

# LAKESWOOD TOWNSHIP POLICE DEPARTMENT

## GENERAL ORDER



General Order #: GO-2018-006

# OF PAGES: 7

**SUBJECT: PERSONNEL PERFORMANCE MANAGEMENT  
AND EARLY WARNING SYSTEM**

**BY THE ORDER OF:**

Chief of Police Gregory H. Meyer

**ACCREDITATION STANDARDS:**

2.2.3

**Effective Date: 12/20/2018**

**SUPERSEDES ORDER #: 2015-034**

**PURPOSE:** The purpose of this general order is to establish a personnel performance management and early warning system (PPMS).

**POLICY:** It is the policy of this department to implement and utilize Guardian Tracking® Software as a personnel performance management and early warning system for maintaining, retrieving, and analyzing information regarding the performance of employees. The system will identify, reward, and promote professionalism, civil rights, integrity, best practices, as well as identify, intervene, and remediate potentially problematic behavior allowing for timely intervention consistent with the risk management procedures promulgated by the New Jersey State Attorney in its Internal Affairs Policies and Procedures. This general order is in accordance with the New Jersey Attorney General's Law Enforcement Directive No. 2018-3.

## **PROCEDURE:**

### **I. 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. This includes both positive and negative performance. 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, with the exception to those areas identified in section three of this general order.
- D. Supervisors, who identify deficiencies with other personnel outside of their chain of command, will submit the nature of the performance deficiency directly to the employee involved or their direct supervisor. Supervisors within the chain of command will, by default, have access to this newly created documentation.
  - 1. This process does not relieve the documenting supervisors of the obligation to take immediate action to correct serious infractions that may result in liability, injury, and/or disrepute.
- E. Supervisor, who identify and wish to document positive performance conduct 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. Commanders (Lieutenants and above) will periodically review (monthly at a minimum) entries in the Guardian Tracking® Software to ensure supervisors are using the software in accordance with this general order.

### **II. EMPLOYEE PERFORMANCE**

- A. The employees' supervisor shall make appropriate contemporaneous entries in PPMS regarding employees' performance under their command/supervision. These entries shall serve to enhance the documentation and quality of the performance evaluation reports completed by the supervisor on his/her subordinates.
- B. Entries in PPMS shall be consistent with the established behavior criteria in accordance with the department performance evaluation system.

### **III. 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 discipline. 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 poor performance through the use of appropriate management and supervisory strategies before discipline is warranted.

- B. 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 complaints, whether initiated by another employee or by a member of the public and regardless of outcome;  
(NOTE - This information is ONLY accessible to the Chief of Police and the Department's Internal Affairs Officer)
  2. Civil actions filed against an officer, regardless of outcome;  
(NOTE - This information is ONLY accessible to the Chief of Police and the Department's Internal Affairs Officer)
  3. Criminal investigations or complaints made against an employee;  
(NOTE - This information is ONLY accessible to the Chief of Police and the Department's Internal Affairs Officer)
  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. An arrest of an employee, including on a driving under the influence charge;
  7. Sexual harassment claims against an employee;
  8. Vehicular collisions involving an officer that is formally determined to have been the fault of the officer;
  9. A positive drug test by an officer;
  10. Cases or arrests by the officer that are rejected or dismissed by a court;
  11. Cases in which evidence obtained by the officer that are suppressed by a court;
  12. Insubordination by the officer;
  13. Neglect of duty by the officer;
  14. Vehicular pursuits;
  15. Unexcused absences or sick time abuse;
  16. Any other indicators, as determined by the agency's chief executive.
- C. Generally, three (3) instances of questionable conduct or performance indicators

(as listed in section B, above) within a 12-month period would initiate the early warning system process.

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. Early Warning Review

1. The early warning review process is primarily the responsibility of the Internal Affairs Unit, but any supervisor may initiate the early warning review process based upon his/her own observations. Emphasis should be placed on anticipating employee problems before it results in improper performance or conduct.

2. The Internal Affairs Unit shall be alerted by the Guardian Tracking® Software if an employee has the emergence of a pattern, practices or trend of inappropriate behavior or misconduct.

3. If the Guardian Tracking® Software indicates the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, the Internal Affairs Unit Supervisor shall consult with the employee's supervisor and/or commander.

4. The Internal Affairs Unit Supervisor and the employee's supervisor and/or commander shall review the information provided by the Internal Affairs Unit along with any other relevant information from department 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 has returned an incorrect identification or "false positive," that conclusion should be documented.

b. If the Guardian Tracking® Software reveals that an employee violated the department rules and regulations or general orders, an internal investigation will be initiated.

c. If the Guardian Tracking® Software reveals that the employee has engaged in conduct, which indicates a performance deficiency or lack of understanding or inability to comply with accepted procedures, the supervisor shall consult with the Internal Affairs Unit Supervisor to determine the appropriate course of remedial/corrective intervention.

F. 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.

G. Supervisors

1. 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 commander and if warranted, the Internal Affairs Unit Supervisor. 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, Internal Affairs shall be formally notified of such efforts through the Guardian Tracking® Software. The incident narrative placed in the Guardian Tracking® Software may serve as adequate documentation.
3. Supervisory personnel will not create a document entry on department personnel of an equal or higher rank regarding discipline, IA complaints, policy/procedure/rule infractions, and any similar events. In these situations, the supervisor will advise the appropriate next level of command for evaluation and action. In addition, the next level of command will document the complaint/allegation in the Guardian Tracking® Software, as well as their determination.

