

MANCHESTER TOWNSHIP POLICE GENERAL ORDER



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SUBJECT: EARLY INTERVENTION SYSTEM

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BY THE ORDER OF:

Chief Lisa D. Parker

SUPERSEDES ORDER #:

PURPOSE: Because an agency's most important asset is its personnel, it is the purpose of this General Order to establish consistent practices for documenting and managing employee performance and early intervention through the establishment of an Early Intervention System.

POLICY: This policy is intended to standardize documentation for both positive and negative performance indicators and to identify employees who have developed a pattern of behavior which indicates that intervention efforts may be necessary. Furthermore, it is the policy of this agency to implement and utilize an early warning system to track and review the indicators of increased risk and to provide timely, non-punitive intervention consistent with best practices. This written directive is in accordance with the *New Jersey Attorney General's Law Enforcement Directive No. 2018-3*.

PROCEDURES

I. GENERAL

- A. The Early Intervention System (EIS) is designed to identify critical performance indicators, patterns or trends, and to evaluate the data in a manner that is constructive to the employee and the agency. This system will assist department supervisors in highlighting behaviors that may be otherwise overlooked. The purpose of the EIS is to facilitate the early identification of potential problems, and to follow-up, in a timely manner, with the appropriate intervention.
- B. The Early Intervention System is designed to detect patterns and trends in employee conduct before such 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 is to address potential problems through the use of appropriate management intervention strategies before negative discipline becomes necessary.
- C. To be successful, it is critical that all levels of supervision, especially first line supervisors, recognize potentially troublesome employees and behaviors, identify training needs, document performance related issues and provide professional support in a consistent and fair manner. Emphasis should be placed on anticipating problems among employees before they result in improper performance or conduct.
- D. Many different measures of employee performance can be regularly examined for patterns or practices that may indicate potential problems. These performance measures may 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, regardless of outcome;
 2. Civil actions filed against an officer, regardless of outcome;
 3. Criminal investigations or complaints made against the employee;
 4. Domestic violence investigations in which the employee is an alleged subject;
 5. An arrest of an employee, including on a driving under the influence charge;
 6. A positive drug test by an officer;
 7. Sexual harassment claims against an employee;
 8. Insubordination by an officer;
 9. Neglect of duty by an officer;
 10. Use of force incidents, whether the individual is injured or not;
 11. Claims of duty-related injury;

12. Involvement in a vehicular pursuit;
 13. Vehicular collisions with a township vehicle;
 14. Cases or arrests by the officer that are rejected or dismissed by the court;
 15. Cases in which evidence obtained by an officer is suppressed by the court;
 16. Use of sick time;
 17. Any other indicators, as determined by the agency's chief executive.
- E. Generally, three (3) instances of questionable conduct or flag indicators (as listed in section D, above) within the same twelve (12) month period would initiate the early warning system process. This matrix does not apply to all incidents identified in Guardian Tracking®. Decisions as to the number of occurrences and time frames in which these occurrences trigger flags is at the discretion of the Chief of Police.
- F. 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.
- G. The implementation of the Early Intervention System is primarily the responsibility of the Office of Professional Standards; but any supervisor may initiate the early intervention process based on information received and/or based upon his/her own knowledge and/or observations.
- H. An employee's first line supervisor is usually the first member of the department to encounter and document specific incidents that affect an employee. As such, it is essential for the supervisor to document these incidents in a timely manner. Additionally, it is imperative that the supervisor speak to the involved employee about the incident as well as his/her Bureau Commander. The success of this program relies heavily on the first line supervisor's participation and involvement.
- I. Supervisors should be mindful of the impact of negative information and documentation on subordinates. Although there may be occurrences where this necessary, supervisors must remember to document positive information whenever possible.

II. GUARDIAN TRACKING® SOFTWARE

- A. This department will utilize Guardian Tracking® software in order to document, manage, and track day-to-day employee performance as well as provide for the triggering of alerts with respect to the agency's Early Intervention System.
1. Guardian Tracking® is an employee performance documentation software program. The software is designed to benefit the entire organization by enhancing the supervisor's ability to document behavior, both positive and negative, and manage employee performance. Information maintained by the software will assist with various organizational processes, such as: performance appraisals, early intervention, recognition of training needs, recognition of exemplary performance, recommendation for awards, and discipline.

