information, the division commander or designee may be able to identify employees who may need counseling; training or other remedial action even before such is indicated by the early warning system's ongoing data review.

I. An Early Intervention Flag, (3 in 360 days), will prompt early intervention.

- J. Generally, personnel should expect to remain under intensive monitoring and supervision for six (6) months.
- K. When under early intervention system monitoring, the employee's direct 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; or
 - 4. Advise of the monitoring process and the repercussions of future sustained transgressions.
- L. All employee-supervisor meetings shall be thoroughly documented in the Guardian Tracking[®], which will automatically be forwarded to the Chief of Police. The affected employee and supervisor shall meet on a regular basis, minimally monthly, to discuss progress towards the agreed upon goals and objectives.
- M. All regular monthly progress/status reports shall be submitted via the Guardian Tracking[®].
- N. An additional six (6) months of documented monitoring is required following removal from the early intervention system. Monthly monitoring reports from the direct supervisor are required.
- O. All reports shall be forwarded to the Chief of Police through the Guardian Tracking[®] 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.

d. Notifications and Accessibility

- A. Notification to subsequent law enforcement employer. 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 agency to notify the subsequent employing 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 agency.

- B. Notification to the County Prosecutor. Upon initiation of the Early Warning System review process, the agency's Chief Executive or designee shall make confidential written notice to the County Prosecutor or 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 agency's Chief Executive shall make a confidential written notification to the County Prosecutor or designee of the outcome of the review, including any remedial measures taken on behalf of the subject officer.
- C. Public accessibility and confidentiality. All Early Warning System policies adopted by law enforcement agencies shall be make available to the public upon request and shall be posted on the agency's website. All written reports created or submitted pursuant to this directive that identify specific officers are confidential and not subject to public disclosure.