

**MOUNT LAUREL POLICE DEPARTMENT
GENERAL ORDER**



General Order: GO-13-02

Revision: 1

Distribution: E

Subject: EARLY WARNING SYSTEM

By order of:

Stephen T. Riedener, Chief of Police

Rules and Regulations:

3.1.1, 3.2.15, 3.2.16, 3.2.17, 4.1.4, 4.1.8, 4.1.12, 4.6.1, 4.6.2, 4.6.12, 5.1.6

Issued:

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Revised:

May 30, 2018

Accreditation Standards:

2.2.3

I. Purpose and Policy

- A. The purpose of this policy is to establish guidelines for the proper and lawful use of an Early Warning System (EWS). The Early Warning System (EWS) is a management tool that can assist a law enforcement agency in identifying and remediating problematic officer conduct that poses a potential risk to the public, to the agency, and to the officer. Early Warning Systems (EWS) serve to increase public safety, public confidence in law enforcement and assist officers through early intervention. The intent of this system is to provide non-disciplinary intervention, whenever possible. An activation of the Early Warning System (EWS) does not necessarily indicate a problem with the involved employee, but may merely suggests a pattern exists that bears investigation or monitoring.
- B. The policy of the Mount Laurel Police Department is to establish a system for tracking and reviewing trends and patterns in police behavior and identifying and assisting employees who are involved in potential at risk incidents. The Early Warning System (EWS) shall be used as a means to detect and evaluate member performance for potential risk, so that intervention or remediation can be taken as appropriate. All personnel shall adhere to this policy.

II. Procedures and Performance Indicators

- A. The department shall utilize a system identified by the Chief of Police to track EWS data and satisfy the reporting requirements listed in this policy.
- B. Performance Indicators shall include:
 - 1. Any internal affairs complaint filed against an officer
 - 2. Criminal investigation of or criminal complaints filed against an officer
 - 3. Civil action or civil complaint filed against an officer
 - 4. Domestic violence investigation in which an officer is the alleged subject
 - 5. Sexual harassment claim filed against an officer
 - 6. Any arrest of an officer, to include DWI

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7. Any use of force that is formally determined or adjudicated to have been excessive, unjustified, or unreasonable
8. Vehicular collision involving an officer formally determined to have been at fault
9. Cases or arrests by an officer that are rejected or dismissed by a court
10. Cases in which evidence obtained by an officer is suppressed by a court
11. Positive drug test result
12. Insubordination
13. Neglect of duty
14. Unexcused absences
15. Any other indicators, as determined by the agency's chief executive

III. Initiation of Early Warning System

- A. Three separate instances of performance indicators documented within any twelve-month period will trigger the EWS review process. 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. The Chief of Police or the Internal Affairs Supervisor may immediately initiate a EWS review if a pattern of negative behavior by a department member becomes evident.

IV. Administration and Tracking

- A. The Chief of Police or designee, shall adopt a tracking system to enable the department to identify officers who display the requisite number of performance indicators necessary to trigger the EWS review process.
- B. The Internal Affairs Supervisor shall be responsible for administering the EWS and generating a semi-annual report that summarizes the nature and disposition of all EWS activations. This report will be submitted to the employee's supervisor, division commander and Chief of Police.
- C. The EWS review process should include supervisory personnel in the subject officer's direct chain of command. Supervisors are responsible to directly monitor the performance of their employees on a daily and continuing basis. They shall be responsive to personnel exhibiting behavioral problems with or without information provided through the EWS. Supervisors are expected to recognize potentially troublesome officers, identify training needs of officers and provide professional support in a consistent and fair manner.
- D. In addition to the semi-annual review, any time a complaint is made against an employee, the Internal Affairs Supervisor shall review the employee's history in the EWS. This review may help to identify employees who may need counseling, training, or other remediation even before it is indicated by the EWS's ongoing data review. If a review points to the emergence of a pattern, practices or trend of inappropriate behavior or misconduct, the employee's division commander shall consult with the employee's supervisor. They shall review the information provided by the EWS along with any other relevant information from department records for the purpose of initiating a course of supervisory action designed to interrupt the emerging pattern, practice or trend.

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- E. If the review indicates that the EWS has returned a “false positive” that conclusion shall be documented.
- F. If the review indicates that an employee has violated department rules or written directives, the matter will be referred to the Internal Affairs Supervisor for an internal investigation in accordance with the procedures outlined in the Internal Affairs Policy and Procedures General Order.

V. Remedial / Corrective Intervention

- A. This policy and the EWS are focused on corrective actions to remediate officer behavior and to provide assistance to the officer. This policy and the EWS do not address the disciplinary actions that may be warranted against the officer. Such disciplinary actions, to include the decision to suspend, terminate or if applicable, charge an officer with criminal conduct, remain within the agency’s internal affairs function, and may be imposed in accordance with existing internal affairs guidelines and applicable law, separate from and independent of the EWS.
- B. Once an officer has displayed the requisite number of performance indicators necessary to trigger the EWS review process, assigned supervisory personnel shall initiate remedial action to address the officer’s behavior. When an EWS review process is initiated the Internal Affairs Supervisor will ensure the following:
 - 1. Written notification to the officer that a review process has been initiated
 - 2. Conference with the subject officer and appropriate supervisory personnel
 - 3. A remedial program is developed and administered
 - 4. The subject officer is monitored for a period of three months or until the supervisor and division commander determine that the officer’s behavior has been remediated, whichever is longer
 - 5. The subject officer’s supervisor conducts a monthly review and forwards a written report to the division commander
 - 6. Documentation and report findings are forwarded to the appropriate supervisory personnel and, if warranted, the Internal Affairs Supervisor.
- C. Remedial intervention may include, but is not limited to the following:
 - 1. Training or retraining
 - 2. Counseling
 - 3. Intensive supervision
 - 4. Fitness for Duty Examination
 - 5. Employee Assistance Program (EAP) referral; and

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6. Any other appropriate remedial or corrective action

VII. Notification to Subsequent Law Enforcement Employer

- A. 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, the department shall notify the subsequent employing agency in regards to the officer's EWS review, history and remediation. Upon request, a copy of the officer's EWS review process files shall be provided to the employing agency.

VIII. Notification to the Burlington County Prosecutor

- A. Upon initiation of the EWS review process, the Chief of Police, or designee, shall make a confidential written notification to the County Prosecutor or designee regarding the identity of the subject officer, the nature of the triggering performance indicators, and planned remedial program. Upon completion of the EWS 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 EWS review, to include the measures taken on behalf of the subject officer.

IX. Public Accessibility and Confidentiality

- A. The EWS policies adopted by the department shall be made available to the public upon request and shall be posted on the department's website. Annual reports from the Burlington County Prosecutor to the Attorney General shall also be made available to the public upon request and shall be posted on the department's website.
- B. All written records created or submitted pursuant to this policy that identify specific officers are confidential and not subject to public disclosure.

X. Records

- A. The Internal Affairs Supervisor will maintain an EWS file on each employee identified during review. The file will include completed EWS reports along with any applicable reports pertinent to the incidents. No entry will be made in the employee's personnel file, unless the employee's behavior resulted in disciplinary action. If the remedial action was an appropriate training program, attendance and completion of the program shall be noted in the employee's training record.

XI. Closing

- A. All police procedures or policies heretofore employed by this department, which conflict with this order, are hereby rescinded.
- B. All Commanders and Supervisors shall be held accountable for the application and enforcement of this order. All members of the Mount Laurel Police Department are required to follow this order as applicable.