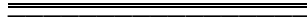
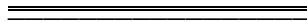


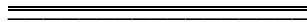
**The Bill Blackwood  
Law Enforcement Management Institute of Texas**



**A Case for Early Intervention Systems in Law Enforcement Agencies**



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



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## **ABSTRACT**

The actions of law enforcement officers are under a tremendous amount of scrutiny in our society today. Communities expect their law enforcement agencies to act in a professional manner at all times, and rightfully so. However, law enforcement officers can fall prey to the stress of the job and the stress of trying to achieve a work-life balance. There is a solution that can help identify problematic behavior in law enforcement officers before it results in an action that can cause the officer, the agency, and community harm. This solution is an early intervention system (EIS), therefore all law enforcement agencies should implement early intervention systems.

An EIS can serve as a potential “warning” to the agency that the officer may be experiencing difficulty. An EIS uses established types of incidents as indicators of potential issues as well as thresholds of those incidents, that when combined, create an alert when the officer has exceeded the established threshold. Once this occurs, most often it is the responsibility of the direct supervisor to review the incidents to determine what type of intervention, if any, is necessary. This process can increase integrity within the law enforcement agency and also increase accountability both internally and externally. This can help reinforce good culture within a department, change a bad culture within a department, and also send a message to the community that the department is proactively trying to prevent negative issues from ever occurring. While there is no guarantee that all negative incidents will be eliminated, an EIS is a valuable tool that can go a long way in attempting to reach that goal and ultimately help the agency better serve its community.

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## INTRODUCTION

Early intervention systems (EIS) are becoming more common throughout law enforcement agencies in the United States. Over the last 30 years, much has been learned about EIS's, how they should work and some of the unintended consequences of implementing an EIS. According to Walker, Alpert and Kenney (2001), police chiefs have come to the realization that as few as “ten percent of their officers cause 90 percent of the problems” in their agency (p. 1). As cited in the New York Times in 1991 and Boston Globe in 1992, there has been research that indicates that as few as “two percent of all officers are responsible for 50 percent of all citizen complaints” (Walker, et al., 2001, p. 1). Hughes and Andre asserted that, “in 1981, the U.S. Commission on Civil Rights recommended that all law enforcement agencies create an early warning system (later more commonly known as early intervention systems) in order to identify problem officers that are responsible for the majority of complaints and poor behavior” (Hughes & Andre, 2007, p. 164).

According to Walker, Alpert, and Kenney (2001), who are leading experts on law enforcement early intervention systems, “an early warning system is a data-based police management tool designed to identify officers whose behavior is problematic and provide a form of intervention to correct that performance” (p.1). The purpose is to identify the officer and the behavior and provide some type of intervention before the behavior results in disciplinary action (Walker, et al., 2001).

In today's social climate in which law enforcement is under constant scrutiny due in part to recent controversial events, accountability to the community is crucial to being able to maintain the positive community relationships that law enforcement

administrators strive for. A component of that accountability is law enforcement agencies being able to hold themselves accountable for improper actions committed by officers. In order to do this, police administrators need a tool to be able to identify those officers based on pre-determined criteria, and then intervene with the goal of correcting the issue or behavior before it results in an incident that could result in discipline and public distrust. An EIS (also called early warning system, but henceforth referred to as EIS) is the tool that law enforcement administrators need to be able to accomplish this goal, therefore all law enforcement agencies should implement early intervention systems.

## **POSITION**

The need to identify potentially problematic patterns and trends in police officers is crucial in law enforcement today. A law enforcement agency (LEA) and administrators not only want to protect the agency, but also the individual officer, as mental health within law enforcement has also emerged as an ever growing concern. Some LEA's will implement an EIS in order to identify performance or personal problems the officer may be experiencing and provide intervention before the behavior results in an action that could result in discipline. These agencies use specific performance indicators or criteria to identify the officer and determine what, if any, type of intervention is necessary (Walker & Milligan, 2005). The specific criteria used vary from agency to agency but often include the number of citizen complaints, use of force incidents, internal investigations, firearms discharge, resisting arrest cases, civil litigation, vehicle pursuits and vehicle accidents (Walker et al., 2001). While some factors that lead to these incidents are beyond the control of the officer and department,

many can be addressed in advance through training. For example, an officer trained in the appropriate use of force may be less likely to use excessive force (Helsby et al., 2017). Some other methods of intervention can be: psychological counseling, supervisory counseling, periods of supervised observation in the field, peer counseling, drug testing (if reasonable suspicion exists), alcohol rehabilitation, reassignment, remedial training, and stress reduction training. The review can also result in no action at all if the officer's actions were determined to be appropriate (Rothlein, n.d.).

