

# ATLANTIC COUNTY PROSECUTOR'S OFFICE

## PROSECUTOR'S DIRECTIVE

PD-01267-18

### ***EARLY WARNING SYSTEMS (EWS)***

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BY ORDER OF: Damon G. Tyner, Atlantic County Prosecutor  
DISTRIBUTION: All Municipal, County and State Law Enforcement Agencies  
All Atlantic County Prosecutor's Office Employees  
ISSUE DATE: May 1, 2018

Revision History:  
05/01/18 [Created]

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#### I. POLICY

It is the policy of the Atlantic County Prosecutor's Office that all law enforcement agencies operating within Atlantic County will adopt and comply with New Jersey Attorney General Law Enforcement Directive No. 2018-03, Statewide Mandatory Early Warning Systems by amending their current "Early Warning Systems" policy and procedures to ensure compliance.

All Atlantic County law enforcement agencies were required to adopt an Early Warning System (EWS) in 2013 pursuant to PD-0006-91 Internal Affairs Complaints Case Reporting. On March 20, 2018, the N.J. Attorney General issued Law Enforcement Directive No. 2018-03 ([AX-01259-18](#)) requiring all law enforcement agencies in the state to adopt an Early Warning System.

#### II. PROCEDURE

1. All Atlantic County Law Enforcement agencies shall adopt and comply with New Jersey Attorney General Law Enforcement Directive 2018-03. Atlantic County Law Enforcement agencies should pay special attention to the following sections: Notification to Subsequent Law Enforcement Employer, Notification to County Prosecutor and Public Accessibility and Confidentiality
2. Section II – C, Selection of Performance Indicators of Attorney Directive 2018-3 contains a mandatory list of 15 "performance indicators" that will be included in all EWS. While most of the "performance indicators" are self-explanatory, the following provides clarification:
  - a. Item #4 requires any use of force that is formally determined or adjudicated (by internal affairs or a grand jury) to have been excessive, unjustified, or unreasonable to be entered into a EWS. Atlantic County law enforcement agencies may choose to enter **any** use of force by an officer into a EWS.

Law Enforcement agencies in Atlantic County that do not administratively review each use of force incident to determine whether the use of force was appropriate, or whether policy, training, equipment or disciplinary issues need to be addressed should consider implementing an administrative reviews of all agency use of force incidents.

- b. Item # 8 cites vehicular collisions involving the officer that are formally determined to have been the fault of the officer to be entered into a EWS. The Attorney General directive assumes that all law enforcement agencies formally review officer involved crashes. Law Enforcement agencies in Atlantic County that do not administratively review each officer (or employee) involved motor vehicle crash are strongly encouraged to implement a process to satisfy this requirement. It is recommended that an administrative review should determine if the crash was the fault of the officer (employee) and whether policy, training, equipment or disciplinary issues need to be addressed.
- c. Items #10 and #11 require cases or arrests by an officer(s) that are rejected or dismissed by a court and cases where evidence obtained by an officer(s) is suppressed by a court to be entered into a EWS. The intent of this indicator is to cause an entry into the EWS where an officer's lack of candor or misleading testimony results in a court's suppression of evidence or rejection of the case. Agencies should be aware that cases that rise to this level, may lead to a formal internal affairs investigation.

All Law Enforcement agencies in Atlantic County will need to determine the best method for tracking cases in their respective municipal court system(s) that meet the criteria set forth in items #4, #10 and #11. The Atlantic County Prosecutor's Office will track those cases and/or investigations that are processed / prosecuted / reviewed by this agency that meet the criteria set forth in #4, #10, and #11 and make formal notifications to Atlantic County Law Enforcement agencies via the Chief of County Detectives or the Prosecutor's Office Internal Affairs Commander.

- d. Item #14 requires unexcused absences by an officer to be entered into a EWS. The intent of this performance indicator is to cause an entry into agency's EWS where there exists a pattern of unexcused absences however defined by the individual police agency.
3. All Atlantic County Law Enforcement agencies are required to confidentially report, in a timely manner, the initiation of an "Early Warning System Review" to the Atlantic County Prosecutor's Office via the Chief of County Detectives on Prosecutor's Office reporting form [FM-01261-18](#). Initial reports to this office shall include: the identity of the subject officer, the nature of triggering performance indicators, and the planned or intended remedial program.

At the completion of the review process, a confidential follow-up report, [FM-01261-18](#), will be forwarded to the Chief of County Detectives with the outcome(s) of the review, including any remedial measures taken.

The new reporting form is self-explanatory and allows for initial and follow-up reporting to be completed on the same form. All reporting will be completed by emailing the forms to the Chief of County Detectives at [IA@acpo.org](mailto:IA@acpo.org).

4. A.G. Directive 2018-03 requires County Prosecutor's to report to the Attorney General, agency compliance with the directive. To this end, all Atlantic County Law Enforcement agencies shall report the following information in a signed confidential memorandum from the Chief Executive of the reporting agency to the Chief of County Detectives via [IA@acpo.org](mailto:IA@acpo.org): agency compliance with A.G. Directive 2018-03 and if not in compliance; the reason(s). Those agencies that are not in compliance will provide their corrective action to ensure compliance. This reporting shall be submitted no later than January 15<sup>th</sup> for the preceding year.

## **APPENDICES**

[AX-01259-18](#)

New Jersey Attorney General Law Enforcement Directive No. 2018-03,  
Statewide Mandatory Early Warning Systems

[FM-01261-18](#)

Atlantic County Prosecutor's Office Early Warning Review Reporting form