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|  | LINWOOD POLICE DEPARTMENT | | Directive Number: 2018-42 |
| | <h1>General Order</h1> | | Effective Date: 4/19/2022 |
| | | | Issued By: Chief Steven M. Cunningham |
| | | | Distribution: ALL PERSONNEL |
| | | | Accreditation Standard: 2.2.3 2.1.1 |
| | | Number of Pages: 10 | |
| Title of Directive - Early Warning System & Guardian Tracking System | | | |
| REVISION DATES | | 1st: 3/31/2022 | 2nd: 12/21/2022 |
| 3rd: | 4th: | 5th: | |
| 6th: | 7th: | 8th: | |
| LAST REVISED: 12/21/2022 | | SUPERSEDES: None | |
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I. PURPOSE

An Early Warning System ("EWS") is an important management tool designed to detect patterns and trends in police conduct before that conduct escalates. An effective Early Warning System can assist a law enforcement agency in identifying and remediating problematic officer conduct that poses a potential risk to the public, to the agency, and to the officer. Early Warning Systems, therefore, serve to not only increase public safety and public confidence in law enforcement, but also to assist officers through early intervention.

II. POLICY

It is the policy of this agency to adopt and comply with New Jersey Attorney General Law Enforcement Directive No. 2018-03 "Statewide Mandatory Early Warning Systems" as well as Atlantic County Prosecutor's Directive #PD-01267-18.

It is the policy of this agency to utilize the Early Warning System to identify and remediate problematic officer conduct that poses a potential risk to the public, to the agency, and to the officer.

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.

III. PROCEDURE

A. Early Warning System

1. It shall be the responsibility of the Internal Affairs Commander to maintain an Early Warning System as the EWS coordinator.
2. The Early Warning System monitors many different categories of officer and civilian employee conduct which indicate a potentially escalating risk of harm to the public, the agency, and/ or the officer. The following performance indicators shall be monitored in the Early Warning System:
 - (a) Internal and external complaints made against an officer, whether initiated by another officer or by a member of the public, regardless of outcome;
 - (b) Civil actions filed against an officer/ employee;
 - (c) Criminal investigations of or criminal complaints against an officer;
 - (d) Any use of force by a sworn officer;
 - (e) Domestic Violence investigations in which an employee is an alleged subject;
 - (f) Arrest of an officer, including on a Driving While Intoxicated charge;
 - (g) Sexual Harassment claims against an employee;
 - (h) Vehicular collisions involving an officer that are determined to have been the fault of the officer;
 - (i) A positive drug test by an officer;
 - (j) Cases or arrests by an officer that are rejected or dismissed by a Court because of alleged misconduct or wrongdoing by an officer;
 - (k) Cases in which evidence obtained by an officer is suppressed by a Court because of alleged misconduct or wrongdoing by an officer;
 - (l) Insubordination by an officer/ employee;
 - (m) Neglect of duty by the officer/ employee;
 - (n) * Unexcused, abuse or excessive absences by an employee; and
 - (o) Any other indicators, as determined by the agency's chief executive.

Note: It is understood that any of the indicators listed above may individually trigger an Internal Affairs or administrative investigation as well as EWS entries. Nothing in this directive prevents or impairs the Linwood Police Department from conducting an investigation into these matters and consideration will be taken if one or more of these indicators are part of an EWS "flag." It is the goal of the EWS to identify problems or patterns of problems.

** Unexcused, abuse or excessive absences as defined by GO #2021-35*

3. In keeping with Linwood Police Department's General Order 06-2016 (Standards of Conduct), officers and civilian police employees shall not violate any laws or any agency policy, rule, or procedure and officers and civilian police employees who are arrested, cited, or come under investigation for any criminal offense in this or another jurisdiction shall report this fact to a superior officer as soon as possible.

