

ATLANTIC COUNTY PROSECUTOR'S OFFICE

PROSECUTOR'S DIRECTIVE

PD-00478-10

INTERNAL AFFAIRS PROCEDURES

BY ORDER OF: James P. McClain, Acting Atlantic County Prosecutor

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PURPOSE: The purpose of this directive is to maintain a high quality of law enforcement services. Improving the relationship between employees and the public facilitates cooperation vital to the agency's ability to achieve its goals. This agency is committed to providing law enforcement services that are fair, effective and impartial. Employees are held to the highest standards of conduct and are expected to respect the rights of all citizens. This agency must be responsive to the community by providing formal procedures for the processing of complaints regarding individual employee performance. An effective disciplinary framework permits agency officials to monitor employee compliance with agency directives, assist employees in meeting agency objectives, and permits managers to identify problem areas requiring increased training or direction. Finally, this directive will ensure fundamental fairness and protection to citizens and employees alike. The internal affairs process shall also be used to identify and correct unclear or inappropriate agency directives, organizational conditions that may contribute to misconduct such as poor recruitment and selection procedures, or inadequate training and supervision of employees.

POLICY: It is the policy of the Atlantic County Prosecutor's Office to accept and investigate all complaints of alleged employee misconduct from any citizen or agency employee. Employees, regardless of rank or assignment, shall be subject to disciplinary action for violating the public trust. Committing any offense punishable under the laws of the United States, the State of New Jersey or its political subdivisions may constitute a violation of that trust. Employees are also subject to disciplinary action for failure, either willfully or through negligence or incompetence, to perform the duties of their rank or assignment. Employees may be disciplined for violation of any policy and procedure of the agency or for failure to obey any lawful instruction, order or command of a supervisor. Disciplinary action in all matters will be determined based upon the merits of each case. It is the policy of this agency that personnel conducting an investigation of any allegation of misconduct must strive to conduct a thorough and objective investigation without violating the rights of the subject employee, witness or member of the public. All personnel who may be assigned to conduct or participate in an internal affairs investigation must be thoroughly familiar with this directive.

It is the policy of this agency that prevention is the primary means of reducing and controlling misconduct. It is further the policy of this agency to discover and correct organizational conditions, which permit misconduct to occur. Internal Affairs' functions include input in the selection process through thorough review of potential employees.

ISSUED BY AUTHORITY OF:
 /Theodore F. L. Housel/
THEODORE F. L. HOUSEL
PROSECUTOR

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PROCEDURE:

I. Internal Affairs Function

A. Internal affairs shall be staffed by personnel of the agency as assigned by the Prosecutor. The County Prosecutor or the Chief of County Detectives may designate the duties of the Internal Affairs Supervisor. The internal affairs assignment will become a function of the Official Corruption Unit. The chain of command shall include the Internal Affairs Supervisor, Captain of the Official Corruption Unit, Chief of County Detectives and the County Prosecutor. An alternate chain of command may be established at the discretion of the Chief of County Detectives or County Prosecutor for a particular assignment or investigation.

1. The Prosecutor shall not assign any person responsible for the representation of employees of the collective bargaining unit to the internal affairs function. No personnel assigned to Internal Affairs may represent a member of the Collective Bargaining Unit in any disciplinary action. Internal Affairs detectives may engage in collective bargaining only and limited to issues not involving disciplinary agency rules.
2. The goal of the internal affairs function is to ensure that the integrity of the agency is maintained through a system of internal discipline where fairness and justice are assured by objective, impartial investigation and review.

B. Duties and Responsibilities

1. At the sole discretion of the County Prosecutor, Internal Affairs is responsible for the investigation and review of all allegations of misconduct by employees of this agency and, as directed by the County Prosecutor or his/her designee, agencies within Atlantic County. Misconduct is defined as:
 - a. Commission of a crime an offense, serious motor vehicle offenses, or a pattern thereof.
 - b. Violation of agency policies and procedures.
 - c. Conduct, which adversely reflects upon the employee, the agency, or Atlantic County.
2. In addition to investigations concerning allegations of misconduct, internal affairs shall be responsible for:
 - a. The coordination of investigations involving the discharge of firearms by agency personnel, excluding firearms qualifications and/or training;
 - 1) The Internal Affairs Supervisor will be a member of the Prosecutor's Office Firearms Discharge Team and will operate in accordance with the Atlantic County Firearms Policy.

