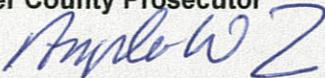


MERCER COUNTY PROSECUTOR'S OFFICE					
VOLUME: 01	CHAPTER: TBD	# OF PAGES: 5			
SUBJECT: Early Warning System					
EFFECTIVE DATE: March 11, 2019		ACCREDITATION STANDARDS:	REVISION DATE:		PAGE #
UNDER THE AUTHORITY OF: Angelo J. Onofri Mercer County Prosecutor 					
BY ORDER OF: Veldon Harris Chief of County Detectives 					
SUPERSEDES ORDER #:					

PURPOSE: The purpose of this policy is to establish an Early Warning System for the sworn law enforcement members of the Mercer County Prosecutor's Office. For the purpose of this policy, all sworn law enforcement members, regardless of their rank or assignment, are hereinafter referred to as "detective." The purpose of the early warning system is to identify patterns of behavior and conduct that fails to meet the goals and objectives of the Mercer County Prosecutor's Office, and to provide a method of early intervention to correct the inappropriate conduct.

POLICY: It is the policy of this agency to establish an Early Warning System, in accordance with Attorney General Law Enforcement Directive No. 2018-3, that is focused on corrective actions to remediate behavior and to provide assistance to the detective. The Early Warning System is an important management tool designed to detect patterns and trends in police conduct before that conduct escalates. An effective Early Warning System can assist a law enforcement agency in identifying and remediating problematic police conduct that poses a potential risk to the public, to the agency, and to the detective. Early Warning Systems, therefore, serve not only to increase public safety and public confidence in law enforcement, but also to assist detectives through early intervention.

I. EARLY WARNING SYSTEM

- A. The Early Warning System of the Mercer County Prosecutor's Office is designed to detect patterns and trends in conduct before they escalate 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 can be regularly examined for patterns or practices that may indicate potential problems. These performance indicators shall include, but are not limited to:
1. Internal affairs complaints against the detective, whether initiated by another officer or by a member of the public;
 2. Civil actions filed against the detective;
 3. Criminal investigations of, or criminal complaints against, the detective (If Early Warning System notification to the detective could jeopardize an ongoing criminal investigation, the Prosecutor may in his or her discretion permit delayed notification to the detective or delayed initiation of the Early Warning System review process);
 4. Any use of force by the detective that is formally determined or adjudicated (for example, by internal affairs or a grand jury) to have been excessive, unjustified or unreasonable;
 5. An arrest of the detective, including a driving under the influence charge;
 6. Domestic violence investigations in which the detective is the alleged subject;
 7. Insubordination by the detective;
 8. Vehicular collisions involving the detective that are formally determined to have been the fault of the detective;
 9. Cases or arrests by the detective that are rejected or dismissed by a court;
 10. Cases in which evidence obtained by the detective is suppressed by a court;
 11. Neglect of duty;
 12. Unexcused absences by the detective;
 13. Sexual harassment claims against the detective;
 14. A positive drug test by the detective; and
 15. Any other indicators, as determined by the Chief of Detectives.
- C. All levels of supervision, especially first line supervisors, are expected to recognize troublesome officers, identify training needs and provide professional support in a fair and consistent manner. The Early Warning System is not a replacement for supervision and all supervisors should address behavior issues and concerns as they arise and not wait for patterns to develop before taking action. Supervisors should be cognizant of potential patterns in behavior that the

supervisor believes may indicate a potential problem and should report concerns through their command.

- D. Three instances of questionable conduct or performance indicators (as listed above), within the same 12-month period, shall trigger the Early Warning System review process. If one incident triggers multiple performance indicators, the incident shall not be double or triple counted, but instead shall count as only one performance indicator. The Prosecutor, at their discretion, can cause the Early Warning System to be triggered based on a single event, while others may require an accumulation of events or actions that establish a pattern of behavior or conduct requiring attention.

II. ADMINISTRATION OF EARLY WARNING SYSTEM

- A. The Early Warning System is primarily the responsibility of the Internal Affairs Unit, but any supervisor may initiate the early warning process based upon their own observations. At least every six months, personnel assigned to manage the Early Warning System shall audit the agency's tracking system and records to assess the accuracy and efficiency of the tracking system.
- B. Internal Affairs shall conduct a manual or computerized audit of its records to determine if an employee has the emergence of a pattern, practices or trend of inappropriate behavior or misconduct. In addition to the regular data audits by Internal Affairs, the Internal Affairs Unit supervisor shall audit an individual employee's history every time a new complaint is received.

