

BURLINGTON COUNTY PROSECUTOR'S OFFICE



SOP: 114

Applicability: All County Investigators

Issued By: Prosecutor Scott A. Coffina

Issued: May 29, 2018

Subject: EARLY WARNING SYSTEMS

Last Revised: Initial Issue

of Pages: 4

114-1: PURPOSE AND OBJECTIVES

- A. In accordance with Attorney General Law Enforcement Directive 2018-3 (APPENDIX A) it is the policy of the Burlington County Prosecutor's Office (BCPO) to have an Early Warning System to assist in identifying and remediating problematic conduct that reflects a potential risk to the public, to the agency, and to the detective.
- B. The Early Warning System is being implemented not only to increase public safety and public confidence, but also to assist the detective through early intervention.
- C. The purpose of this Directive is to describe the Early Warning System within the BCPO and the procedures to be followed in compliance with the aforementioned Attorney General Directive.
- D. This policy applies to all Detectives.
- E. Nothing in this policy shall prevent the initiation of an investigation pursuant to the BCPO policy pertaining to the Investigation of Administrative Complaints and Complaints of Violations of Federal and State Laws.

114-2: DEFINITIONS

- A. Detective: All County Investigators regardless of rank.
- B. Preventable Collision: A crash shall be deemed preventable when the employee failed to observe agency policy, procedures, or training, and/or failed to exercise due caution or defensive driving tactics.

114-3: PERFORMANCE INDICATORS

- A. The BCPO Early Warning System will monitor fifteen (15) different categories of conduct which indicate potentially escalating risk of harm to the public, the agency, and/or the detective.

1. Internal affairs complaints against the employee;
2. Civil actions filed against the employee;
3. Criminal investigations of or allegations against the employee;
4. Any use of force by the employee 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 employee is an alleged subject;
6. An arrest of the employee, including on a driving under the influence charge;
7. Sexual harassment claims against the employee;
8. Vehicular collisions involving the employee that are formally determined to have been preventable;
9. A positive drug test;
10. Cases or arrests that are rejected or dismissed by a court;
11. Cases in which evidence obtained is suppressed by a court;
12. Insubordination;
13. Neglect of duty;
14. Unexcused absences; and
15. Any violation of a BCPO Policy that is documented via a Performance Notice.

114-4: INITIATION OF EARLY WARNING PROCESS

- A. The Early Warning System review process will be initiated when three separate instances of performance indicators (as listed in Section 114-3) occur within any twelve-month period. 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.

114-5: ADMINISTRATION AND TRACKING

- A. The BCPO has implemented a secure Early Warning tracking system (APPENDIX B) inclusive of all detectives and the 15 Performance Indicators (as listed in Section 114-3 of this policy).
- B. The Captain of Detectives is responsible to maintain and audit the Early Warning tracking system to assess the accuracy and efficiency of the system. An audit shall occur every six months and the Captain shall provide written notification to the Chief of Detectives and First Assistant Prosecutor that the audit was completed.

- C. Any Unit Supervisor or Supervisory Detective shall immediately notify the Captain of Detectives upon learning of an instance involving any of the 15 Performance Indicators.

114-6: REMEDIAL/CORRECTIVE ACTION

- A. Once an employee has displayed three performance indicators, the Early Warning System review process will be initiated by the Captain of Detectives. The Detective's Unit Supervisor and/or immediate Detective supervisor will be assigned to initiate remedial action to address the behavior.
- B. When an Early Warning System review process is initiated, the Captain of Detectives shall:
 - 1. Formally notify the subject detective in writing (If notification to the detective could jeopardize an ongoing criminal investigation, the County Prosecutor may permit delayed notification or delayed initiation of the Early Warning System review process);
 - 2. Conference with the subject detective and appropriate supervisory personnel;
 - 3. Develop and administer a remedial program including the appropriate remedial/corrective actions listed below;
 - 4. Continue to monitor the subject employee for at least three months, or until the supervisory personnel concludes that the behavior has been remediated (whichever is longer);
 - 5. Document and report findings to the Chief of Detectives and First Assistant Prosecutor, and if warranted, the Special Investigations Unit.
- C. Any statement made by the detective in connection with the Early Warning System review process shall not be used against the subject detective in any disciplinary or other proceeding.
- D. 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.

114-7: NOTIFICATION TO SUBSEQUENT LAW ENFORCEMENT EMPLOYER

- A. If a detective who is or has been subject to an Early Warning System review process applies to or accepts employment at a different law enforcement

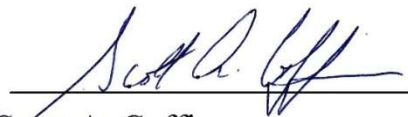
agency, the BCPO shall notify the subsequent employing law enforcement agency of the detective's Early Warning System review process history and outcome as directed by Attorney General Law Enforcement Directive 2018-3 (APPENDIX A). Upon request and execution of a release of information by the detective, the BCPO shall share the detective's Early Warning System review process files with the requesting agency.

114-8: ANNUAL REPORT TO ATTORNEY GENERAL

- A. The Chief of Detectives shall submit an annual report to the Attorney General, through the Division of Criminal Justice's Prosecutor's Supervision and Training Bureau, identifying those agencies within Burlington County that are in compliance with the Attorney General Law Enforcement Directive 2018-3 and those that are not.

114-9: PUBLIC ACCESSIBILITY AND CONFIDENTIALITY

- A. This policy shall be made available to the public upon request and shall be posted on the BCPO website. Annual reports submitted to the Attorney General shall be made available to the public upon request and shall be posted on the BCPO website.
- B. All written reports created or submitted pursuant to this policy that identify specific detectives are confidential and not subject to public disclosure.
- C. The contents of an Early Warning System review will be retained in the Special Investigations Unit, separate from an Internal Affairs Investigations file.



Scott A. Coffina
Burlington County Prosecutor

Authority: