


UNION COUNTY PROSECUTOR'S OFFICE			
STANDARD OPERATING PROCEDURES			
VOLUME: 2022	CHAPTER: 003	# OF PAGES: 5	
SUBJECT: EARLY WARNING SYSTEM			
EFFECTIVE DATE: January 25, 2022	REVISIONS		
	DATE	PAGE #	SECTION
ISSUED BY: WILLIAM A. DANIEL Prosecutor & HARVEY A. BARNWELL Chief of Detectives			
UNDER THE AUTHORITY OF: WILLIAM A. DANIEL PROSECUTOR			

PURPOSE:

The Union County Prosecutor's Office hereby incorporates an Early Warning System ("EW System") as a management tool through the Infoshare Database. This EW System will assist this Office in detecting patterns and trends in law enforcement conduct that pose a potential risk to the public, this agency, and the investigator. The purpose of the EW System is to identify and remediate problematic conduct through early intervention. The utilization of an EW System will increase public safety and public confidence in the Union County Prosecutor's Office. This policy will define the EW System and the directed method for implementing this management tool.

POLICY:

The Union County Prosecutor's Office will implement and utilize the EW System in accordance with Attorney General Law Enforcement Directive No. 2018-3. Through the use of the EW System, the Union County Prosecutor's Office endeavors to intervene in adverse employee behavior before it escalates. However, disciplinary action could result from an EW System activation. Moreover, the implementation of the EW System does not preclude the Prosecutor, his/her designee, or a supervisor from bypassing the EW System and issuing discipline when warranted.

PROCEDURE:

I. Early Warning System (EW System)

- A. The Early Warning System is designed to detect patterns and trends in law enforcement conduct prior to that conduct escalating into more serious issues. Employees must be made aware that the EW System and the disciplinary process are separate from and independent of each other. It is possible that disciplinary action could result if evidence of administrative violations is identified. However, the primary intent of the EW System is to identify and remediate potential issues through appropriate management and supervision prior to disciplinary action.
- B. The EW System monitors many different categories of conduct which indicate potentially escalating risk of harm to the public, the Union County Prosecutor's Office, and/or the investigator. The following performance indicators shall be monitored by the EW System:
 - 1. Internal affairs complaints against the investigator, whether initiated by another investigator or by a member of the public;
 - 2. Civil actions filed against the investigator (self-reporting required);
 - 3. Criminal investigations of or criminal complaints against the investigator (self-reporting required);¹
 - 4. Any use of force by the investigator 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 investigator is an alleged subject (self-reporting required);
 - 6. An arrest of the investigator, including on a driving under the influence charge (self-reporting required);
 - 7. Sexual harassment claims against the investigator (self-reporting required);
 - 8. Vehicular collisions involving the investigator that are formally determined to have been the fault of the investigator (self-reporting required);
 - 9. A positive drug test by the investigator;

¹ If EW System notification to the officer could jeopardize an ongoing criminal investigation, the County Prosecutor may in his or her discretion permit delayed notification to the officer or delayed initiation of the EW System process.

10. Cases or arrests by the investigator that are rejected or dismissed by a court (self-reporting required);
11. Cases in which evidence obtained by an investigator is suppressed by a court (self-reporting required);
12. Insubordination by the investigator;
13. Neglect of duty by the investigator;
14. Unexcused absences by the investigator; and,
15. Any other indicators, as determined by the Prosecutor or Chief of Investigators at their sole discretion.

Investigators are required to immediately self-report to their supervisor any involvement in any performance indicator designated above as a self-reporting indicator.

II. Administration of the Early Warning System

- A. The Professional Standards Unit (PSU) shall manage the EW System through the Infoshare Database.
 1. Personnel assigned to the PSU shall audit the Infoshare Database at least two (2) times per calendar year to assess the accuracy and efficiency of the database in reference to the EW System.
 2. All reviews prompted by the EW System shall be completed by PSU personnel and documented in the Infoshare Database, regardless of the action taken.
 3. All EW System findings reports shall be forwarded to the Prosecutor and Chief of Investigations, through the PSU chain of command.
- B. Supervisors of the Union County Prosecutor's Office shall notify the PSU upon becoming aware of any performance indicators (as listed in section I, subsection B above) pertaining to personnel under their command. The success of the EW System relies heavily on the front line supervisor's participation and involvement.

III. Initiation of an Early Warning System Review

- A. The EW System review process shall be activated upon three (3) separate instances of performance indicators (as listed in Section I, Subsection B) being identified during a twelve (12) month period.

1. In an occurrence where one (1) incident triggers multiple performance indicators, that incident shall only count as one (1) performance indicator.
 2. Supervisory personnel and personnel assigned to the PSU may activate the EW System review process upon less than three (3) performance indicators being identified, provided approval is first obtained from the Prosecutor.
 3. The Prosecutor may in his discretion determine that a lower number of performance indicators within a twelve (12) month period will trigger the EW System review process.
- B. Upon the EW System review process being initiated, personnel assigned to the PSU should then:
1. Formally notify the subject investigator in writing that an EW System review has been initiated.
 2. Conference with the subject investigator and appropriate supervisory personnel.
 3. Develop and administer a remedial program including the appropriate remedial/corrective actions listed in section IV below.
 4. Continue to monitor the subject investigator for a period of no less than three (3) months, or until the supervisor concludes that the investigator's behavior has been remediated.
 5. Document and report findings to the Prosecutor and Chief of Investigations, through the PSU chain of command.
- C. Any statement made by the subject investigator in connection with the EW System review process may not be used against the subject investigator in any disciplinary or other proceeding.

IV. Remedial/Corrective Action

- A. Upon an EW System review process being triggered, PSU personnel along with the appropriate supervisory personnel shall initiate remedial action to address the investigator's behavior.

B. 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; and,
6. Any other appropriate remedial or corrective action.

C. Remedial measures taken shall be documented in the findings report submitted to the Prosecutor and Chief of Investigations, through the PSU chain of command.

V. Notification to Subsequent Law Enforcement Employer

A. Upon the Union County Prosecutor's Office becoming aware of an investigator applying for or accepting a position at another law enforcement agency, the PSU shall:

1. Audit the Infoshare Database and identify any and all EW System reviews where the investigator is/was the subject.
2. Notify the subsequent employing law enforcement agency of the investigator's EW System review history and outcomes.
3. Upon request from the subsequent employing law enforcement agency, the Office of the Union County Prosecutor will make the EW System review files available for review by the agency.

All sworn officers of this Office will take cognizance of the foregoing and be guided accordingly. Each supervising sworn officer will be responsible for directing the effective implementation of this order. Failure to comply may result in discipline being imposed.