2. Guardian Tracking[®] is a useful tool for augmenting the current performance evaluation system. Guardian Tracking[®] allows supervisors to document routine performance, in one centralized location, during the course of an evaluation period. As incidents are entered, Guardian Tracking[®] will monitor the frequency of specific incidents to determine if early intervention is warranted.
 3. Guardian Tracking[®] is also an employee behavioral monitoring and early warning system. In no way, does it excuse a supervisor or any other employee from following the procedures mandated in this department's Internal Affairs General Order.
- B. All employees, both sworn and non-sworn, will have access and viewing rights to Guardian Tracking[®] via an individualized logon and password. Despite the fact that all department employees have access to the system, only supervisors (sergeants and above as well as civilian supervisors) will have data entry rights.
 - C. All documentation entered and stored in Guardian Tracking[®] is confidential. Employees will only be able to view information on themselves or those employees currently under their command. Once an employee is transferred to another supervisor, the old supervisor will no longer be able to see his/her information. Employees shall not share or otherwise disclose information unless authorized by Chief of Police of his designee.

III. SUPERVISOR'S RESPONSIBILITIES

- A. Supervisors shall have access to the Guardian Tracking[®] system via an assigned login and personal password.
- B. Although supervisors will only have viewing rights to employees under their direct command, they maintain entry rights on ALL employees below their rank within the agency.
- C. Supervisors shall log in to Guardian Tracking[®] daily so as to check for any new notifications or any updated entries pertaining to themselves, or anyone under their command.
- D. It is the supervisor's responsibility to enter information pertinent to all incidents identified in Guardian Tracking[®] for each of their subordinates. Furthermore, when documenting an incident or occurrence in Guardian Tracking[®], supervisors must include as much detail as possible and do so contemporaneous to the occurrence.
- E. Supervisors must understand that accurate, fair and consistent documentation will provide meaningful feedback in promoting the employee's better judgment, increased insight into behavior, heightened awareness of organizational goals, and performance comparisons over time, all of which combine to increase employee motivation. This documentation should reflect both positive and negative behavior.
- F. Supervisors will not document routine performance in any other format. All performance documentation will be entered into the Guardian Tracking[®] system.
- G. In cases where the incident/occurrence to be entered in Guardian Tracking[®] involves behavior that will be forwarded to and investigated by Internal Affairs, the inputting supervisor with type in the narrative portion of the entry, "Referred to Internal Affairs." Guardian Tracking[®] will not contain internal affairs information.

- H. Supervisors who fail to document incidents as required by this general order may be subject to disciplinary action.
- I. Supervisors must understand that the Early Intervention System does not relieve them of their responsibility to regularly monitor performance data and address any potential problems.
- J. The following shall serve as a guide to the incident categories contained within Guardian Tracking®. This list is a guide and is no way all inclusive of the categories contained within the Guardian Tracking® system:
 - 1. Cases Dismissed for Lack of Probable Cause - To be used whenever a case is rejected or dismissed by the prosecutor (municipal or county) as a result of a lack of probable cause. In such occurrences, the Court Liaison Officer or his designee shall supply a memo to the employee's immediate supervisor whenever a case is dismissed for a lack of probable cause. An entry in this category does not always presuppose that the officer's actions resulted in the rejection or dismissal of the case;
 - 2. Citizen Compliment – To be used any time a private citizen compliments a member of the agency for an act performed in the performance of his/her duties. This category is used for non-written compliments/commendations.
 - 3. Civil Action Filed - To be used when a person files a civil action against a member of the agency;
 - 4. Demeanor/Attitude - To be used when an employee exhibits, or is alleged to have exhibited, behavior that constitutes poor demeanor or attitude;
 - 5. Duty Related Injury - To be used whenever an employee is injured while on duty regardless of circumstances;
 - 6. Evidence Suppressed - To be used when evidence in a case is suppressed by a court of law; (i.e. improper search). In such occurrences, the Court Liaison Officer or his designee shall supply a memo to the employee's immediate supervisor whenever evidence is suppressed during a court proceeding.
 - 7. Insubordination - To be used when an employee is insubordinate as defined in the Rules and Regulations;
 - 8. Letter of Commendation - To be used whenever a member of the agency receives a letter of commendation from a person, business or other public or private entity as a means of acknowledging that members excellent service or performance.
 - 9. Performance Notice - Positive - To be used when an employee's behavior exceeds the expectations and standards set forth by this department. Behavioral anchors listed in the department's evaluation can be used as a guide for what constitutes positive performance.
 - 10. Police Vehicle Crash - To be used when an employee is involved in a Motor Vehicle Accident while on duty. An entry in this category does not presuppose that the employee was at fault;

11. Policy Violation - To be used when an employee violates department policy and none of the other categories available is appropriate;
 12. Sick Leave - To be used whenever an employee utilizes an unscheduled sick day. Entries in this category are restricted to unscheduled sick time. Prescheduled sick leave taken for tests, scheduled surgery/procedures, etc., does not qualify under this category;
 13. Tardiness - To be used whenever an employee reports for work after the time set forth by his/her schedule in accordance with department policy.
 14. Use of Force – To be used whenever an employee uses any level of force above physical contact in the performance of their duties, to include off-duty uses of force. For the purposes of tracking, the uses of force have been broken down into those incidents wherein the arrestee sustains an injury and into those in which the arrestee does not sustain an injury.
 15. Vehicular Pursuit - To be used whenever an employee participates in a pursuit as either a primary or secondary unit as defined by the department's directive;
- K. Furthermore, each of the 20 rating criteria contained in both the "Sworn Personnel" as well as the "Supervisory Personnel" performance evaluations is listed in Guardian Tracking® and will be used to document and track employee performance. This information will serve as a guide in preparing semi-annual performance evaluations.
- L. As is the case with sworn personnel, the rating criteria related to "Public Safety Telecommunications Operator" as well as "Civilian Personnel" are also listed in Guardian Tracking® and will likewise be used to track performance of personnel fitting that criteria.