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- b. Investigation and review of all use of force incidents;
 - c. Public and government corruption within the agency or police agencies in Atlantic County
 - d. Any other investigation as directed by the Prosecutor or designee.
3. Internal affairs personnel may conduct a confidential investigation on their own initiative upon notice to, and/or at the direction of the Prosecutor, Chief of Detectives or designee.
 4. Internal affairs personnel may refer investigations to an employee's supervisor for investigation of minor policy and/or rules and regulations infractions with approval of the Chief of County Detectives or the County Prosecutor.
 5. Internal affairs detectives or personnel temporarily assigned to that function shall have the authority to interview any employee of the agency and to review any record or report of the agency relative to their assignment. Requests from internal affairs personnel, in furtherance of their duties and responsibilities, shall be given full cooperation and compliance as though the requests came directly from Chief of County Detectives or the County Prosecutor.
 6. The Internal Affairs Supervisor shall maintain a comprehensive central file on all complaints received by this agency whether investigated by internal affairs personnel or assigned to an employee's supervisor for investigation and disposition. It shall be the responsibility of the Internal Affairs Supervisor to maintain a case file tracking system for such investigations. Internal affairs personnel assigned to conduct an internal affairs investigation shall utilize the Internal Affairs Checklist Form to assure notifications have been made. **(See attached sample in Addendum A).** The checklist shall be stored in the Internal Affairs file.
 7. An annual report summarizing the types of complaints received and the dispositions of the complaints should be made available to members of the public, if so requested. The names of complainants, witnesses, and subject employees shall not be published in this report.
 8. Internal affairs shall review all Tort Claims or Civil Actions for possible misconduct by agency employees. The Internal Affairs Supervisor will make recommendations to the Chief of County Detectives on the action that should be taken.

II. Accepting Complaints

A. Initiation of Citizen Complaints

1. All agency personnel are directed to accept reports of agency or employee misconduct from all persons who wish to file a complaint regardless of the hour or day of the week. Citizens are to be encouraged to submit their complaints in person as soon after the incident as possible. If the

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complainant cannot file the report in person, a representative from the internal affairs shall visit the individual at their home, place of business, or at another location in order to complete the report, if possible.

- a. Such complaints will include information received from anonymous sources, juveniles, persons under arrest or in police custody.
2. Internal affairs personnel shall be immediately available to take all complaints.
3. If a member of internal affairs is not immediately available, agency personnel are directed to accept the report of employee misconduct. This requires the completion of the Internal Affairs Initial Complaint form, which shall be used to accept citizen complaints. **(See attached sample in Addendum B).**
 - a. Have the complainant sign the completed form. If the complainant will not sign the form, personnel receiving the complaint will so note that fact. However, the failure of a citizen to sign a complaint will in no way preclude the investigation of the allegations.
4. Agency personnel receiving the complaint will:
 - a. Provide the complainant with an explanation as to the internal affairs process by the Internal Affairs Supervisor. An Internal Affairs Process Information sheet will be provided to all citizen complainants. **(See sample in Addendum C).**
 - b. Advise the complainant that they will be kept informed of the status of the complaint and its ultimate disposition.
5. All agency personnel are directed to accept reports of agency or employee misconduct from anonymous sources. If the anonymous complainant is talking to an employee, the employee should encourage them to submit their complaint in person. In any case, the complaint will be accepted.
 - a. In the case of an anonymous complaint, the employee accepting the complaint shall complete as much of the internal affairs complaint form as they can with the information provided.
6. Complaints shall be handled as follows:
 - a. All complaints will be forwarded to Internal Affairs for screening and entry into the internal affairs recordkeeping system.
 - b. Complaints of demeanor and minor rule infractions may be forwarded to the supervisor of the employee for investigation (see I(b)(4).
 - c. All other complaints shall be retained by internal affairs, including complaints of:

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- 1) **CRIMINAL ACTIVITY:** Complaint regarding the involvement in unlawful behavior.
- 2) **EXCESSIVE FORCE:** Complaint regarding the use or threatened use of excessive force against a person.
- 3) **IMPROPER or UNJUST ARREST:** Complaint that the restraint of a person's liberty was improper or unjust.
- 4) **IMPROPER or EXCESSIVE ENTRY:** Complaint that entry into a building or onto property was improper or that excessive force was used against property to gain entry.
- 5) **IMPROPER or UNJUSTIFIED SEARCH:** Complaint that the search of a person or property was improper, unjustified or otherwise in violation of established police procedures.
- 6) **SERIOUS DIFFERENTIAL TREATMENT or DEMEANOR:** Complaint that the taking, failing to take, or method of police action was predicated upon suspect factors such as race, attire, age or sex. Complaint that an agency employee's bearing, gestures, language, demeanor or other actions were inappropriate.
- 7) **SERIOUS RULE INFRACTIONS:** Complaint such as disrespect toward a supervisor(s), drunkenness on duty, sleeping on duty, neglect of duty, false statements, or malingering.
- 8) **REPEATED MINOR RULE INFRACTIONS:** Complaint such as untidiness, tardiness, faulty driving or failure to follow procedures.
- 9) **HARASSMENT IN THE WORKPLACE:** Complaint such as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.
- 10) **ALL USE OF FORCE REVIEW AND INVESTIGATION.**
- 11) **PUBLIC and GOVERNMENT CORRUPTION.**

7. If applicable, the employee shall be notified in writing of the complaint as soon as possible, unless the nature of the investigation requires secrecy. The notice will be made in writing on the form attached (Notification of Subject Investigation).

B. Initiation of Agency Complaints

1. All personnel that witness another employee's misconduct shall immediately notify their supervisor. The supervisor shall notify internal affairs. However, should the witnessed employee misconduct be committed by the employee's supervisor, said employee shall report it directly to internal affairs and the Chief of County Detectives.

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III. Immediate Suspensions

A. Suspension Pending Disposition or Investigation

1. A Superior Officer or the Prosecutor may immediately suspend an employee from duty if it is determined that one of the following conditions exists:
 - a. The employee is unfit for duty; or
 - b. The employee is a danger to any person if permitted to remain on the job; or
 - c. An immediate suspension is necessary to maintain safety, health, order or effective direction of public services; or
 - d. The employee has been formally charged with a first, second or third degree crime; or
 - e. The employee has been formally charged with an offense committed in the line of duty or touching his/her employment.
2. The Superior Officer imposing the immediate suspension must:
 - a. Advise the employee in writing of why an immediate suspension is sought and the charges and general evidence in support of the charges. If the employee refuses to accept the written notification of immediate suspension, it shall be given to a representative of the employee's collective bargaining unit.
 - b. Provide the employee with sufficient opportunity to review the charges and the evidence and to respond either orally or in writing, if they so chose.
 - c. Advise their immediate supervisor in writing of the suspension and the facts and circumstances requiring the suspension.
 - d. The suspended employee shall report to the Chief of County Detectives or Prosecutor 0830 hours on the next business day, along with the supervisory officer imposing the suspension.
3. Within five days of the suspension, the agency must complete and file a Preliminary Notice of Disciplinary Action against the suspended employee.

IV. Administrative Reassignment

- A. Administrative reassignment may be used in cases involving the use of force which results in death or serious bodily injury, unless the officer is suspended or placed on administrative leave.

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- B. The administrative reassignment is subject to change by the Prosecutor or designee upon the outcome of the investigation.

V. Investigation and Adjudication

A. Minor Administrative Complaints

1. When preliminary investigative data indicates a complaint has been made which may result in the administration of minor discipline, a supervisor shall interview the complainant, all witnesses and the subject employee, as well as review relevant reports. The supervisor shall then prepare a report summarizing the matter, recommending an appropriate disposition to a superior officer.
2. If the supervisor determines the disposition of the complaint is exonerated, sustained, not sustained or unfounded, the investigation report is to be forwarded to the internal affairs for review, and entry in the internal affairs recordkeeping system. If the supervisor believes the case should be administratively closed, the reports shall be forwarded to internal affairs for that determination of disposition.
3. Upon final disposition of the complaint, the Chief of County Detectives shall send a letter to the complainant setting forth the disposition of the investigation. **(See Addendum F)**.
4. Internal affairs shall assure notification of the disposition of an internal affairs investigation to the subject employee. **(See Addendum E)**
5. Initiation of discipline for minor complaints
 - a. The supervisor giving the counseling notice, oral or written reprimand shall complete the appropriate disciplinary document.
 - b. The employee shall be advised of the discipline and given a copy of the disciplinary document.
 - c. The supervisor will forward copies of the disciplinary document to the unit captain for review, and filing.

