

**CLARK POLICE DEPARTMENT
POLICIES & PROCEDURES**



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SUBJECT: EARLY WARNING SYSTEM

BY THE ORDER OF:

Acting Chief of Police Pedro M. Matos

ACCREDITATION STANDARDS:

2.2.3

Effective Date: 02/14/2019

SUPERSEDES ORDER #:

PURPOSE: The purpose of this written directive is to establish a personnel early warning system.

POLICY: It is the policy of this department to implement and utilize Guardian Tracking® Software as an early warning system for tracking and reviewing incidents of risk and provide timely intervention consistent with Attorney General Guidelines.

PROCEDURE:

I. 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 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 of the system. The primary intent of an early warning system is to address potential problems through the use of appropriate management and supervisory strategies before formal 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 may include, but are not limited to, the following documented indicators:
1. Internal complaints including civil action, regardless of outcome;
 2. Citizen complaints;
 3. Consent to search requests;
 4. Incidents of force usage, including firearms discharges and use of non-deadly force;
 5. Claims of duty-related injury;
 6. Vehicular pursuits;
 7. Vehicular collisions.
 8. Criminal investigations of or criminal complaints against the officer.
 9. Domestic violence investigations in which the officer is an alleged subject.
 10. An arrest of an officer, including on a driving under the influence charge.
 11. Sexual harassment claims against an officer.
 12. A positive drug test by the officer.
 13. Cases or arrests by the officer that are rejected or dismissed by a court.
 14. Cases in which evidence obtained by an officer is suppressed by a court.
 15. Insubordination by the officer.
 16. Neglect of duty by the officer.
 17. Work absences by the officer.
 18. Any other indicators, as determined by the agency's chief executive.

- C. Generally, three (3) instances of questionable conduct or flag indicators within the calendar year would initiate the early warning system process.

II. ADMINISTRATION OF EARLY WARNING SYSTEM

- A. The early warning system is primarily the responsibility of the Internal Affairs; but, any supervisor may initiate the early warning process based upon his or her own observations. Emphasis should be placed on anticipating employee problems before it results in improper performance or conduct.
- B. 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. In addition, the Internal Affairs Unit shall query the Guardian Tracking® Software and review an individual employee's history any time a new complaint is received.
 - 1. Using this information, the Internal Affairs Unit may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the Guardian Tracking® Software.
- C. If the Guardian Tracking® Software indicates the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, the Internal Affairs Unit shall consult with the employee's supervisor and commander.
- D. The employee's supervisor and commander shall review the information 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 has violated department rules and regulations or written directives, the supervisor after consultation with Internal Affairs should proceed with an internal investigation and possible disciplinary action.
 - 3. If the Guardian Tracking® Software 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 the employee's commander to determine the appropriate course of remedial/corrective intervention.

III. SUPERVISORS

- A. An employee's first 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, document these incidents and report findings to their commander. The success of this program relies heavily on the first line supervisor's participation and involvement.

- B. If a supervisor 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.
- C. Guardian Tracking® Software
 - 1. Guardian Tracking® Software allows supervisors the ability to document routine performance in one centralized location during the course of an evaluation period. As incidents are entered, Guardian Tracking® Software will monitor the frequency of specific incidents to determine if early intervention is warranted.
 - 2. Supervisors will not document routine performance in any other format. All performance documentation will be entered into the Guardian Tracking® Software.
 - 3. Supervisors will have access to make entries and view all employees under their chain of command.
 - 4. Supervisors, 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. Supervisors within the chain of command will, by default, have access to this newly created documentation.
 - a. This process does not relieve the documenting supervisors of the obligation to take immediate action to correct serious infractions that may result in liability, injury, and/or disrepute.
 - 5. Supervisors, 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. Supervisors within the chain of command will, by default, have access to this newly created documentation.

IV. COMMANDERS

- A. The commanders shall periodically review an individual employee's history. Using this information and his/her experience, the commander may be able to identify employees who may need remedial/corrective intervention even before such is indicated by the Guardian Tracking® Software.
- B. When under early warning system monitoring, the employee's commander shall meet with the employee and supervisor to discuss the situation in depth to:
 - 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.
- C. Generally, personnel should expect to remain under intensive monitoring and supervision for six (6) months when an early warning flag is triggered.
- D. Employee Meeting
 1. All employee meetings shall be thoroughly documented in the Guardian Tracking® Software, which will automatically be forwarded to the Chief of Police or his designee. The affected employee and supervisors shall meet on a regular basis, minimally monthly, to discuss progress towards the agreed upon goals and objectives.
 2. All regular monthly progress/status reports shall be submitted via the Guardian Tracking® Software.
 3. 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.

V. REMEDIAL/CORRECTIVE INTERVENTION

- A. Supervisory or command personnel may initiate remedial/corrective intervention to correct behavior. Remedial/corrective intervention may include, but is not limited to:
 1. Training;
 2. Retraining;
 3. Counseling;
 4. Intensive supervision;
 5. Fitness for duty examination;
 6. Professional counseling, when warranted, if available;
 7. Peer counseling.
- B. Internal disciplinary action, remedial/corrective intervention, and fitness for duty examinations are not mutually exclusive and should be jointly pursued if and when appropriate.
- C. 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 personnel file, unless the action results in a sustained investigation. If the remedial/corrective intervention is a training program, attendance and successful completion of that program should be noted in the employee's training record.

VI. REPORTING

A. Notification to Subsequent Law Enforcement Employer

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

B. Notification to County Prosecutor

Upon initiation of the EW System review process, the agency's chief executive 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 EW System review process, the agency's chief executive shall make a confidential written notification to the County Prosecutor or his/her designee of the outcome of the EW System review, including any remedial measures taken on behalf of the subject officer.