IV. COMMAND LEVEL RESPONSIBILITIES

- A. If the early warning system reveals a potential problem through the presence of a flag in the Guardian Tracking® software, or as identified by a supervisor, that employee's Bureau Commander (lieutenant or above) will gather all relevant information from the system.
- B. The Bureau Commander will cause a review of the data provided, along with more detailed information available from department records. The review will typically include:
 1. All incidents which activated the intervention flag;
 2. At least six months of the employee's performance records;
 3. Any personal knowledge and observation about the employee in question;
 4. And, if warranted, an interview of the employee.
- C. If this review indicates that the early warning system flag is unwarranted, the Bureau Commander will document this result in writing. This will be done by creating a separate incident in Guardian Tracking® using the *Early Warning*

Intervention category and will indicate in the narrative portion why no further action is necessary.

- D. If the review reveals that an employee has violated department directives, the Bureau Commander will forward said information to the Office of Professional Standards where an internal investigation may be authorized/initiated, if warranted. In this case, a separate incident in Guardian Tracking® will be created using the *Early Warning Intervention* category and a notation will be placed in the narrative portion of the entry indicating “Referred to Internal Affairs.”
- E. 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 Bureau Commander shall determine the appropriate course of remedial action. These remedial actions are listed below. In these cases, as was the case with the aforementioned, a separate incident in Guardian Tracking® will be created using the *Early Warning Intervention* category wherein the action taken.
- F. The Office of Professional Standards Commander or his/her designee shall cause a review of any individual employee's history anytime a new complaint is made. Using this information, the Office of Professional Standards or his/her 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.

V. REMEDIAL ACTIONS

- A. 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.
- B. Internal disciplinary action, remedial action, and fitness for duty examinations are not mutually exclusive and should be jointly pursued if and when appropriate.
- C. When remedial action has been undertaken, the Bureau Commander shall ensure that such actions are documented in writing in the Guardian Tracking system. This shall be accomplished by making a separate entry in Guardian Tracking utilizing one of the above-listed remedial actions. Furthermore, the initial incident which promoted the remedial action shall be linked to the new entry.
 - 1. No entry should be made in an employee's personnel file, unless the action resulted in discipline from a sustained investigation.

2. If the remedial action is a training program, attendance and successful completion of that program should be noted in the employee's training record.
- D. Generally, once a remedial action is determined to be necessary, personnel should expect to remain under intensive monitoring and supervision for six (6) months.
 - E. When under early warning 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 and obtain a commitment on a plan for long-term improved performance;
 4. Advise of the monitoring process and the repercussions of future sustained transgressions.
 - F. The affected employee and supervisor shall meet on a regular basis, minimally monthly, to discuss progress towards the agreed upon goals and objectives. All employee-supervisor meetings shall be thoroughly documented in the Guardian Tracking[®] software, which will automatically be forwarded through the chain of command to the Chief of Police.
 - G. 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.

VI. CONFIDENTIALITY OF EARLY INTERVENTION SYSTEM DATA/INFORMATION

- A. Early Intervention System data is confidential and shall not be disclosed to the public or any unauthorized department employee. EIS 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 the EIS.
 1. No confidential medical information (i.e., nature of employee illness or names of treating physicians) shall be entered into the EIS.
 2. No internal affairs reports shall be entered into the EIS. 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 EIS 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 Intervention System review process applies to or accepts employment at a different law enforcement agency

than the one where he or she underwent the EIS 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 EIS review process history and outcomes. Upon request, the prior or current employing agency shall share the officer's EIS review process files with the subsequent employing agency.

VIII. NOTIFICATION TO COUNTY PROSECUTOR

- A. Upon initiation of the EIS review process, the Chief of Police or a designee shall make a confidential written notification to the County Prosecutor or his/her designee of the identity of the subject officer, the nature of the triggering performance indicators, and the planned remedial program. Upon completion of the EIS review process, the Chief of Police shall make a confidential written notification to the County Prosecutor or his/her designee of the outcome of the EIS review, including any remedial measures taken on behalf of the subject officer.

IX. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY

- A. The Early Intervention System policy shall be made available to the public upon request and shall be posted on the agency website.