B. Major Administrative Complaints

1. When preliminary investigative data indicates a non-criminal, but serious administrative offense, which may result in disciplinary action exceeding that of minor discipline:
 - a. The employee must notify the Internal Affairs Supervisor, who will conduct a full investigation of the matter,
 - b. The Internal Affairs Supervisor will notify the Chief of County Detectives and the Prosecutor of the offense.

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- c. The Internal Affairs Supervisor will forward copies of the disciplinary documents and investigation reports to the Chief of County Detectives and the Prosecutor for their review.
- d. The internal affairs function will be responsible for the final case disposition and implementation of discipline, as determined by the Prosecutor or his/her designee.

C. Allegations of Criminality

- 1. The 45 day Rule¹ may be suspended by the Prosecutor during the time a criminal investigation is being conducted.
- 2. Where preliminary investigative data indicates the possibility of a criminal act on the part of the employee, or the investigation involves an allegation of the excessive use of force, the Prosecutor and Chief of County Detectives shall be notified immediately. The County Prosecutor or the Chief of County Detectives will then notify the New Jersey Office of the Attorney General's. No further action shall be taken, including the filing of charges against the employee until directed by the Prosecutor and the Office of the Attorney General.
 - a. The Prosecutor and Chief of County Detectives or designee shall be immediately notified when an employee is accused of a crime, domestic violence offenses, an incident that attracts media attention, and any incident that would affect the efficient and effective operation of the agency.
 - b. All other notifications shall be made on the next business day.
- 3. Unless superseded by the Office of the Attorney General, the Internal Affairs shall interview the complainant and all witnesses and review relevant reports and records, and obtain other relevant information and materials.
 - a. A subject employee shall not be compelled to answer any questions in the absence of a grant of use immunity as conferred by the Office of the Attorney General.

D. Interviewing the Subject Employee

- 1. Administrative Interviews
 - a. Internal affairs personnel shall schedule an interview with the employee.
 - b. Should the employee so desire, they may be represented by an individual of their choosing during the course of the interview, so long as the availability of the individual does not in any way hamper or impede the on-going investigation.

¹ Charges must be filed within 45 days from the time the person filing the complaint obtained sufficient information to file the matter.

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- c. Before questioning begins, inform the subject employee of:
 - 1) The nature of the complaint,
 - 2) The name of the person in charge of the interview, and the names of all persons who will be present during the interview.
- d. Questioning sessions shall be audio or video recorded.

E. Investigative Avenues

1. Physical Evidence

- a. Investigators should obtain all relevant physical evidence. All evidence, such as clothing, hair or fabric fibers, stains and weapons should be handled according to established evidence procedures.

2. Witness Interviews

- a. Sworn statements shall be taken from all witnesses

3. Photographs

- a. Photographs of the complainant at the time of arrest or following an alleged incident of excessive force.
- b. Photographs of the subject employee in the event that employee was a victim or wishes to document physical attributes.
- c. A recent photo of the employee in the event a sequential photo display will be used for identification purposes. The photo display must be properly retained for possible evidentiary purposes.
- d. Photographs of the scene of the alleged incident, if necessary.

4. Physical Tests

- a. Subject employees may be compelled to submit to various physical tests or procedures to gather evidence. Such evidence may be used against them in a disciplinary proceeding.
- b. No person has a constitutional right or privilege to refuse to submit to an examination to obtain a record of their physical features and other identifying characteristics of their physical or mental condition. (see Evid. R. 503(a)). Evidence that may be obtained or procedures that may be used to obtain evidence include:
 - 1) Breath samples
 - 2) Blood samples

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- 3) Requiring employee to speak
- 4) Voice recordings
- 5) Participation in a suspect lineups
- 6) Handwriting samples
- 7) Hair and saliva samples
- 8) Urine samples

c. Generally, a person cannot be physically forced to produce this or other evidence or submit to such tests, although a court order may be obtained to legally compel them to do so. Refusal to comply with the order can result in additional criminal, civil, and/or administrative sanctions, including termination.

4. Polygraphs

- a. Although an employee who is the subject of a confidential investigation may request a polygraph examination, a member of the agency shall not influence, request or require an employee to take or submit to a polygraph examination as a condition of employment or continued employment²
- b. An employee cannot be required to submit to a polygraph test on pain of dismissal³.
- c. If a polygraph is used, the test must be administered by a qualified police polygraph operator.

