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## Bradley Beach Police Department

701 Main Street  
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Leonard A. Guida  
Chief of Police

TO: All Personnel

FROM: Chief Leonard A. Guida

DATE: October 26, 2020

SUBJECT: **General Order 20-003 Early Warning System (Early Intervention)**

REPLACES: General Order 17-001

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Effective immediately and until further notice, this General Order shall apply to all members of the Bradley Beach Police Department:

I. PURPOSE:

The purpose of this policy is to establish guidelines and procedures for the Bradley Beach Police Department to follow in establishing an Early Warning System for its agency personnel. This is designed to detect patterns and trends in police conduct before that conduct escalates. It is further understood this may be defined as an Early Intervention System. These efforts can assist this department in identifying and remediating problematic officer conduct that poses a potential risk to the public, to the agency, and to the officer. This will serve as not only to increase public safety and confidence but also assist officers through early intervention. This policy shall apply to all sworn officers who are responsible for enforcing the criminal laws in New Jersey, come under the jurisdiction of the Police Training Act, and are authorized to carry a firearm under N.J.S.A. 2C:39-6

## II. POLICY:

It is the policy of the Bradley Beach Police Department to implement and utilize the Early Warning System for tracking and reviewing incidents of risk and providing timely intervention consistent with the New Jersey Attorney General's Guidelines and the Policy of the Monmouth County Prosecutors Office.

## III. PROCEDURE:

### A. EARLY WARNING SYSTEM:

1. An early warning system is designed to detect patterns and trends before the conduct escalates into more serious problems. As such, it is our agency objective to conduct early assessment and improve employee performance, goals and objectives. Employees must understand this system is not identical to the disciplinary process. 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. The primary intent of an early warning system is to address potential problems through appropriate management and supervisory strategies before formal discipline is warranted.
2. Many different measures of employee performance (actions or behaviors) can be regularly examined for patterns or practices that may indicate the potential of escalating risk of harm to the public, the agency, and/or the officer. The Chief of Police will determine the performance measures, which will be used. The following performance indicators shall be included in this system and these are not limited. Additional indicators may arise, as objectively measurable, which could potentially escalate harmful or problematic patterns by an officer. Performance measures include, but are not limited to, the following:
  - a. Warrantless search data;
  - b. Internal affairs complaints against the officer, whether initiated by another officer or by a member of the public;
  - c. Civil actions filed, regardless of outcome;
  - d. Incidents of force usage, including firearms discharges and use of less lethal force;
  - e. Claims of duty-related injury;
  - f. Instances of subjects resisting arrest;
  - g. Any arrest of the officer or, additional charges for assault on a law enforcement officer lodged by the officer;
  - h. Criminal investigations or complaints made against the employee;

- i. Domestic violence investigations (as an alleged actor);
  - j. Off-Duty contact with Law Enforcement Agencies as a result of personal conduct;
  - k. Vehicular pursuits;
  - l. Vehicular collisions;
  - m. Cases rejected or dismissed by a court;
  - n. Evidence suppressed by a court;
  - o. Neglect of duty by the officer;
  - p. Insubordination by the officer;
  - q. Sexual harassment claims against the officer;
  - r. A positive drug test of the officer;
  - s. Unexcused absence by the officer;
  - t. Any other indicators, as determined by the Chief of Police.
3. The Chief of Police will determine the number of instances of questionable conduct or flag indicators within the same twelve (12) month period, which would initiate the early warning process. This number has been determined to be (3) instances of questionable conduct or flag indicators within the same twelve month period.

**B. ADMINISTRATION OF EARLY WARNING SYSTEM:**

- 1. The early warning system will primarily be the responsibility of the agency's internal affairs unit. However, the Chief of Police has the responsibility of assigning personnel to this function. In addition, all supervisors shall initiate the early warning process based upon his/her own observations. Emphasis should be placed on anticipating employee problems before it results in improper performance or conduct.
- 2. Personnel assigned to manage the early warning system shall conduct a manual or computerized audit of its agency's records to determine if an employee has the emergence of a pattern, practice or trend of inappropriate behavior or misconduct. In addition to these regular data audits, the internal affairs unit shall audit an individual employee's history any time a new complaint is received.

