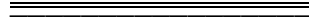


**The Bill Blackwood  
Law Enforcement Management Institute of Texas**



**Implementation of an Early Intervention Program**



**A Leadership White Paper  
Submitted in Partial Fulfillment  
Required for Graduation from the  
Leadership Command College**



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## **ABSTRACT**

A majority of the complaints against police and the force used by police has been linked to a small number of officers (Walker, Alpert, & Kenney, 2000). In an effort to proactively address this issue, a number of law enforcement agencies have implemented or plan to implement an early intervention program (Lersch, Bazley, & Miezkowski, 2006). Early intervention programs are intended to identify an officer who displays a pattern of behavior that may indicate misconduct (Walker et al., 2001). Through a review of the literature, this paper examines the benefits and the potential drawbacks of implementing an early intervention program. This paper recommended that law enforcement agencies establish an early intervention program to address problem behavior, reduce complaints, and reduce liability.

**TABLE OF CONTENTS**

	Page
Abstract	
Introduction .....	1
Position .....	3
Counter Position .....	7
Recommendation .....	10
References .....	13

## INTRODUCTION

The public expects law enforcement agencies to be accountable for the behavior of their officers, especially when that behavior is related to acts of misconduct. In order to meet this expectation, law enforcement agencies can no longer wait until an officer commits an act of misconduct; they must be proactive in seeking out misconduct, take action when appropriate and monitor the future conduct of the officer (Hughes & Andre, 2007). In an effort to be proactive, a number of law enforcement agencies have implemented or plan to implement an early intervention program (Lersch, Bazley, & Miezowski, 2006).

Early intervention programs are not a new concept in law enforcement. In the late 1960s, the Oakland Police Department implemented the Violence Reduction Project (Macintyre, Prenzler, & Chapman, 2008). The project sought to reduce violence between the police and the public by reviewing use of force incidents and requiring officers with high uses of force to undergo a review process (Macintyre et al., 2007). In the 1980s, “the U.S. Commission on Civil Rights recommended all law enforcement agencies have an early warning system” (Schultz, 2012, p. 48). The Commission on Accreditation for Law Enforcement Agencies (CALEA) requires that all accredited law enforcement agencies, or any agencies that wish to become accredited must have an early intervention program (Schultz, 2012). In 1991, the Christopher Commission Report on the Los Angeles Police Department (LAPD) determined that a small number of officers were responsible for a large number of “complaints, use of force reports, and officer-involved shootings” and that the identity of these officers was known to the department (Lersch et al., 2006, p. 58). One of the recommendations of the Christopher

Commission was that the Los Angeles Police Department should establish an early intervention program to identify problem officers (Lersch et al., 2006).

Early intervention programs are intended to identify an officer that displays a pattern of behavior that may indicate misconduct (Walker, Alpert, & Kenney, 2001). In an effort to identify a potential problem officer and change their behavior, early intervention programs use a selection process that includes a number of factors. These factors include but are not limited to the number of complaints, lawsuits, pursuits, vehicle accidents, and resistance injury reports submitted by an officer (Walker et al., 2001). When an officer is identified by an early intervention program, their supervisor is required to meet with them to discuss the matter and seek an appropriate course of action (Walker et al., 2001). After the intervention process has been implemented, the supervisor will monitor the officer for a period of time to ensure compliance (Walker et al., 2001).

An early intervention program can positively impact a law enforcement agency in a number of ways. The program can impact the individual officer by hold them accountable for their actions and intervening when their conduct indicates potential problem behavior (Walker, 2005). It can impact supervisors by holding them accountable for the conduct of their officers and requiring them to more closely monitor their activities (Walker, 2005). Finally, early intervention programs have the potential to impact the organizational culture by making it clear that the agency will not tolerate inappropriate conduct, and that the organization and its officers will be held accountable for their actions (Walker, 2005).

Early intervention programs have been implemented in a number of major cities in the United States. Minneapolis, New Orleans and Miami-Dade are three of the agencies that have implemented an early intervention program to identify potential problem behavior (Prenzler, 2009). The year after Minneapolis established its early intervention program, the number of complaints filed against officers participating in the program fell by over 65% (Prenzler, 2009). Officers undergoing the early intervention programs in New Orleans and Miami-Dade police departments had similar reductions in the number of complaints (Prenzler, 2009). Based on these positive results, law enforcement agencies should implement an early intervention program to identify problem officers, reduce complaints, and hold supervisors accountable for the behavior of their officers.

