

Keyport Police Department Early Warning System Policy

Foreword- This Directive is intended for internal Departmental use only; it has no application to any criminal or civil proceeding. As an internal operations document, the Directive should not in any way be construed as creating substantive legal rights, setting higher legal standards of safety or care, or setting standards of police legal liability for the benefit of litigants who pursue police officers in courts. This Directive has not been promulgated to be a litigation measuring stick for police conduct. By itself, an officer's violation of any provision contained herein serves only as the basis for Departmental administrative sanctions.

1.0 PURPOSE

The purpose of this Written Directive is to establish guidelines and procedures required by the Monmouth County Prosecutor's Office for all law enforcement agencies to follow in establishing an early warning system for its agency personnel.

2.0 POLICY

It is the policy of the Holmdel Police Department to implement and utilize an early warning system for tracking and reviewing incidents of risk and providing timely intervention consistent with the New Jersey Attorney General's Guidelines. This Directive will be applied to all sworn Police Officers employed by the Holmdel Police Department including Special Law Enforcement Officers.

3.0 GENERAL

A) EARLY WARNING SYSTEM

1) An 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 Vol. 2 Ch. 2.3 Page 2 of 7 rev (02/17) possible that disciplinary action may be taken as a 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.

2) Many different measures of employee performance (actions or behaviors) can be regularly examined for patterns or practices that may indicate potential problems. Examples of performance measures will include, but are not limited to, the following:

- (a) Warrantless search data;
- (b) Internal affairs investigations, regardless of outcome;
- (c) Civil actions filed, regardless of outcome;
- (d) Incidents of force usage, including firearms discharges and use of less lethal force;
- (e) Claims of duty-related injury;
- (f) Instances of resisting arrest;

- (g) Arrests or additional charges for assault on a Law Enforcement Officer;
- (h) Criminal investigations or complaints made against the employee;
- (i) Domestic violence investigations (as an alleged actor);
- (j) All domestic violence incidents (regardless of whether or not a complaint or TRO/FRO was issued).
- (k) Off-Duty contact with Law Enforcement Agencies as a result of personal conduct;
- (l) Vehicular pursuits;
- (m) Vehicular collisions;
- (n) Cases rejected or dismissed by a court;
- (o) Evidence suppressed by a court.

3) Based on the size of this Agency, the number of calls for service, and the number of Police Officers we employ, three (3) instances of questionable conduct (or flag indicators) within the same six (6) month period, will initiate the early warning process.

B) ADMINISTRATION OF EARLY WARNING SYSTEM

1) The early warning system will primarily be the responsibility of our Agency's Internal Affairs Officer(s). However, the Division Commanders will also be responsible. In addition, any supervisor may initiate the early warning process based upon his/her own observations. Emphasis should be placed on anticipating employee problems before they result in improper performance or conduct.

2) Internal Affairs shall conduct a manual or computerized audit of our Agency's records to determine if an employee has the emergence of a pattern, practices, or trend of inappropriate behavior or misconduct. This audit shall be conducted at Vol. 2 Ch. 2.3 Page 3 of 7 rev (02/17)

least every six months. In addition to these regular data audits, the Internal Affairs Officer(s) shall audit an individual employee's history any time a new complaint is received.

(a) Using this information and their experience, Internal Affairs 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) If the audit indicates the emergence of a pattern, practices, or trends of inappropriate behavior or misconduct, Internal Affairs along with the appropriate Division Commander shall consult with the employee's immediate supervisor.

3) Internal Affairs, and/or the appropriate Division 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 audit indicates that the early warning system has returned an incorrect identification or "false positive," that conclusion must be documented in the Officer's Internal Affairs file.

(b) If the audit reveals that an employee has violated Agency rules, regulations, or written directives, the supervisor in consultation with Internal Affairs should proceed with an internal investigation and possible disciplinary action.

(c) If the audit reveals that the employee has engaged in conduct, which indicates lack of understanding or inability to comply with accepted procedures, the supervisor shall consult with Internal Affairs and the appropriate division Commander to determine the appropriate course of remedial/corrective intervention.