- a. Using this information and their experience, the internal affairs unit may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the early warning system data audit.
  - b. If the audit indicates the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, personnel assigned to manage the early warning system shall advise the Chief of Police.
3. Personnel assigned to the early warning system and the Chief of Police shall review the information provided by the early warning system along with any other relevant information from agency records for the purpose of initiating a course of intervention designed to correct or interrupt the emerging pattern, practice or trend.
  - a. If the audit indicates that the early warning system has returned an incorrect identification or 'false positive,' that conclusion shall be reported to the Chief of Police
  - b. If the audit reveals that an employee has violated agency rules and regulations or written directives, the supervisor in consultation with the internal affairs unit shall advise the Chief of Police and proceed with an internal investigation and possible disciplinary action.
  - c. If the audit reveals that the employee has engaged in conduct, which indicates a lack of understanding or inability to comply with accepted procedures, the supervisor shall consult with personnel assigned to manage the early warning system to determine the appropriate course of remedial/corrective intervention.

C. SUPERVISORS:

1. An employee's first line supervisor or OIC is usually the first member to encounter and document specific incidents that affect an employee's performance. It is essential for the Supervisor / OIC to speak with the employee, document these incidents and report findings to personnel assigned to the Early Warning System or Internal Affairs Unit, if warranted. 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, personnel assigned to the early warning system shall be formally notified of such efforts. This information shall be documented and appropriate copies forwarded to the internal affairs unit for filing. No entry should be made in the employee's formal personnel file, unless the action results in disciplinary/corrective action.
3. If the remedial/corrective intervention was training, documentation shall be filed in accordance with the agency's training (Remedial Training and / or Statement of Understanding.)
4. Supervisors shall forward all documentation as required by agency written directives established to assist in a comprehensive audit. This data shall minimally include: Use of Force Reports, Vehicle Pursuit Reports, and Attendance Records.

D. REMEDIAL/CORRECTIVE INTERVENTION:

1. Supervisory or command personnel may initiate remedial/corrective intervention to correct behavior by formally notifying the subject officer, in writing. Conference with the subject officer and appropriate supervisory personnel. Develop and administer a remedial program including the appropriate actions listed below and continue to monitor the officer for at least three months or, until the supervisor concludes that the officer's behavior has been remediated. Document and report findings to the Chief of Police. Any statement made by the subject officer in connection with the EWS review process may not be used against the subject officer in any disciplinary or other proceeding. In addition to the following an officer may be referred to an employee assistance program as well as any other appropriate remedial or corrective action deemed appropriate by the Chief of Police.

- a. Training;
  - b. Retraining;
  - c. Counseling;
  - d. Intensive supervision;
  - e. Fitness for duty examination.
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.
  3. When remedial/corrective intervention has been undertaken, the Chief of Police shall ensure that such actions are documented in writing. No entry should be made in the employee's formal personnel file, unless the action results in a sustained internal affairs investigation. If the remedial/corrective intervention is a training program, attendance and successful completion of that program should be noted in the employee's warning system record.
  4. All reports shall be forwarded to the Chief of Police 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.

E. MONMOUTH COUNTY PROSECUTOR'S OFFICE NOTIFICATIONS:

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

1. Domestic Violence Protocol and Off-duty contact / incidents:
  - a. For all incidents where it is alleged that a law enforcement officer committed an act of domestic violence or was the victim of domestic violence, and in instances where there is off duty-contact with law enforcement agencies as a result of personal conduct, regardless of whether or not complaints and/or a temporary or final restraining order has been issued, the Chief of Police or his/her

designee shall promptly notify the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit by emailing [mcpopru@mcponj.org](mailto:mcpopru@mcponj.org).

- b. All law enforcement officers employed by this agency are required to identify themselves as law enforcement officers to responding officers when their off-duty conduct results in a police call, regardless of whether or not complaints and/or a temporary or final restraining order has been issued. Said identification will ensure that the responding police department may notify the involved officer's agency of said police call. The involved off-duty police officer shall also self-report the incident to his/her supervisor at the Bradley Beach Police Department. Notification is not required when the police involvement consists of minor traffic infractions where no injury was sustained by any party. A police officer's failure to make such notification may result in departmental discipline in accordance with departmental policy and procedures.

When required, notification should include the following information as applicable:

- 1) Agency name;
- 2) Officer's name;
- 3) Victim's name, if other than officer;
- 4) Reported date/time;
- 5) Date of incident, if other than reported date/time;
- 6) Incident location, including municipality;
- 7) Assigned case number;
- 8) Nature of incident;
- 9) Injuries sustained by victim;
- 10) Witness names;
- 11) Criminal complaint and/or TRO/FRO issued;
- 12) Assigned personnel, e.g., (local law enforcement officer, internal affairs officer); and
- 13) Copies of all police reports and relevant paperwork, e.g., (complaint, TRO, VNF, etc.).

