

	Medford Township Police Standard Operating Policy		Effective Date: 06/18/2018
			Number: 4.30
Title: Early Warning System (EWS)			
Issuing Authority: Chief Richard Meder		Eval. Date: 06/18/2021	
Accreditation: The Personnel Function			
State Accreditation Standards: 2.2.3			
Revision Date	Page Numbers	Sections	Approved

SUBJECT: Early Warning System
(4.30 7 pages)

I. PURPOSE

The purpose of this order is to provide guidelines for the proper and lawful use of an Early Warning System (EWS). The 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. EWS serve to increase public safety, public confidence in law enforcement and assist officers through early intervention, whenever possible. An activation of the EWS does not necessarily indicate a problem with the involved employee, but may merely suggest a pattern exists that bears investigation or monitoring.

II. POLICY

It is the policy of the Medford Township Police Department 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 EWS shall be used as a means to detect and evaluate member's performance for potential risk, so that intervention or remediation can be taken as appropriate.

III. PROCEDURE

An Early Warning System (EWS) is an essential component in a well-managed law enforcement agency. The early identification of potential problems and a menu of remedial actions can increase accountability and offer employees a better opportunity to meet the agency's values and mission statement. Any time the EWS is activated pursuant to this SOP, the totality of the circumstances

surrounding each incident and/or complaint shall be considered separately, drawing on general knowledge of human behavior, agency policies and procedures, and wisdom gained from years of law enforcement experience.

A. Early Warning System – Performance Indicators

1. Internal Affairs complaints against the officer, whether initiated by another officer or by a member of the public
2. Civil Actions filed against the officer
3. Criminal Investigations of or criminal complaints against the officer
 - a. If the EWS notification to the officer could jeopardize an ongoing criminal investigation, the Burlington County Prosecutor's Office may permit delayed notification to the officer or delayed initiation of the EWS review process.
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 officer is an alleged subject
6. An arrest of the officer, including on a driving under the influence charge
7. Sexual Harassment claims against the officer
8. Vehicular collisions involving the officer that is 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 the court
11. Cases in which evidence obtained by the officer is suppressed by the court
12. Insubordination by the officer
13. Neglect of duty by the officer
14. Unexcused absences by the officer
15. Any other indicators, as determined by the Chief of Police

B. Early Warning System

1. The Medford Township Police Department shall utilize Guardian Tracking software to monitor and document actions and behaviors of personnel.

2. Initiation of the *Early Warning Review Process*
 - a. It shall be the policy of the Medford Township Police Department to ‘Flag’ the performance indicators/categories listed above in section IIIA above.
 - b. It shall be the Policy of the Medford Township Police Department that when three (3) separate instances of performance indicators/categories in section IIIA occur within any twelve month period, the system will trigger the Early Warning System review process.
 - c. The Chief of Police or the Internal Affairs Officer may immediately initiate a EWS review if a pattern of negative behavior by a department member becomes evident.

3. Administration and Tracking of the EWS
 - a. The Internal Affairs Officer will be required to monitor the system and review and investigate any flags and triggers that the system produces.
 - b. At least every six (6) months, the Administrative Bureau Commander shall audit the Guardian Tracker systems and records to access the accuracy and efficiency of the system, and complete a report that summarizes the nature and disposition of all EWS activations. This report shall be submitted to the employee’s supervisor, Bureau Commander and the 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 employee 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, anytime a complaint is made against an employee, the Internal Affairs Officer 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 Bureau

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.

- e. If the review indicated 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 Officer for an internal investigation in accordance with procedures outlined in the Internal Affairs SOP.

