
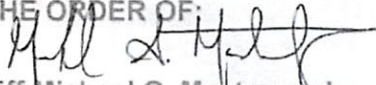


OCEAN COUNTY SHERIFF'S OFFICE					
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SUBJECT: EARLY WARNING SYSTEM					
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BY THE ORDER OF:  Sheriff Michael G. Mastrorady		02/25/2014 07/13/2018			
SUPERSEDES ORDER #:					

PURPOSE The purpose of this order is to establish the policy and procedures for administering the Guardian Tracking program as an administrative tool as well as a personnel performance evaluation system

POLICY It is the policy of the Ocean County Sheriff's Office to utilize the Guardian Tracking program as an interactive documentation system, which will also assist supervisors with tracking, and reviewing the indicators of increased risk and provides a timely, non-punitive intervention consistent with best practices to augment the performance evaluation system. It is the policy of the Ocean County Sheriff's Office to utilize the Guardian Tracking system as an interactive early warning system designed to assist supervisors with the review and timely tracking of questionable conduct or performance indicators consistent with the New Jersey Attorney General's Law Enforcement Directive No. 2018-3.

PROCEDURES

I. GUARDIAN TRACKING AS AN EARLY WARNING SYSTEM

- A.** All supervisors shall have access to the Guardian Tracking system via an assigned login and personal password to create and view entries pertaining to their subordinates. All Employees shall have access to the Guardian Tracking system via an assigned login and personal password to view and comment on entries pertaining to themselves exclusively.
- B.** An early warning system is designed to detect patterns and trends before the conduct escalates into more serious problems. The primary intent is to address potential problems through the use of appropriate management intervention strategies before negative discipline becomes necessary.
- C.** 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 employees' problems before it results in improper performance or conduct. It is essential for the supervisor to speak with the employee and document these incidents in Guardian Tracking. The success of this program relies heavily on their participation and involvement.

II. EARLY INTERVENTION CATEGORIES

- A.** Performance measures required by the New Jersey Attorney General's Office include the following documented indicators:
 - 1.** Internal affairs complaints against an employee, whether initiated by another employee or by a member of the public;
 - 2.** Civil actions filed against the officer;
 - 3.** Criminal investigations or criminal complaints against an employee;
 - 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 the employee, including on a driving under the influence charge;
 - 7.** Sexual harassment claims against an employee;
 - 8.** Vehicular collisions involving the officer that are formally determined to have been the fault of the officer;
 - 9.** A positive drug test by the 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 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. Unexcused absences by the employee.
- B. Generally, three (3) instances of questionable conduct or performance indicators (as listed in section A, above) within a 12-month period would initiate the early warning system process.
- C. 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.
- D. 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.
- E. Additionally, the Ocean County Sheriff's Office shall monitor the following performance measures indicators:
1. Absent Without Leave- Every employee who fails to appear for duty at the date, time and place specified without the consent of competent authority, is "absent without leave".
 2. Complaint-External - Used to record the original complaint against a Sheriff's Office employee from public or outside agency. No entry shall remain in the system unless the action results in a sustained complaint. If sustained the entry shall be edited to reflect the corrective action taken.
 3. Complaint-Internal - Used to record the original complaint against one Sheriff's Office employee against another. No entry shall remain in the system unless the action results in a sustained complaint. If sustained the entry shall be edited to reflect the corrective action taken.
 4. Evaluation - Unsatisfactory - This is used for annual agency performance evaluations, the Field Training and Evaluation Program (FTEP), as well as, probationary and trainee 30, 60 and 88 day performance evaluations. All associated forms will be linked to this entry through the "Change Related" tab.
 5. Firearms Discharge - Negligent - All negligent firearms discharges shall be documented in this category.