5. Search and Seizure

- a. All agency assigned offices, lockers, desks, vehicles, computers, briefcases, and electronic devices are subject to a search/inspection without a warrant or prior notice.
- b. Personal brief cases shall not be searched without a warrant, absent a legitimate exigency.

6. Financial Disclosure

- a. Employees may be required to submit financial disclosure statements.

² N.J. Stat. § 2C:40A-1. Any person who as an employer shall influence, request or require an employee or prospective employee to take or submit to a lie detector test as a condition of employment or continued employment, commits a disorderly persons offense.

³ Engel v Township of Woodbridge, 124 N.J. Super. 307 (App. Div. 1973).

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F. Upon completion of all possible avenues of inquiry, the internal affairs investigator shall complete an internal affairs report and forward it to the Chief of County Detectives through his/her chain of command unless directed otherwise. Internal affairs shall report a disposition as follows:

1. **Exonerated:** The alleged incident did occur, but the actions of the employee were justified, legal and proper.
2. **Sustained:** The investigation disclosed sufficient evidence to prove the allegation, and the actions of the employee violated provisions of rule and regulation or department procedures.
3. **Not Sustained:** The investigation failed to disclose sufficient evidence to clearly prove or disprove the allegation.
4. **Unfounded:** The alleged incident did not occur.
5. **Administratively Closed:** In some cases, the complaint or investigation is closed prior to reaching a disposition. These should be counted as "Administratively Closed." Examples include situations when a complainant voluntarily requests that a complaint be withdrawn, or the subject employee terminates his or her employment prior to disposition of the complaint.

G. Initiation of formal charges for sustained complaints

1. If the complaint is sustained and it is determined that formal charges should be preferred, the Chief of County Detectives or designee shall direct the Internal Affairs Supervisor or designee to prepare the Preliminary Notice of Disciplinary Action form, sign, and serve charges upon the subject employee in accordance with **N.J.S.A. 11A:2-1**. A copy of this form shall also be mailed to the Department of Personnel.
2. The Preliminary Notice of Disciplinary Action form shall direct that the employee charged must enter a plea of guilty or not guilty, in writing, on or before the date set forth in the notice for entry of plea. The date will be listed on the notice and must provide a reasonable time, at least 5 days after the date of service of the charges to enter a plea and request a hearing, if applicable.
3. Findings of fact and the penalty imposed will be noted in the employee's personnel file after he/she has been given an opportunity to read and sign it. Note: the Final Notice of Disciplinary Action form must be filed within 20 days of disposition.
4. If the employee charged waives a hearing and enters a plea of guilty, the Prosecutor shall permit the employee to present factors in mitigation prior to assessing a penalty.

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VI. Hearings

- A. The subject employee requesting a hearing for any administrative charge resulting in a suspension or greater sanction, shall do so in writing to the Chief of County Detectives.
- B. The Prosecutor or designee will schedule such a hearing.
- C. The employee requesting a hearing will be issued a date for a hearing if requested. The date of the hearing shall be at least 10 but not more than 30 days from the date of service of the preliminary notice of action. Such charges must be filed within 45 days from the time the person filing the complaint obtained sufficient information to file the matter. A hearing for conduct that required a suspension pending a hearing must be commenced within 30 days of the date of service of the Preliminary Notice of Disciplinary Action unless agreed otherwise.
- D. Unless agreed otherwise in a collective bargaining agreement, the Prosecutor is the hearing officer relative to all disciplinary proceedings involving an employee of the agency. The Prosecutor in his sole discretion may use an independent hearing officer. If an independent hearing officer conducts the hearing, the hearing officer shall make recommended findings and conclusions to the Prosecutor who shall retain the full authority to accept, reject or modify the hearing officer's recommendations and make a final determination. Hearings shall be conducted pursuant to **N.J.S.A. 2A:157-10.3** and agency procedures.
 - 1. If the Prosecutor is not the hearing officer, the hearing officer shall make finding of fact and conclusions of law. These shall be in writing and provided to the Prosecutor for his/her review.
- E. The internal affairs function shall assist with the preparation of the agency's prosecution of the charges. This includes proper notification of all witnesses and preparing all documentary and physical evidence for presentation at the hearing.
- F. In the event of a hearing, the internal affairs function will be responsible for preparing a discovery package from the internal affairs file, and providing it to the subject employee or their representative.
- G. All disciplinary hearings shall be closed to the public unless the subject employee requests an open hearing with approval of the County Prosecutor.
- H. Consistent with his review of the hearing officer's findings, the Prosecutor shall impose any of the following methods of discipline consistent with the facts and circumstances of the sustained violation:
 - 1. Training;
 - 2. Counseling;
 - 3. Oral reprimand;
 - 4. Written reprimand;