4. Three separate instances of any of the performance indicators, listed above, within any twelve-month period shall trigger the Early Warning System review 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.
5. The Internal Affairs Commander (or designee if the IA Commander/ Chief of Police designates the duties of the EWS Coordinator) shall use the Guardian Tracking System to identify officers who display the requisite number of performance indicators necessary to trigger the Early Warning System review process. An audit shall be conducted at least once every six months in addition to the regular data audit conducted by the Internal Affairs officer(s).
6. Once an officer has displayed the requisite number of performance indicators necessary to trigger the Early Warning System review process (Intervention tab), the Internal Affairs Commander (supervisor) shall initiate an action to address the flag.
 - (a) "Other" Division Commanders and front-line supervisors may initiate the early warning process based upon his or her own observations with proper notification made to the agency's Internal Affairs Supervisor or EWS coordinator. Emphasis should be placed on anticipating employee problems before they result in improper performance or conduct, which should be the goal of all agency supervisors.
 - (1) An employee's front-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 when a potential issue is recognized and report said findings to their commander. The success of the EWS relies heavily on the front-line supervisor's participation and involvement.
 - (2) It is important to note that supervisors must not solely rely on the Guardian Tracking software to identify potential problems. The EWS does not relieve supervisors of their responsibility to regularly monitor performance data and address potential problems.
 - (3) The intervention triggers are not meant to be comprehensive; they are designed to monitor only certain employee behaviors. An informed supervisor should always have a much cleaner picture of the performance record for each employee under the supervision and a clear understanding of their needs.
 - (4) Proactive supervision is similarly important in identifying employees who are exceeding expectations in their job performance. Just as supervisors should be identifying potential problems early on, they should also be noticing when employees under their command engage in positive behaviors that may warrant formal recognition, such as a letter in an employee's file or an agency award. Such noteworthy conduct should then also be documented in the system as well.
 - (b) When the EWS returns an "intervention tab" or a flag, a review (Early Intervention Response) report explaining the reason for the flag is required. If it is determined that the early warning system "flag" does not warrant any corrective action or

“other action” on behalf of the police department, the results must be documented in the tracking system.

- (c) If the review reveals that an employee has violated Agency rules, regulations, written directives, or any combination of the above, the supervisor in consultation with Internal Affairs should proceed with an internal investigation along with possible disciplinary action with the approval of the Chief of Police.
- (d) If the review 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.

7. When an Early Warning System review process is initiated, Internal Affairs should:

- (a) Formally notify the subject officer, in writing;
- (b) Conference with the subject officer and appropriate supervisory personnel;
- (c) Develop and administer a remedial program including the appropriate remedial/ corrective actions listed below;
- (d) Continue to monitor the subject officer for at least three months or until the supervisor concludes that the officer's behavior has been remediated (whichever is longer);
- (e) Document and report findings to the appropriate supervisory personnel and the Internal Affairs Commander.

Note: Any statement made by the subject officer in connection with the Early Warning System review process may not be used against the subject officer in any disciplinary or other proceeding. It is imperative that police executives make a determination that “flags” are reviewed prior to initiating the EWS review process.

8. Early Intervention Activities:

- (a) All employee-supervisor meetings shall be thoroughly documented in the Guardian Tracking software, which will automatically be forwarded to the Chief of Police. The affected employee and supervisor shall meet on a regular basis, at a minimum 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.

- (d) All reports shall be forwarded to the Chief of Police 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.

9. Post Intervention Monitoring

- (a) After intervention, the first-line supervisor will monitor the employee. This can be done in various ways. Monitoring activity will be documented as a “sub-entry” to the original “Early Intervention Response” entry.
- (b) Supervisors should recommend a different intervention if the first proved unsuccessful.
- (c) Command Level supervision will review post-intervention activity.

10. Remedial Action

- (a) The employee’s Bureau Commander and Office of Professional Responsibility will conduct a review of the post-intervention monitoring. If the review reveals that an employee has violated department directives, the employee’s Division Commander may recommend 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 software under the previously created Early Intervention incident category.
- (b) Remedial intervention may include, but is not limited to:
 - (1) No Additional Action Needed;
 - (2) Counseling by Immediate Supervisor;
 - (3) Performance Improvement Plan;
 - (4) Training;
 - (5) Retraining;
 - (6) Counseling;
 - (7) Intensive supervision;
 - (8) Fitness for duty examination;
 - (9) Employee Assistance Program;
 - (10) Peer counseling.
- (c) Internal disciplinary action, remedial action, and fitness for duty examinations are not mutually exclusive and should be jointly pursued if and when appropriate.
- (d) 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.