## **POSITION**

The ability to identify a problem officer before the officer gets into serious trouble can provide an opportunity to change their behavior and possibly save their career (Rosenbaum, 2001). Law enforcement agencies have an obligation to address potential misconduct, hold the officer accountable for their actions and to intervene to correct their behavior (Walker et al., 2000). A majority of the complaints against police and the force used by police is linked to a small number of officers (Walker et al., 2000). Identifying these officers and providing them with some form of intervention has the potential to improve their performance (Rosenbaum, 2001).

Early intervention programs may utilize a number of factors to select an officer for intervention. They can range from a simple program that only uses one item to gauge the conduct of the officer, to a complex program that utilize a number of items to identify

a potential problem officer (Walker, 2005). There is no recognized standard for what factors should be included in an early intervention program to identify a problem officer (Bazley, Mieczkowski, & Lersch, 2009). The Minneapolis Police Department uses the standard of three complaints in a one year period to select an officer for early intervention (Walker, 2005). Other programs use a combination of factors that may include complaints, force used, lawsuits, firearms discharges, pursuits, vehicle accidents and secondary arrest charges such as resisting arrest to select an officer for early intervention (Bazley et al., 2009). After selecting the factors to be tracked, the agency must determine the importance of these factors and set a threshold based on their importance to the organization (Bazley et al., 2009). When an officer meets or exceeds the threshold set by the agency, the officer will be selected for early intervention (Walker, 2005). These thresholds can be set at a specific number such as three complaints in 12 months; they can be set to compare an officer to their peers, or they can compare the number of complaints and use of force incidents to the number of arrests made by the officer to obtain a clearer understanding of their conduct (Bazley et al., 2009).

An officer, particularly an inexperienced officer could be the subject of numerous complaints or involved in a large number of use of force incidents (Rosenbaum, 2001). An early intervention program can track these performance factors and utilize preset thresholds to select an officer for inclusion in an early intervention program before his conduct results in discipline (Rosenbaum, 2001). A review of their conduct can indicate that no action is necessary, that the officer is more aggressive than necessary, or that the officer needs additional training to resolve incidents without using force or being

complained on (Rosenbaum, 2001). By being proactive and reviewing incidents before an officer is subject to discipline, the agency has the opportunity to correct the conduct of the officer without formal discipline and potentially save their career (Rosenbaum, 2001).

A proactive early intervention program can ensure that an agency takes effective action to reduce citizen complaints and acts of misconduct by its officers. Prior to the implementation of early intervention programs, law enforcement agencies had done little to correct officer conduct that was not related to punishment (Walker et al., 2000). Early intervention programs are an important management tool that agencies can use to address the conduct of officers and administer informal measures to a correct behavior (Macintyre et al., 2008).

The Christopher Commission which was formed to investigate the Los Angeles Police Department (LAPD) in the wake of the Rodney King incident reported that 44 LAPD officers had a large number of complaints filed against them (Walker et al., 2000). The report found that the LAPD had access to this information in their records data base and that the department knew the identity of these officers (Walker et al., 2000, Lersch et al., 2006). Investigations of the police departments in Kansas City Missouri, Boston, Massachusetts, and Washington, D.C. revealed similar findings (Walker et al., 2000). The New York Times reported that 2% of Kansas City police officers were responsible for half of all the complaints filed against police (Walker et al., 2000). The Boston Globe reported that 11% of Boston police were responsible for over 60% of complaints, and the Washington Post reported that a large number of firearms discharges in Washington, D.C. were linked to a small group of their officers (Walker et al., 2000).



These newspapers noted that the Boston and Washington, D.C. police departments had failed to take action against these officers (Walker et al., 2000).

