

**POINT PLEASANT BEACH POLICE
STANDARD OPERATING PROCEDURE**

**PERSONNEL PERFORMANCE AND
EARLY WARNING SYSTEM**



BY THE ORDER OF:

OF PAGES:

Chief Robert Kowalewski

9

EFFECTIVE DATE:

ACCREDITATION STANDARDS:

2.2.3

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 the Point Pleasant Beach Police 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.

PROCEDURE:

I. GUARDIAN TRACKING® SOFTWARE

- A. Guardian Tracking® Software allows Sgt./OIC 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. Sgts/OICs will not document routine performance in any other format. All performance documentation will be entered into the Guardian Tracking® Software.
- C. Sgts/OICs 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. Sgts/OICs, 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. Sgts/OICs within the chain of command will, by default, have access to this newly created documentation.
 - 1. This process does not relieve the documenting the Sgt./OIC of the obligation to take immediate action to correct serious infractions that may result in liability, injury, and/or disrepute.
- E. Sgts/OICs, 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. Sgts/OICs within the chain of command will, by default, have access to this newly created documentation.
- F. Command staff will periodically review entries in the Guardian Tracking® Software to ensure Sgts/OICs are using the software in accordance with this written directive.
- G. The following shall serve as a guide to the incident categories contained within the Guardian Tracking® Software:
 - 1. Attendance/Punctuality - To be used when an employee has an unscheduled absence. Prescheduled sick leave utilized for tests, scheduled surgery/procedures or any cause covered under contract and/or policy does not qualify under this category;
 - 2. Awards/Medals – Whenever an employee receives an award or medal;
 - 3. Care of Equipment – To be used when an employee fails to properly care for or damages department equipment;
 - 4. Citizen’s Complaint - To be used when a citizen makes a complaint either formal or informal about an employee other than demeanor;
 - 5. Civil Action – Any civil action filed against an officer;

6. CJIS Errors – To be used whenever a Communication Operator or Police Officer makes an error using the CJIS Network;
7. Commendations – Letters, Cards, or E-mails of thanks received on behalf of an officer. Phone calls, Voice mails, or in person expressions of thanks to Sgts/OICs;
8. Counseling Session – When an employee is counseled for any reason;
9. Criminal Investigation or Complaints – Any criminal investigation or complaint involving an employee;
10. Disciplinary Action – Used whenever disciplinary action is leveled against an employee;
11. Dismissed or Rejected Court Case – Whenever a case or arrest by an officer is rejected or dismissed by the court;
12. Domestic Violence – When an employee is the alleged subject;
13. IA Complaint – Whenever an employee is the subject of an IA complaint;
14. Insubordination;
15. Letter of Recognition – Received from a Sgt/OIC, the public or government official;
16. MVAs – MVAs involving department vehicles;
17. Neglect of Duty;
18. OJIs – Employee on the Job Injuries;
19. Outstanding Performance – Any performance above and beyond noted by a Sgt/OIC;
20. Policy Re-Training - Any re-training of an employee in department policy;
21. Policy Violation - To be used when an employee violates departmental policy;
22. Positive Drug Test;
23. Quality/Quantity of Work – When an employee's work is not up to department standards;
24. Recognition from Public – Any recognition from the public, whether written or verbal;
25. Rudeness/Attitude - To be used whenever a Sgt/OIC observes, or a citizen initiates, a formal or informal complaint regarding an employee's demeanor;
26. Sexual Harassment – Any claim against an employee;

27. Sgts/OICs Notice – Used to document any observation or action taken by a Sgt/OIC that would not fit into any other category;
28. Suppressed Evidence – Whenever evidence obtained by an officer is suppressed by a court;
29. Training – Any training received;
30. Training – CJIS – Whenever an officer works the desk a dispatching capacity;
31. Use of Force – To be used whenever an employee utilizes physical, mechanical or deadly force. An entry in this category does not presuppose that the employee acted improperly or contrary to policy or procedure;
32. Verbal Reprimand – When an employee is verbally reprimanded;
33. Vehicle Pursuits – Allows for tracking of yearly totals;
34. Work Habits – Used to document poor or unacceptable work habits;
35. Written Reprimand – To be used when an employee receives disciplinary action constituting a written reprimand.

II. EMPLOYEE PERFORMANCE

- A. The employees' Sgt/OIC 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 Sgt/OIC 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 affairs complaints against an employee, whether initiated by another employee or by a member of the public, 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 criminal complaints against an employee;
 4. Any use of force by an 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;
(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 that is suppressed by a court;
(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. Vehicular pursuits;
 15. Unexcused absences or sick time abuse; and
 16. Any other indicators, as determined by the Chief of Police.
- 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. 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 Sgt/OIC 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 Sgt/OIC 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:
 - a. Formally notify the subject employee, in writing;
 - b. Conference with the subject employee and appropriate supervisory personnel and/or command staff 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;
 - 1) If the Guardian Tracking® Software has returned an incorrect identification or "false positive," that conclusion should be documented.
 - 2) 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.
 - 3) 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 Sgt/OIC shall consult with the Internal Affairs Unit Supervisor to determine the appropriate course of remedial/corrective intervention.
 - c. Develop and administer a remedial program including the appropriate remedial/corrective actions listed herein;
 - d. Continue to monitor the subject employee for at least 6 months, or until the Sgt/OIC concludes that the employee's behavior has been remediated (whichever is longer);

- e. Document and report findings to the appropriate supervisory personnel and, if warranted, the internal affairs unit;
- 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. Sergeants/OICs
 1. An employee's first line Sgt/OIC is usually the first member of the department to encounter and document specific incidents that affect an employee. It is essential for the Sgt/OIC 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 Sgt's/OIC's participation and involvement.
 2. If a Sgt/OIC 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.
- I. Command Staff
 1. The command staff shall periodically review an individual employee's history. Using this information and his/her experience, the command staff 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 Sgt/OIC 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. 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 the Internal Affairs Officer. The affected employee and Sgts/OICs 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.
 - 5. Any statement made by the subject employee in connection with the personnel performance management and early warning system (PPMS) review process may not be used against the subject employee 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. Employee Assistance Program or professional counseling, when warranted, if available.
 - 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.
 - 2. No internal affairs reports shall be entered into PPMS. However, the immediate Sgt/OIC 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.

VI. 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.

VII. 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.

VIII. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY

- A. The personnel performance management and early warning system (PPMS) policy shall be made available to the public upon request and shall be posted on the agency website.