- (e) 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.

11. 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 other than the Linwood Police Department, it is the responsibility of this agency to notify the subsequent employing law enforcement agency of the officer's Early Warning System review process history and outcomes. Upon request, this agency shall share the officer's Early Warning System review process files with the subsequent employing agency.

12. Notification to the County Prosecutor

- (a) The Internal Affairs Commander is required to confidentially report, in a timely manner, the initiation of an "Early Warning System Review" to the Atlantic County Prosecutor's Office via the Chief of County Detectives on Prosecutor's Office reporting form FM-01261-18. Initial reports to this office shall include: the identity of the subject officer, the nature of triggering performance indicators, and the planned or intended remedial program.
- (b) At the completion of the review process, a confidential follow-up report on form FM-01261-18, will be forwarded to the Chief of County Detectives with the outcome(s) of the review, including any remedial measures taken. The new reporting form is self-explanatory and allows for initial and follow-up reporting to be completed on the same form. All reporting will be completed by emailing the forms to the Chief of County Detectives at IA@acpo.org.
- (c) A.G. Directive 2018-03 requires County Prosecutors to report to the Attorney General an agency's compliance with the directive. To this end, the Chief of Police shall report the following information in a signed confidential memorandum from the Chief of Police to the Chief of County Detectives via IA@acpo.org their agency's compliance with A.G. Directive 2018- 03 and if not in compliance, the reason(s). Those agencies that are not in compliance will provide their corrective action to ensure compliance. This reporting shall be submitted no later than January 15th for the preceding year.

Note: Early Warning Systems are focused on corrective actions to remediate employee behavior and to assist employees. This directive and EWS generally do not address disciplinary actions that might be warranted against an employee.

Disciplinary actions to include the decision to suspend, terminate, or charge an employee with criminal conduct remain within the purview of the City of Linwood and may be imposed in accordance with existing Internal Affairs guidelines, applicable laws, and collective bargaining agreements.

IV. GUARDIAN TRACKING SYSTEM

The Linwood Police Department will utilize the Guardian Tracking System to manage both the agency's Early Warning System and other employee performance tracking. The system is an employee performance documentation software package that is designed to benefit the entire organization by enhancing the supervisor's ability to manage and document employee performance and augment the current Performance Evaluation System.

Information maintained by the software will assist with various organizational processes, such as: performance appraisals, promotions, early intervention, recognizing training needs, employee recognition, awards, and discipline. The Early Intervention tracking provides for the review of indicators of increased risk and provides timely, non-punitive intervention consistent with best practices to augment the Performance Evaluation System.

A. PROCUEURES

1. Confidentiality - All personnel will ensure that all documentation within Guardian Tracking will remain confidential. Unauthorized sharing of information may result in disciplinary action.
2. All personnel will ensure that their password remains confidential. Signing onto the Guardian Tracking software using another's User Name and Password is prohibited.
3. Documentation
 - (a) Data entry in Guardian Tracking is required for all agency personnel, including sworn and non-sworn personnel.
 - (b) All performance documentation (both positive and negative) will be tracked and entered using the Guardian Tracking system.
 - (c) Supervisors shall use the Guardian Tracking software to document information pertaining to the performance of employees under their supervision. Members are responsible for working in such a manner that they provide the best possible level of performance under the circumstances existing at the time. When facts show that an employee's efforts rise above or fall below what would have been reasonably expected, supervisors have a duty to document said performance in Guardian Tracking in order to promote exemplary performance or obtain lasting improvement where needed. In addition to the incidents associated with agency's Early Warning Program, documentation of the following incidents is required:

- (1) Officers who are involved in a motor vehicle pursuit as defined by the Attorney General Guidelines.
 - (2) Officer on-duty injury or exposures.
 - (3) Department property damage involving agency personnel.
 - (4) Officer Safety Issues.
 - (5) Positive Performance Notices.
 - (6) Employee Counseling Notice.
 - (7) Supervisor Subordinate Meetings.
 - (8) Awards, Letters of Appreciation & Citations received by employees.
 - (9) Critical Incident / Significant Event Associated to an employee.
 - (10) Any other indicators, as determined by the agency's chief executive.
- (d) Supervisors are required to document all positive performances by their employees. Examples of positive performances may include, but are not limited to, exceptional duty such as a CPR save, successful resolution of a complex investigation, voluntarily accepting responsibilities above and beyond the officer's regular duties, commendations from internal and external sources, letters of recognition from a citizen, etc.

4. Entries into Guardian Tracking

- (a) A supervisor shall discuss performance issues with his/ her subordinate prior to making an entry into the Guardian Tracking system. Supervisors shall also inform his/ her subordinate that the noted issue, and related discussion, will be recorded in Guardian Tracking system. However, the supervisor may make the entry and "save" it on the system without being distributed. After the personal discussion, the entry can be "published."
- (b) Entries should be entered on regular basis and contemporaneously with the event or behavior being documented. Entries should not be made at a later date unless circumstances prohibit the contemporaneous entry. Entries should consist of factual documentation, not opinions.
- (c) Accurate, fair, and consistent documentation will provide meaningful feedback in promoting employees' better judgment, increased insight into behavior, heightened awareness of organizational goals, and performance comparisons over time.
- (d) Supervisory personnel who wish to make an entry for personnel outside their chain-of-command or direct span of control shall make the entry and place it "on hold". Prior to speaking with the employee, the author shall consult with the employee's direct supervisor and advise him/ her of the incident and wish to generate a Guardian Entry.
- (e) Entries in Guardian Tracking software will be viewable by the subject of the entry and his/ her supervisors, police department command staff, and other authorized officers who have a legitimate purpose and permission.

5. Login and Review

- (a) All personnel will log into Guardian Tracking and review any recently created or recently updated incidents or entries whenever they receive an email notification of an entry.
- (b) Personnel may add appropriate commentary to entries pertaining to themselves or their subordinates. When such a comment is submitted, the Guardian Tracking software automatically documents the date, time, and person submitting the comment. **This shall not be used as a forum for rebuttal.**

6. Performance Evaluations

- (a) Guardian Tracking will assist the personnel performance evaluation process in a variety of ways, including but not limited to:
 - (1) Documenting high or low ratings.
 - (2) Tracking recognition, counseling, training, and other measures to improve employee performance.
 - (3) Setting goals and objectives or performance improvement plans.

7. Discipline

- (a) Guardian Tracking will assist the disciplinary process in a variety of ways, including, but not limited to:
 - (1) Detecting those instances or patterns of behavior when disciplinary action is warranted (remedial training, counseling, etc.)
 - (2) Informing employees when substandard performance is observed and giving them opportunities to improve.
 - (3) Maintaining a record of disciplinary action and performance.

8. Awards & Commendations

- (a) Guardian Tracking will aid the Awards, Recognition and Commendations process in a variety of ways, including, but not limited to:
 - (1) Documenting instances where officers are recognized through the Award and Commendation process.
 - (2) Maintaining a record of Awards, Recognition, and Commendations.
 - (3) Award Nominations and Commendation entries shall include the date of occurrence, case number, all officers involved and a brief description of the events.

9. Guardian Tracking Training

- (1) All personnel may access the Guardian Tracking User Manual and other training material via the internet on the Guardian Tracking home page: <http://guardiantracking.com>. All personnel are to make themselves familiar with the operation and function of the Guardian Tracking software.

- (2) If additional training is required, all personnel may consult with their immediate supervisor or the department's Guardian Tracking administrator/ Office of Professional Responsibility.

[ACPO Early Warning System Reporting Form FM-01261-18](#)