6. NCIC Deficiencies - Shall be used by the TAC to address NCIC issues. Supervisors will then determine the appropriate action, document it on Guardian Tracking® and link the incidents together.
7. Performance Notice - Used when an incident meets the criteria for corrective action under the agency/divisional standard operating procedure.
8. Sick Leave - To be used when an employee uses sick time for a complete work day.
9. Sick Leave-Excused - Prescheduled sick leave taken for which acceptable documentation has been provided.
10. Suspension - All suspensions will be recorded under this heading and will be linked to the corresponding disciplinary action using the "Change Related" tab.
11. Tardiness - To be used when an employee advises the acting supervisor that they will be reporting to work after their scheduled time, in accordance with agency/divisional policy.
12. Tardiness - Documented - Written documentation that is accepted and approved by a supervisor.
13. Termination - All agency terminations shall be recorded under this heading and will then be linked to the corresponding disciplinary actions using the "Change Related" tab.
14. Verbal Reprimand - Used when an incident meets the criteria under agency/divisional standard operating procedure. The final version of the County's "Notice of Employee Disciplinary Action" shall be linked to this incident using the "Change Related" tab.
15. Written Reprimand - Used when an incident meets the criteria under the agency/divisional standard operating procedure. The final version of the County's "Notice of Employee Disciplinary Action" shall be linked to this incident using the "Change Related" tab.

III. EARLY INTERVENTION FLAGS

- A. If the evaluation system reveals a potential problem through the presence of a flag in the Guardian Tracking, or as identified by a supervisor, the employee's division commander or designee will gather all relevant information from the system. A separate incident will be generated in the Guardian Tracking using the appropriate evaluation Intervention Incident category.
- B. When under alert intervention 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 commitment on a plan for long-term improved

performance;

4. Advise of the monitoring process and the repercussions of future sustained transgressions .
- C. 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.
 - D. The employee's division commander will cause a review of the data provided, along with more detailed information available from agency records. If this review indicates that the evaluation system flag is unwarranted, the division commander or designee will document this result in writing. The incident narrative placed in Guardian Tracking may serve as adequate documentation.
 - E. If the review reveals that an employee has violated agency directives, the employee's division commander may proceed with an internal investigation, if warranted. 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 Guardian Tracking under the previously created alert Incident category

IV. CORRECTIVE ACTIONS

- A. All employee-supervisor meetings shall be thoroughly documented in Guardian Tracking, which will automatically be forwarded to the Sheriff or designee . The affected employee and supervisor shall meet on a regular basis, minimally monthly, to discuss progress towards the agreed upon goals and objectives.
- B. 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.
- 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. 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 system's ongoing data review.

- E. 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).
- F. Referrals to the Employee Assistance Program shall be made in accordance with the Employee Assistance Program protocols. Personal problems may adversely affect an employee's personal and professional well-being and job performance. The most effective means of handling these problems may be through this program.
- G. All reports shall be forwarded to the Sheriff or designee through Guardian Tracking 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.

V. GUARDIAN TRACKING AS A PERFORMANCE RECOGNITION TOOL

- A. All levels of supervision, especially first line supervisors, are expected to recognize desired behavior and reward positive actions. It is essential for the supervisor to speak with the employee and document these incidents in Guarding Tracking. The success of this program relies heavily on their participation and involvement.

VI. RECOGNITION ALERTS

- A. Award - Office issues recognition of valor, meritorious , distinguished or exceptional service.
- B. Commendation - Unit or individual recognition from any source,
- C. Employee Promotion - Used to recognize and record the date of an employee's promotion.
- D. Evaluation Satisfactory-Used to note the achievement of a satisfactory performance evaluation.
- E. Initiative- To be used when an employee displays initiative in the performance of a job function.
- F. Job Performance-Exceptional - Used by supervisors to recognize work performance that goes above and beyond normal expectations.
- G. Leadership Demonstrated - Used by supervisors to recognize positive leadership traits exhibited by an employee .
- H. NCIC Proficiency - Used by the TAC or Asst TAC to document a proficient grade when an employee successfully completes testing associated with NCIC.
- I. Peer Recognition - Used when an employee wishes to recognize another colleague's positive workplace performance.
- J. Public Recognition - Used when an employee has been recognized for exceptional performance by an outside agency or civilian.

VII. GUARDIAN TRACKING AS AN ADMINISTRATIVE TOOL

- A. This agency will utilize Guarding Tracking in order to classify, manage, and track administrative actions.