Using this information and their experience, Internal Affairs may be able to identify detectives who may need remedial/corrective intervention even before the Early Warning System is triggered. In these cases, the Internal Affairs Unit supervisor shall inform the detective's supervisor of the emerging pattern of conduct. The detective's supervisor, through their chain of command, shall develop a corrective course of action intended to remediate the potential inappropriate behavior.

- C. If the audit indicates the detective has displayed the emergence of a pattern, practice or trend of inappropriate behavior or misconduct that triggers the Early Warning System, Internal Affairs should do the following:
 - 1. If the audit reveals that an employee has violated department rules and regulations or written directives, the Internal Affairs Unit should proceed with an internal investigation for possible disciplinary action.
 - 2. The Internal Affairs supervisor shall consult with the employee's supervisor. The Internal Affairs supervisor and the employee's supervisor shall review all relevant information from department records for the purpose of initiating a course of intervention designed to correct/interrupt the emerging pattern, practice or trend.
 - 3. If, based on the meeting with the detective's supervisor and the Internal Affairs supervisor, it is determined that the Early Warning System has returned an

incorrect identification or "false positive," that conclusion should be documented.

4. The detective shall be notified in writing of their inclusion in the Early Warning System.
5. At the direction of the Chief of Detectives, the appropriate supervisory personnel will meet with the detective to develop and administer a remedial program to correct any conduct that indicates a lack of understanding or inability to comply with accepted procedures. This program should determine short-term and long-term goals for improvement. The detective should also be advised of the repercussions of future transgressions. In the event that a unified approach to the remedial program cannot be reached, the Chief of Detectives or their designee will make the final determination.
6. The supervisor will continue to monitor the detective for at least three months, or until the supervisor concludes that the detective's behavior has been remediated (whichever is longer). The Chief of Detectives and the Internal Affairs Unit should receive regular updates on the detective's progress.
7. All findings should be documented and reported to the Chief of Detectives and the Prosecutor. The report should be maintained in the Internal Affairs Unit and should be given the same confidential status as Internal Affairs documents. These reports are subject to the same disclosure and retention regulations and guidelines.
8. Any statement made by the detective in connection with the Early Warning System review process may not be used against the member in any disciplinary or other proceeding.

III. REMEDIAL OR CORRECTIVE ACTION

A. Remedial or corrective action may include, but is not limited to, the following:

1. Training or retraining;
2. Counseling (non-discipline);
3. Intensive supervision;
4. Fitness for duty examination;
5. Peer counseling;
6. Employee Assistance Program referral; and
7. Any other appropriate remedial or corrective action.

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.

IV. PUBLIC ACCESSIBILITY AND CONFIDENTIALITY

This policy shall be made available to the public upon request and shall be posted on the Mercer County Prosecutor's Office webpage <http://mercercountyprosecutor.com/>.

V. NOTIFICATION TO SUBSEQUENT LAW ENFORCEMENT EMPLOYER

If any detective that has been subject to an Early Warning System review process applies to or accepts employment at a different law enforcement agency, the Mercer County Prosecutor's Office shall notify the subsequent employing law enforcement agency of the detective's Early Warning System review process history and outcomes. Upon request, the Mercer County Prosecutor's Office will share the officer's Early Warning System review process files with the subsequent employing agency.

Mercer County Prosecutor's Office Early Warning System Review Initial Report

Officer's Name (First, Last, Middle)	Rank
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Performance Indicators	Case #	Date(s) Triggered
Internal affairs complaints		
Civil actions filed		
Criminal investigations/complaints		
Use of force		
Arrest of the detective		
Domestic violence investigations		
Insubordination		
At fault vehicle accidents		
Arrests/cases dismissed by court		
Suppressed evidence		
Neglect of duty		
Unexcused absences		
Sexual harassment claims		
Positive drug test		
Other Indicators		

Planned Remedial Program

- Training/Retraining
- Counseling
- Intensive supervision
- Fitness-for-duty examination
- EAS referral
- Any other appropriate remedial or corrective action (*Specify below*)

Review Information

Date Review Initiated:	
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Internal Affairs Personnel

Date

**Mercer County Prosecutor's Office Early Warning System Review
Concluding Report**

Unit Assignment	
Officer Name: (First, Last, Middle)	Rank

Outcome of EW System Review

- Training/Retraining
- Counseling
- Intensive Supervision
- Fitness-for-duty examination
- EAS referral
- Any other appropriate remedial or corrective action (*Specify below*)

Explanation of above remedial action taken:

Internal Affairs Personnel

Date