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5. Surrender of time;
 6. Monetary fine⁴;
 7. Transfer/reassignment;
 8. Suspension without pay;
 9. Demotion;
 10. Termination.
- I. A copy of the decision or order and accompanying findings and conclusions shall be delivered to the employee who was the subject of the hearing.
 - J. Upon completion of the hearing, internal affairs will complete all required forms.
 - K. If the charges were sustained, the Chief of County Detectives will assure the disciplinary action is carried out and a copy of the final disposition report is filed into the employee's personnel file.

VII. Confidentiality

- A. The progress of internal affairs investigations and all supporting materials are considered confidential information.
- B. Upon completing a case, the internal affairs will enter the disposition in the internal affair recordkeeping system.
- C. The contents of investigation case files will be retained in the Internal Affairs. The files shall be clearly marked as confidential.
- D. Only the Prosecutor or designee is empowered to release publicly the details of an internal investigation or disciplinary action. The employee may authorize the release of copies of formal disciplinary charges and their outcome to any third party. The employee shall make the request in writing. The decision to release rests solely in the Prosecutor.
- E. The Internal Affairs Supervisor shall maintain a filing system accessible only to the Captain of the Official Corruption Unit and the Chief of County Detectives and County Prosecutor. Other personnel may be given access by specific need such as the Deputy Chief in the Chief's absence. The internal affairs index file is to serve as an inventory of internal affairs cases and provide an overview of case status to authorized personnel.
- F. Personnel records are separate and distinct from an internal affairs file.

⁴ N.J. Stat. §11A:2-20. Unless offered by the appointing authority and selected by an employee as a disciplinary option, a fine may only be imposed by an appointing authority as a form of restitution or in lieu of a suspension when a suspension would be detrimental to the public health, safety or welfare.

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1. When a complaint has a disposition of exonerated, not sustained or unfounded, there shall be no indication in the employee's personnel file that a complaint was ever made.
 2. In those cases where a complaint is sustained, the only documentation to go into the employee personnel file will be a copy of the internal affairs finding and disposition of charges.
- G. Investigative records created during an internal affairs investigation are subject to the "Records Retention and Disposition Schedule" issued by the New Jersey Division of Archives and Records Management and investigative records shall be maintained pursuant to the New Jersey Division of Archives and Records Management Records Retention Schedule.

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APPENDIX A

Atlantic County Prosecutor's Office

Early Intervention System

PURPOSE

The purpose of this directive is to codify this agency's policy and procedures concerning a personnel early intervention system.

POLICY

In keeping with the early warning system required by Prosecutor's Directive #6-91 dated July 3, 2013, and the NJ Attorney General Guidelines, is the policy of the Atlantic County Prosecutor's Office to utilize an early intervention system for all employees by tracking and reviewing incidents of risk and provide timely intervention.

GENERAL

- a. An early intervention system is designed to detect patterns and trends before the conduct escalates into more serious problems. The primary intent is to address potential problems through the use of appropriate management and a supervisory intervention strategy before negative discipline becomes necessary.
- b. All levels of supervision, especially first line and middle management supervisors, are expected to recognize potentially troublesome employees, identify training needs and provide professional support in a consistent and fair manner. Emphasis should be placed on anticipating problems among employees before they result in improper performance or conduct.
- c. Many different measures of employee's performance can be regularly examined for patterns or practices that may indicate potential problems. These performance measures include, but are not limited to the following documented indicators:
 - Internal complaints, regardless of outcome;
 - External complaints, regardless of outcome;
 - Civil actions filed, regardless of outcome;
 - Improper Use of Force incidents, resulting in discipline;

- Criminal investigations involving an agency employee;
 - On-duty vehicular crashes, resulting in discipline;
 - Any employee misconduct (e.g. Employee involved domestic);
 - Any infraction of the law resulting in any type of formal or informal charge;
 - Abuse/excessive use of sick time/attendance
- d. The early intervention system is primarily the responsibility of the internal affairs unit; but, any supervisor may initiate the early intervention process based upon their own observations with notification to the internal affairs unit.
- e. The Chief of Detectives shall cause an annual evaluation of the early intervention system to assess its effectiveness through a review completed by the internal affairs commander.