4. Remedial/Corrective Action

- a. This policy and the EWS are focused on corrective actions to remediate officer behavior and to provide assistance to the officer. This SOP and the EWS do not address the disciplinary actions that may be warranted against the officer. Such disciplinary actions, to include the decisions 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 the 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 the EWS review process is initiated, the Internal Affairs Officer shall;
 - (1) Formally notify the subject officer in writing that the review process has been initiated.
 - (2) Conference with the subject officer and appropriate supervisory personnel
 - (3) Develop and administer a remedial program including the appropriate remedial/corrective actions listed in section b. below.
 - (4) Continue to monitor the subject officer for at least three (3) months or until the supervisor concludes that the officer's behavior has been remediated (whichever is longer).
 - (5) Document and report findings to the appropriate supervisory personnel and, if warranted, the Internal Affairs Officer. 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.

- c. Remedial/corrective action may include but is not limited to the following:
 - (1) Training or re-training
 - (2) Counseling
 - (3) Intensive Supervision
 - (4) Fitness-for –duty examination
 - (5) Employee Assistance Program (EAP) referral
 - (6) Any other appropriate remedial or corrective action

C. Notifications

1. 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/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 officer's EWS Review Process history and outcomes. Upon request, the prior or current employing agency shall share the officer's EWS Review Process files with the subsequent employing agency.

2. Notification to the Burlington County Prosecutor

- a. Upon initiation of the EWS Review Process, the Chief of Police or his designee shall make a confidential written notification to the Burlington 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 EWS Review Process, the Chief of Police shall make a confidential written notification to the Burlington County Prosecutor or designee of the outcome of the EWS Review Process, including any remedial measures taken on behalf of the subject officer.

D. Public Accessibility and Confidentiality

- 1. This Standard Operating Policy MTPD SOP 4.30 "Early Warning System" shall be made available to the public upon request and shall be posted on the Medford Township Police Department website.
- 2. Annual reports from the Burlington County Prosecutor's Officer to the Attorney General as described in section D above also shall be made

available to the public upon request and shall be posted on the Burlington County Prosecutor's website.

3. All written reports created or submitted pursuant to the Attorney General's Directive 2018-3 that identify specific officers are confidential and not subject to public disclosure.

E. Supervisor Responsibility

1. Supervisors are crucial to a successful Early Warning System Program. They work with the individual employees on a day-to-day basis and may be the first to observe and document possible problems with job performance or job or personal-related stress.
 - a. Such problems may be exhibited through excessive use of sick time, tardiness, use of unnecessary force, poor safety techniques, over aggressiveness, improper demeanor towards citizens, or equipment abuse. Although no particular set of criteria can determine job stress and/or performance problems, it is important that certain criteria be routinely reviewed as indicators of behavior patterns.
 - b. Supervisors are required to report and refer incidents and events that meet the above criteria, along with any other problematic behavior observed, to their Bureau Commander and ensure documentation in the EWS, Guardian Tracker.
 - c. Supervisors have the ability to document both positive and negative indications of their personnel's performance within the Guardian Tracking system utilizing the preset categories.

F. Command Responsibility

1. The Administrative Bureau Commander will maintain a EWS file on every employee that initiates a EWS Review Process. This file will be the repository for documented incidents that meet the criteria for EWS Review.
 - a. The file will include any applicable reports pertinent to the incidents (e.g. Use of Force, Pursuit, and Guardian Tracker Reports).
 - b. The EWS Files will be maintained by the designated Bureau Commander and will be retained for four years.
 - c. The files will be secured in a separate and secure filing cabinet in the designated Bureau Commander's Office.
 - d. EWS files are considered confidential. Access to a EWS file is on a need-to-know basis granted only upon approval by the Chief of Police or his designee and is not subject to public disclosure. No entry will be made into the employee's personnel file, unless the employee's

behavior resulted in disciplinary action. If remedial action was an appropriate training program, attendance and completion of the program shall be documented in the employee's training file.

Note: All Internal Affairs investigations will be kept in a separate and secure filing cabinet as outlined in SOP 4.01 "Internal Affairs", by the Internal Affairs Officer.

-END-

Attachment: AG Directive 2018-3