VIII. ADMINISTRATIVE CATEGORIES

- A. Bereavement - Used to document an employee's use of bereavement leave.
- B. Documentation Note - Is **not** a disciplinary action. May be used as a follow-up to a meeting with an n employee, as a reminder of policy or procedural issues, or as a corrective action on minor performance or conduct issues . Re-occurrences, however, may lead to a Performance Notice or progressive disciplinary action. Documentation notes will be produced on all targeted retraining issues.
- C. Employee Transfer - Used to document an employee's transfer to another unit or division.
- D. Equipment- Used to note a malfunction of office equipment, and to document loss or destruction of office-issued equipment or uniforms articles.
- E. Leave Of Absence - Used when an employee has been approved for a leave of absence. The County's "Request for Family/Medical Leave" form shall be entered and linked to this incident through the "Change Related" tab.
- F. Forced Overtime - Used when an employee has an unscheduled absence and a mandate of another employee is created. The shift supervisor, where the mandate occurred, will create this incident to include the employee who created the mandate, the employee being mandated and the amount of time the employee was mandated for.
- G. Letter of Interest - (Unit/Division/Special Assignment) - Used by an employee to request reassignment to a specific division or unit. Resumes and other related documentation should be attached.
- H. Off-duty Weapon Request - Used by an officer to request office permission to carry an off-duty weapon .
- I. Secondary Employment - Used by an employee to request outside employment. Request should include the outside work schedule and be updated if changed.
- J. Overtime Request - Currently used by Lt's and Capt.'s to submit requests for overtime. Overtime must be approved before it can be worked.
- K. Policy Deviation Request - Attach office form to this incident to request a temporary change in policy.
- L. Quality Assurance - Used by the Training Unit or Supervisor when a quality assurance check has been done. Must result in a Recognition Alert or corrective action.
- M. Quality Assurance OPRA - Used by the Training Unit or Supervisor when a quality

assurance check has been done due to an OPRA request. Must result in a Recognition Alert or corrective action.

- N. Resignation - Used to document an employee's resignation.
- O. Retirement - Used to document an employees retirement date.
- P. Shift Change Request - Used by an employee to request a temporary change in his/her normal shift time. Narrative must include normal shift, requested shift and reason for request.
- Q. Shift Switch - Used for a request from two employees to trade their shifts and/or days off. Must be in compliance with SOP.
- R. Special Assignment - Created by a supervisor to inform an employee of an assignment outside of his/her normal course of duty.
- S. Union Leave Request - Used by union representatives to request time specifically allowed by his/her respective labor agreement.
- T. Use of Force - Used by an officer or supervisor to document a use of force incident. Applicable forms must be attached.
- U. Vehicle Accident - Created by an employee to documents the details of an accident involving a office issued vehicle. Applicable forms must be attached.
- V. Vehicle Pursuit - Used to document an officer's vehicular pursuit of a subject. All applicable forms must be attached.
- W. Vehicle Repair Request - Used to notify the vehicle coordinator of requested repairs.
- X. Weekly Training Evaluations - Used by the Training Unit or designee(s) to report the status of a trainee.

IX. ADMINISTRATION

- A. At least every six (6) months, the Professional Standards Unit shall audit the agency's tracking system and records to assess the accuracy and efficacy of the tracking system. The Professional Standards Unit will monitor, assess and make recommendations on modifications of the systems and its usage to the Sheriff on an as needed basis. Modifications should be implemented at the earliest opportunity.
- B. The Records Control Supervisor or designee shall supply a memo to an employee's immediate supervisor whenever evidence is suppressed, a case is dismissed, or prosecution rejected.

X. 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, it is the responsibility of the Ocean County Sheriff's Office to notify the subsequent employing law enforcement agency of the officer's Early Warning System review process history and outcomes. Upon request, the Ocean County Sheriff's Office shall share the officer's Early Warning System review process files with the subsequent employing agency.

XI. NOTIFICATION TO COUNTY PROSECUTOR

- A. Upon initiation of the Early Warning System review process, the Sheriff 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 Sheriff 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.

XII. 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.