PROCEDURES

- a. In the event that the early intervention system reveals a potential problem, the Chief of County Detectives will be notified and provided with an overview of “flag” that prompted the alert.
- b. The Chief of County Detectives will cause a further review of the data provided, along with more detailed information available from department records, in consultation with the agency’s internal affairs unit, training unit or employee’s supervisor. If this review indicates that the early intervention system “flag” is unwarranted, the appropriate person will report such to the Chief of County Detectives and the internal affairs unit, if the internal affairs unit did not complete the review.
- c. If the review reveals that an employee has violated department directive(s) or rule(s), the internal affairs unit should proceed the internal affairs process. If the review reveals that the employee has engaged in conduct that indicates a lack of understanding or inability to comply with accepted procedures, the internal affairs unit will consult with the employee’s supervisor and Chief of County Detectives to determine the appropriate course of remedial action.
- d. Remedial intervention or corrective action taken by a supervisor or commander may include, but is not limited to:

- Training
- Retraining
- Counseling (Non-discipline)
- Intensive supervision
- Fitness for duty examination
- Peer counseling

Internal disciplinary action, remedial action, and fitness for duty examinations are not mutually exclusive, and should be jointly pursued, if appropriate. A referral (voluntary or involuntary) to the county's assistance program (EAP) may also be utilized as remedial intervention, if appropriate.

- e. When remedial action has been undertaken, the Internal Affairs Unit shall be formally notified in writing of such efforts. This information shall be recorded in the internal affairs index file system. No entry should be made in the employee's personnel file, unless the action results in a sustained investigation. If the remedial action is a training program, attendance and completion of that program should be noted in the employee's training record. Documentation is the key to a successful outcome.
- f. The internal affairs unit should review an individual employee's history anytime a new complaint is made. Using this information, internal affairs staff may be able to identify employees who may need counseling, training or other remedial action even before such is indicated by the early intervention system's ongoing data review or "flag" indicator.
- g. Generally, three (3) instances of questionable conduct or "flag indicators" within the same twelve (12) month period would initiate the early intervention system (EIS) process¹. (¹Three (3) instances can be a combination of the documented indicators.)
- h. If a "flag indicator" is warranted, the identified employee shall be placed under supervised monitoring and generally personnel should expect to remain under monitoring and supervision for three (3) to six (6) months.
- i. When under EIS monitoring, the employee's direct supervisor or training unit shall meet with the employee to discuss the situation in depth to:
 - Identify problems or potential problems;
 - Determine short and long-term goals for improvement;

- Come to a consensus commitment on a plan for long-term improved performance;
 - Advise of the monitoring process and the repercussions of future sustained transgressions
- j. The meeting shall be thoroughly documented and forwarded to the internal affairs commander through the chain of command. The affected employee and supervisor shall meet on a regular basis, minimally monthly, to discuss progress towards the agreed upon goals and objectives.
- k. The internal affairs supervisor shall ensure that regular monthly progress/status reports are submitted by the immediate supervisor or training unit (if the training unit is responsible for completing the training) concerning the employee's progress.
- l. All reports shall be eventually forwarded to the internal affairs office through the regular chain of command for review. These reports have the same confidential status as internal affairs documents.

METHOD AND RESPONSIBILITIES

- a. The agency's internal affairs commander maintains an electronic yearly database that contains internal security tracking numbers that assigns tracking numbers to documented indicators involving agency's employees.
- b. The electronic database is updated on a continuous basis and is confidential as it is part of the internal affairs mechanism(s).
- c. The internal affairs commander monitors the database for potential "flags" or indicators and in the event of a "flag," prompt notification is made to the Chief of County Detectives and early intervention system is initiated.
- d. Front-line and Middle Management Supervisors: Atlantic County Prosecutor's Office, front-line and middle management supervisors², must remain mindful that the agency utilizes an early intervention system and regularly monitor employee's performance and behavior for areas of concern or recognition. In the event a potential problem or pattern is identified, front-line and middle management supervisors should take steps towards an intervention, regardless of whether their concerns triggered the EIS system and make notification to their immediate supervisors. (²Because of the hierarchy established at the agency front-line and middle management supervisors maybe interchangeable.)

- e. Commanders: Unless otherwise designated by the Chief of Detectives, all “flags” or “triggers” in the EIS system will be addressed at the Command level, typically by the internal affairs commander.