4) The Guardian Tracking performance tracking system is the tool chosen by the Department to monitor employee conduct. A separate Written Directive has been developed for the administration of that program. Guardian Tracking software will enable all members of the police department to be notified of any entries into their Performance File. This program allows for documented tracking of performance that will assist supervisors in annual evaluations, assists in creating a file that is readily available to the officer/employee and easily transferred between supervisors, and allows for officers/employees to comment on entries made. The software also allows for peers to formally recognize coworkers' performance.

C) 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 Division Commander and, if warranted, Internal Affairs. The success of this program relies heavily on the first-line supervisor's participation and involvement.

If a supervisor has initiated remedial/corrective intervention, Internal Affairs and the appropriate Division Commander 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) If the remedial/corrective intervention was training, documentation shall be placed in the Officer's training file under remedial training.

4) Supervisors shall forward all documentation as required to assist in a comprehensive audit. This data shall minimally include: use of force reports, vehicle pursuit reports, attendance records, and any other pertinent information.

D) 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) Employee assistance program referral, when warranted;
- (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, Internal Affairs 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 will be properly noted in the employee's training record.

4) 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. These reports shall be reviewed on a monthly basis to determine the effectiveness of the remedial/corrective action.

E) MONMOUTH COUNTY PROSECUTOR'S OFFICE NOTIFICATIONS

1) Domestic Violence Protocol and Off-Duty Contact with Law Enforcement Agencies as a result of personal conduct; Vol. 2 Ch. 2.3 Page 5 of 7 rev (02/17)

(a) For all incidents where it is alleged that a Keyport Borough Police 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 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@mcponi.org.

(b) The Keyport Police Department requires all of our Officers to identify themselves as a Law Enforcement Officer 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 Keyport Officer shall immediately self-report the incident to his/her OIC/SHC. This mandatory identification will ensure that the responding Agency notify the involved Officer's Agency of the Police call. Notification is not required when the Police involvement consists of minor traffic infractions, where no injury was sustained by any party.

Any Keyport Officer who fails to make such notification may result in Departmental discipline in accordance with Departmental Directives and procedures.

(c) When required, notification will include the following information:

1. Agency name;
2. Officer's name;
3. Victim's name, if other than Officer;
4. Reported date/time;
5. Date of incident, if other than reported date/time;
6. Incident location, including municipality;
7. Assigned case number;
8. Nature of incident;
9. Injuries sustained by victim;
10. Witness names;
11. Criminal complaint and/or TRO/FRO issued;
12. Assigned personnel, e.g., (local Law Enforcement Officer, Internal Affairs Officer); and
13. Copies of all Police reports and relevant paperwork, e.g. (complaint, TRO, VNF, etc.).

(d) A Keyport Police Officer who encounters a Law Enforcement Officer from another jurisdiction/ Agency in the course of a response to an incident shall notify the OIC/SHC, who in turn will notify the Internal Affairs Officer. The Internal Affairs Officer will make the determination if further notification is required, and will then notify the other Officer's agency, and the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit as required.

Vol. 2 Ch. 2.3 Page 6 of 7 rev (02/17)

(e) 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.

(f) The Keyport Borough Police Department shall provide the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crimes Unit a listing of any and all calls within its jurisdiction 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:

1. All incidents that occurred within our jurisdiction in the past three (3) years;
2. All out of county and/or state notifications of domestic violence calls involving Keyport Police Officers;
3. 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.

(g) All domestic violence incidents (regardless of whether or not a complaint or TRO/FRO was issued) shall be included in the Keyport Police Department's early warning system as one of the documented indicators.

(h) It is the continuing responsibility of the MCPO Professional Responsibility and Bias Crimes Unit to open a file, review the incident, and investigate the matter further, if necessary.

F) 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 any Keyport Police Officer is sent for a fitness for duty evaluation regardless of the reason for the evaluation;

(b) Any time a Keyport Officer is disarmed, regardless of the reason for the disarming;

(c) Any time the early warning system results in a Keyport Officer being counseled, disciplined, sent for a fitness for duty evaluation, or disarmed; or

(d) Any time the early warning system indicates an 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