

# SHIP BOTTOM POLICE DEPARTMENT



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

**# OF PAGES: 7**

**EFFECTIVE DATE:**

**September 8, 2020**

**ACCREDITATION STANDARDS: 2.2.3**

**BY THE ORDER OF:**

**Brendan McIntyre, Police Director**

**SUPERSEDES ORDER #:**

**PURPOSE:** The purpose of this written directive 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 written directive is in accordance with the New Jersey Attorney General's Law Enforcement Directive No. 2018-3 and the Ocean County Prosecutor's Office LED 2018-021.

## **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 directive.
- 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. 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. Supervisors, 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. Supervisors will periodically review 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 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.

1. There are three processes to the early warning system, and they are:
  - a. Identification Process - The process of identification of an employee who has triggered the requisite number of flags.
  - b. Review Process - The process of reviewing the data to determine if monitoring of employee is necessary. Not all reviews necessitate the initiation of the monitoring process.
  - c. Monitoring Process - The process of monitoring behavior based upon the review process warranting further monitoring of the employee.
  
- 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 Department's Internal Affairs Officer)**
  2. Civil actions filed against an officer, regardless of outcome;  
**(NOTE - This information is ONLY accessible to the Department's Internal Affairs Officer)**
  3. Criminal investigations or complaints made against an employee;  
**(NOTE - This information is ONLY accessible to the Department's Internal Affairs Officer)**
  4. Any use of force by the officer that is formally determined or adjudicated (for example, by internal affairs or a grand jury) 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;
    - a. (The intent of this indicator is to cause an entry into the EWS only when an officer's lack of candor or misleading testimony results in a court's suppression of evidence or rejection of the case. A case that rises to this level should lead to a formal internal affairs investigation.
  11. Cases in which evidence obtained by an officer is suppressed by a court;

- a. (The intent of this indicator is to cause an entry into the EWS only when an officer's lack of candor or misleading testimony results in a court's suppression of evidence or rejection of the case. A case that rises to this level should lead to a formal internal affairs investigation.
  12. Insubordination by the officer;
  13. Neglect of duty by the officer;
  14. Unexcused absences or sick time abuse;
  15. Any other indicators, as determined by the Police Director or designee.
- 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 identification 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. The Ocean County Prosecutor's Office will track those cases and/or investigations that are processed/prosecuted/reviewed by this agency that meet the criteria set forth in #4, #10, and #11 and formal notifications to the respective agency will be made by the Supervisor of the OCPO Internal Affairs Unit.
- F. 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.
  4. The Internal Affairs Unit Supervisor and the employee's supervisor 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 may have engaged in misconduct in violation of the department rules and

regulations or written directives, 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.
- G. At least every six (6) months, internal affair's personnel shall audit the agency's tracking system and records to assess the accuracy and efficacy of the tracking system.
- H. 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 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. 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.
  4. 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).
  5. 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 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. Retraining;
    - c. Counseling;
    - d. Intensive supervision;
    - e. Fitness for duty examination;
    - f. Professional counseling 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.

#### **IV. 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. Caution shall be used when documenting sick day usage, so as not to indicate any specific medical information within the Guardian Tracking® Software.
  - 2. No internal affairs investigation 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.

3. Any entry believed to be sensitive in nature must be marked “**Confidential.**”
- C. All documentation in the Guardian Tracking® Software will be retained in accordance with the New Jersey Administrative Code and applicable retention schedule.

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

- A. If any officer who is or has been subject to a personnel performance management and early warning system (PPMS) review process applies to or accepts employment at a different law enforcement agency than the one where he or she underwent the personnel performance management and early warning system (PPMS) 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 personnel performance management and early warning system (PPMS) review process history and outcomes. Upon request, the prior or current employing agency shall share the officer's personnel performance management and early warning system (PPMS) review process files with the subsequent employing agency.

## **VI. NOTIFICATION TO COUNTY PROSECUTOR**

- A. Upon initiation of the Early Warning System review process, the Officer-in-Charge 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 Officer-in-Charge 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.

## **VII. 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.
- B. All written reports created or submitted pursuant to this Directive that identify specific officers are confidential and **not** subject to public disclosure.