In cities where early intervention programs have been implemented, they have had significant impact on correcting the conduct of officers selected for intervention (Walker et al., 2001). In Minneapolis, complaints against the officers that participated in the early intervention program dropped by over 65% the following year (Walker et al., 2001). The experience in New Orleans was similar with the number of complaints dropping by over 60% the year following the intervention (Walker et al., 2001). In Miami-Dade, 96% of the officers later selected for early intervention had reported using force (Walker et al., 2001). After their intervention program was implemented, only half of these officers reported being involved in use of force incidents (Walker et al., 2001). From 1981 to 1992, the Miami-Dade Police Department also experienced a large drop in the number of officers selected for intervention (Prenzler, 2009). During the first year of the program an average of 37 officers per quarter were selected for intervention, but 11 years later that number had dropped to just over seven officers each quarter while the department grew by 90% (Prenzler, 2009).

An early intervention program can provide an opportunity for supervisors to address the behavior of their officers and hold them accountable for their actions. Early intervention programs were designed to impact the conduct and behavior of officers, but an additional benefit of such a program is that supervisors become more involved in monitoring and evaluating the conduct of officers selected for early intervention (Prenzler, 2009). This change in the role of a supervisor also affects the level of supervision provided to all officers (Walker et al., 2001).

As a result of the involvement of supervisors in the intervention and the post intervention process, supervisors are being held more accountable for the conduct of their officers (Walker et al., 2001). Prior to this changing role some supervisors did not supervise at all, but acted as protectors and care takers for their officers (Walker et al., 2001). Supervisors are now expected to check on officers that have been selected for early intervention and stop by their calls to monitor their performance (Walker et al., 2001). In addition to more closely monitor officers selected for intervention, supervisors are being required to become familiar with the past work performance of their officers (Walker et al., 2001). The San Jose Police Department early intervention program not only tracks the performance of officers, but also tracks the performance of their supervisors (Walker, 2005). When an officer meets the threshold for early intervention, their supervisor must meet with his direct supervisor and the supervisor for the internal affairs unit (Walker, 2005). In the first year of the San Jose program, four supervisors were counseled for the conduct of their officers (Walker, 2005).

### **COUNTER POSITION**

One concern over implementing an early intervention program is that an innocent officer will be wrongly labeled as being a problem officer or be accused of having committed misconduct. There is no agreed upon standard for identifying a problem officer (DeCrescenzo, 2005). As such, early intervention programs may misidentify some patterns of conduct as an indication of misconduct on the part of the officer (Arnold, 2001). Not every officer that is selected by an early intervention program is in need of intervention to correct behavior (Walker et al., 2000).

The factors selected as indicators of potential officer misconduct are not necessarily accurate indicators and may actually indicate a highly productive officer (Lersch et al., 2006). Officers that work high crime areas may make a large number of arrests, receive more complaints, and be involved in more use of force incidents than officers that work low crime areas (Lersch et al., 2006). Officers with a high number of arrests also receive more complaints for use of force (Hassell & Archbold, 2010). The number of complaints and the number of use of force incidents are two of the most common factors used by early intervention programs to identify a problem officer (Walker et al., 2001).

Just because an officer is selected by an early intervention program does not mean that the officer will enter the intervention program or be subject to corrective action (Walker et al., 2000). Supervisors are required to review the alert with an officer before taking any action (Walker et al., 2000). In making his decision, the supervisor can compare the activity of other officers working similar assignments with the officer selected for early intervention (Hassell & Archbold, 2010). If after conducting a thorough review there is no indication of misconduct, the supervisor can recommend that no further action is required and the officer will not be subject to the intervention program (Lersch et al., 2006). A positive outcome of such a review is that the supervisor is aware of the work performance of their officer (Walker et al., 2001).

Early intervention programs do not reduce liability or reduce the costs related to misconduct. There has been some concern that implementing an early intervention program will create documentation of officer misconduct and that this information can be used against the agency during a lawsuit (Walker et al., 2001). Part of this concern is

that action taken against a problem officer is informal, consisting of counseling or training and is designed to change behavior not punish it (Walker et al., 2001). Another concern has been that since the action taken is informal, it can be difficult to ensure that the officer received the appropriate counseling or training to correct their behavior (Walker, 2001).