#### H. Commander Personnel

1. The commanders (Lieutenants and above) shall periodically review (monthly at a minimum) an individual employee's history. Using this information and his/her experience, the commander 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 Internal Affairs Officer shall meet with the employee and supervisor 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. Employee Performance Review Meetings
  - a. All employee Performance Review meetings shall be thoroughly documented in the Guardian Tracking® Software, which will automatically be forwarded to the Chief of Police and Internal Affairs Officer. The affected employee and supervisors 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.

- I. 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.
- J. 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. Remedial training;
    - c. Counseling;
    - d. Performance Improvement Plan with intensive supervision;
    - e. Fitness for duty examination;
    - f. Employee Assistance Program, when warranted, if available;
    - 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.

#### **IV. PERSONNEL**

- A. All personnel will log into and review any recently created or recently updated incidents during their tour of duty, when necessary, but at least once a week. Necessary response/ monitoring involves any personally related incident, or incident involving a direct subordinate.
  - 1. Personnel may select the “Add Comment” tab and document their response to a recently created or updated incident.
- B. All personnel will ensure that all documentation within Guardian Tracking will remain confidential. Unauthorized sharing of information will result in disciplinary action.
- C. All personnel will be electronically notified through their department email each time an entry, or update, is entered regarding them specifically

#### **V. TRAINING**

- A. All personnel will be trained in the use of the Guardian Tracking software.
  - 1. Refer to Guardian Tracking Software User Manual and instructional video link, for additional instructions on how to use the program.

## **VI. CONFIDENTIALITY OF PPMS DATA/INFORMATION**

- A. PPMS data is confidential and shall not be disclosed to the public or any unauthorized department employee. PPMS 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. Information deemed confidential and/or protected by federal or state statute, or regulation shall not be recorded in PPMS.
  - 1. No confidential medical information (i.e., nature of employee illness or names of treating physicians) shall be entered into PPMS.
  - 2. No internal affairs reports shall be entered into PPMS. However, the immediate supervisor shall enter early warning behaviors and briefly summarize the conduct or performance warranting the entry.
- C. The duplication or reproduction of any PPMS data/information for non-official department purposes not authorized by the Chief of Police is strictly prohibited.

## **VII. NOTIFICATION TO SUBSEQUENT LAW ENFORCEMENT EMPLOYER**

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

## **VIII. NOTIFICATION TO COUNTY PROSECUTOR**

- A. Upon initiation of the Early Warning System review process, the Chief of Police or a designee shall make a confidential written notification to the Supervisor of the OCPO Internal Affairs Unit using the OCPO Early Warning System Review Reporting Form. It should be noted, if an agency tracks other performance indicators not included in the AG Directive, (for example, "equipment damage", "justified use of force", sick time, "civil suits", etc.) there is no need report the EWS initiation to the Prosecutor's Office. The notice shall identify 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 Chief of Police shall make a confidential written notification to the Supervisor of the OCPO Internal Affairs Unit using the OCPO Early Warning System Review Reporting Form of the outcome of the Early Warning System review, including any remedial measures taken on behalf of the subject officer.

## **IX. 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.



# Ocean County Prosecutor's Office Early Warning System Review Reporting Form



Reporting Agency: \_\_\_\_\_ Person Reporting: \_\_\_\_\_ Subject of Reporting: \_\_\_\_\_

Date: \_\_\_\_\_

## I. Nature of Triggering Performance Indicators

- |  |   |
|--|---|
| <input type="checkbox"/> Internal Affairs Complaint (Civilian or Agency)                             | <input type="checkbox"/> Insubordination  |
| <input type="checkbox"/> Court Dismissals  | <input type="checkbox"/> Neglect of Duty  |
| <input type="checkbox"/> Civil Action(s) Filed   | <input type="checkbox"/> Unexcused Absences   |
| <input type="checkbox"/> Criminal Investigations of or Criminal Complaint(s) Against Officer         | <input type="checkbox"/> Positive Drug Test   |
| <input type="checkbox"/> Use of Force (Deemed excessive, unjustified or unreasonable, if applicable) | <input type="checkbox"/> Domestic Investigation (Target)                                  |
| <input type="checkbox"/> Officer arrested (Included DUI arrest and/or refusal charge)                | <input type="checkbox"/> Evidenced Suppressed<br>(Only based on officer's lack of candor) |
| <input type="checkbox"/> Vehicular Collision (Fault of officer only)                                 | <input type="checkbox"/> Sexual Harrassment   |
| <input type="checkbox"/> Arrests Dismissed by Court (Only based on officer's lack of candor)         |   |

## II. Planned Remedial Action

- |   |   |
|---|---|
| <input type="checkbox"/> Training or Re-training                                    | <input type="checkbox"/> Fitness for Duty Examination |
| <input type="checkbox"/> Counseling   | <input type="checkbox"/> Employee Assistance Referral |
| <input type="checkbox"/> Intensive Supervision                                      |   |
| <input type="checkbox"/> Other Appropriate Remedial or Corrective Action (Explain): |   |

## III. Completion of Early Warning System Review Process

Outcome of review, include any remedial measures taken on behalf of subject officer (explain):

## IV. Additional Notes