- c. All emergent matters shall be reported directly to the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit by calling 732-577-8700.
  
- d. All Monmouth County law enforcement agencies are required to provide to the Monmouth County Prosecutor's Office Professional Responsibility / Bias Crimes Unit a listing of any and all reports where it is alleged that a law enforcement officer committed an act of domestic violence or was the victim of domestic violence, regardless of whether or not complaints and/or a temporary or final restraining order has been issued to include, but not limited to:
  - 1) All incidents that occurred within their jurisdiction in the past three (3) years;
  - 2) All out of county and/or state notifications of domestic violence calls involving law enforcement officers;
  - 3) Verification that if an officer from another county, state or out of state agency was involved that notification has been made to the involved officer's employing agency.
  
- e. All domestic violence incidents (regardless of whether a complaint or TRO/FRO was issued) shall be included in the local law enforcement agency's early warning system as one of the documented indicators.
  
- f. It is the continuing responsibility of the Professional Responsibility / Bias Crimes Unit to open a file, review the incident, and investigate the matter further, if necessary.

F. NOTIFICATION TO SUBSEQUENT LAW ENFORCEMENT EMPLOYER:

If any officer who is or has been subject to an EWS review process applies to or accepts employment at a different law enforcement agency than the one where he or she underwent the EWS 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 history and outcomes. Upon request, the prior or current employing agency shall share the officer's system review process files with the subsequent employing agency.

G. FITNESS FOR DUTY PROTOCOL:

- 1. The Chief of Police or designee shall make notification to the Monmouth County Prosecutor's Office Professional Responsibility and Bias Crime Unit by emailing [mcpopru@mcponj.org](mailto:mcpopru@mcponj.org) to include, but not limited to the following:




- a. Any time an officer is sent for a fitness for duty evaluation regardless of the reason for the evaluation;
  - b. Any time an officer is disarmed, regardless of the reason for the disarming;
  - c. Any time the early warning system results in the law enforcement officer being counseled, disciplined, sent for a fitness for duty evaluation, or disarmed; or
  - d. Any time the early warning system indicates the officer has received three (3) citizen complaints within a six (6) month period, regardless of the reason.
2. All emergent matters shall be reported directly to the Monmouth County Prosecutor's Office of Professional Responsibility and Bias Crime Unit by calling 732-577-8700.
  3. When a law enforcement officer has been disarmed, regardless of the reason and prior to the Bradley Beach Police Department rearming the officer, the Monmouth County Prosecutor's Office must be provided with a copy of the corresponding fitness-for-duty report and a written plan regarding the rearming of the officer. This written plan should include whether or not the rearming will be conditional or unconditional. If it is a conditional rearming, the agency must notify the Monmouth County Prosecutor's Office of all the terms of the conditional rearming, and the duration of the conditional rearming.
  4. In addition, whenever a local law enforcement agency sends any officer for a fitness-for-duty evaluation, the Chief of Police or designee is also required to submit to the physician, psychiatrist or psychologist an itemized list of the documents it forwarded to him/her along with the documents submitted. A copy of this itemized list must be maintained in the agency's internal affairs file and made available to the Monmouth County Prosecutor's Office upon request.
  5. It is the continuing responsibility of the Professional Responsibility and Bias Crimes Unit to open a file, review the incident, and investigate the matter further, if necessary.

H. ANNUAL REVIEW:

1. The Bradley Beach Police Department is required to review its early warning system on an annual basis during the month of January. The Chief of Police or his/her designee shall provide a letter to the Monmouth County Prosecutor's Office documenting proof of such review. The review shall include, but not be limited, to the following:
  - a. Number of audits conducted;
  - b. Number of employees flagged;
  - c. Number of instances where remedial/corrective action was taken;
  - d. Number of internal affairs cases opened as result of early warning system;
  - e. Changes in number of internal affairs complaints with reference to flagged indicators and whether they have increased/decreased;
  - f. The number of notifications made to the Monmouth County Prosecutor's Office.

**Any procedure which conflicts with this order is hereby rescinded. Supervisors shall be held accountable for the application and enforcement of this order. All members of the Bradley Beach Police Department are to follow this order as applicable. Violations of this order will subject members of this department to disciplinary action.**

**By Order Of:**

  
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**Leonard A. Guida, Chief of Police**