While it is true that the documentation created by an early intervention program could be used in a lawsuit against an agency, it is more probable that this information will protect the agency from the charge that they failed to correct problem behavior (Walker et al., 2001). A benefit of an early intervention program is that selected officers receive closer monitoring by their supervisor, and the supervisor is held accountable for the conduct of their officers (Archbold, 2005). This closer supervision of officers can also reduce the liability associated with use of force claims by demonstrating that the agency reviews and monitors the conduct of its officers (Archbold, 2005). Using an early intervention program to review the conduct of officers and taking action to address performance issues will help to manage risk and reduce liability (Archbold, 2005).

There is evidence that an early intervention program can reduce liability and the costs associated with complaints. The report by the Kolts Commission on the Los Angeles Sheriff's Department (LASD) revealed that the agency did not require the documentation of use of force incidents (Prenzler, 2009). As a result of use of force incidents, 17 deputies were linked to almost 3.2 million in liability payments (Prenzler, 2009). The number of use of force reports submitted by an officer is one of the most common items tracked by an early intervention program and can help to identify potential officer misconduct (Bazley et al., 2009). In some programs, each individual

officer must document why they used force and the type of force that was applied (Bazley et al., 2009).

A study of the early intervention program implemented by the Victoria Police in Australia indicated that the program reduced complaints against police and reduced the costs associated with handling these complaints (Macintyre et al., 2008). Over a two year period, 2005 to 2006, the program is estimated to have prevented 86 complaints (Macintyre et al., 2008). During this time period, the Victoria Police spent over 40,000 dollars to investigate and resolve each of their complaints (Macintyre et al., 2008). Based on this cost estimate, the reduction in the number of complaints saved the Victoria Police over three million dollars (Macintyre et al., 2008).

## **RECOMMENDATION**

A small percentage of officers have been found to be responsible for a majority of the police misconduct (Hughes & Andre, 2007). The public expects law enforcement agencies to take appropriate action to uncover and address officer misconduct. An early intervention program can play an important part in the accountability process by identifying the problem officer before they become involved in serious misconduct, and in some cases saving their career by changing behavior and preventing future misconduct (Rosenbaum, 2001).

Early intervention programs can have a positive impact on officers, supervisors and law enforcement agencies. Officers are held accountable when their conduct indicates potential misconduct and they are subject to intervention to correct problem behavior and prevent future misconduct (Walker, 2005). Supervisors are held accountable for the conduct of their officers which results in them monitoring the

activities of all their officers (Walker, 2005). Agencies are held accountable to address problem behavior and in doing so, there is a clear message to all officers that the agency will not tolerate misconduct (Walker, 2005).

An early intervention program can proactively address the problem of officers with large numbers of complaints and reduce the number of complaints made against these officers. The early intervention programs implemented in Minneapolis and New Orleans significantly reduced the number of complaints filed against officers that participated in the early intervention program (Prenzler, 2009). The year after their early intervention program was implemented; both agencies experienced a greater than 60% reduction in complaints against these officers (Walker et al., 2001).

Two of the concerns about implementing an early intervention program are that good officers may mistakenly be labeled as problem officers and that the program can increase liability. These two concerns are not valid. When an officer is selected for early intervention, it does not mean that they are a problem officer or that they will enter an early intervention program (Walker et al., 2000). The supervisor is required to conduct a thorough review of the facts and determine if there is any indication of misconduct or the need for any further action (Walker et al., 2000). If not, the officer will not be required to participate in the early intervention program (Lersch et al., 2006).

Another concern about implementing an early intervention program is that they can increase liability, because they document potential officer misconduct (Walker et al., 2001). While this documentation can be an area of concern for an agency, the documentation can actually reduce liability by protecting an agency from the claim that it failed to correct problem behavior (Walker et al., 2001). Early intervention programs

result in closer monitoring of officers and their supervisors in order to address performance issues and hold them accountable for their actions (Archbold, 2005).

It should be the goal of all law enforcement agencies to meet their obligation of being accountable to the public for the conduct of their officers. In order to meet this obligation, agencies must act early to correct problem behavior, reduce complaints, and reduce liability. Agencies must also be proactive in identifying misconduct, implement a program to address problem behavior and require supervisors to monitor the behavior of their officers (Hughes & Andre, 2007). An early intervention program can meet these requirements, and provide the opportunity to change behavior and potentially save the career of an officer.

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