According to Alpert and Walker (2000), once a list of officers is generated based on the performance indicators established by the department, supervisors should examine performance records for each officer for potential problems to determine if they are a candidate for intervention. According to Dunlop and Adams, "the theory behind an early warning system is that such incidents *individually* may mean nothing, but the combined totality of behaviors may signal a developing problem that needs attention" (DeCrescenzo, 2005). The number of each incident required to create an "alert" varies based on how the LEA has created the system, but a survey conducted by the Police Executive Research Forum (PERF), found that most agencies (73%) use three use of force reports as selection criterion. Most of these agencies (77%) use a 12-month time frame when counting these reports. Also when complaints are used as selection criterion, 68% of the agencies use three complaints and 76% use a 12-month time frame for the complaints to have occurred for the officer to "alert" and a review of the incidents to be initiated (Alpert & Walker, 2000). Also according to the PERF survey, 62% of the EIS's used a performance review or counseling session by the immediate supervisor as the initial intervention. Of the agencies that responded to the survey, 45%

required officers to attend specialized training after having been identified by the EIS (Alpert & Walker, 2000).

As stated previously, the purpose of the EIS is to identify the potential problematic behavior and take action with the intent to prevent potentially serious misconduct before it occurs. A positive byproduct of this is the reduction of various types of complaints. The Miami-Dade Police Department has one of the earliest forms of an EIS, having established their system in 1981. They found that after one year of implementation, there was a reduction in the number of officers identified for excessive complaints and uses of force (Rothlein, n.d.). Research has also found that when an EIS was in effect for at least four years, three large police departments had reduced citizen complaints and use of force incidents after the implementation of the EIS and subsequent intervention (DeCrescenzo, 2005). The increased uses of EIS's in law enforcement have shown that some officers in some situations are more at risk of being involved in adverse events than others. Because resources for LEA's are always at a premium, the need for a system to identify these officers is important. The use of an EIS to identify the officers and take action before an adverse event occurs is the means to accomplish this (Helsby et al., 2017).

Another reason to implement an EIS is to enhance the integrity within a LEA and the accountability internally and externally. In 2001, the Commission on Accreditation of Law Enforcement Agencies (CALEA) labeled EIS's as a "best practice" for police accountability (Shjarback, 2015). Steve Rothlein, a retired Deputy Director of the Miami-Dade Police Department asserts that an EIS can help enhance the LEA accountability by restoring public confidence and supporting termination when

warranted (Rothlein, n.d.). In essence, the EIS is an administrative tool that supports police accountability. The impact will vary based on how the system is established within the department. In departments with a history of negative incidents that erode accountability such as corruption allegations, civil litigation, and high damage awards, the EIS can put officers on notice that the agency is committed to eliminating improper conduct. For those agencies that have not had a history of issues that negatively affect accountability and public perception, the EIS serves as a reinforcement that the agency is committed to maintaining their high level of performance, by ensuring that an officer's potentially problematic actions do not go unnoticed by their supervisors (Alpert & Walker, 2000).

History has shown that a failure to recognize patterns and practices of potentially harmful behavior can certainly affect how the community views the organization and how capable it is of holding itself accountable. According to the Christopher Commission Report after the Rodney King incident, the Commission found that in the Los Angeles Police Department (LAPD) "a small group of "readily identifiable" officers that accounted for a disproportionate amount of citizen complaints, use of force reports and officer-involved shootings" (Lersch, Bazley, & Mieczkowski, 2006, p. 58). The commission also noted that although LAPD had databases that were supposed to monitor their personnel for problematic behavior, they had not utilized these databases and many supervisors didn't even know that such information existed (Lersch, Bazley, & Mieczkowski, 2006). Now in Los Angeles, with the current version of the EIS they utilize, the department reports that it has increased openness. According to LAPD Commander Regina Scott, "We're more professional, more open, and because of that



we have built the public trust within the community” (Steen, 2017, p. 9). In New Orleans, since the implementation of their EIS, the department has been able to release more statistics to the public, which has resulted in more public engagement. They found this increased the transparency and accountability with the public (Steen, 2017).

The result that an EIS can have on accountability and community relations is simple. When potential problems are identified and corrective action is taken, the number of controversial incidents decreases and relations with the community improves. When community leaders are informed about the EIS, how it works, and the reason for it, they are far more likely to openly support the department and believe they are responding to the community’s concerns (Walker & Milligan, 2005).

## **COUNTER ARGUMENTS**

The implementation of an EIS in a law enforcement agency can have some unintended consequences. The first of these is that if not implemented and explained properly, the EIS can be viewed with skepticism, making officer buy-in difficult. In the past, these systems were typically referred to as early “warning” systems (Walker & Milligan, 2005). This implied that the focus was on problems, which typically was followed by discipline. Because of this perception, many law enforcement personnel and labor organizations were skeptical of EIS’s, which in turn made buy-in difficult (Walker & Milligan, 2005). Also, some department’s use of citizen complaints as a measure of whether intervention is required is a cause for increased skepticism amongst the rank and file. Research has shown that, “the use of citizen complaints is one of the most badly abused police statistics” (Arnold, 2001, p. 82). Supporting this assumption is the low percentage of complaints that are actually sustained. According

to research by Lersch and Mieczkowski on allegations of misconduct filed against police officers, the reported norm is that less than ten percent of those complaints are sustained (Arnold, 2001). The solution to this issue is prior to implementation the EIS should be viewed and promoted as a larger part of the agency's personnel management but most importantly, a part that is non-disciplinary. This does not mean that discipline is completely replaced by intervention, instead the discipline is a separate component (Walker & Milligan, 2005). The agency must make it clear from the onset that the purpose of the EIS is intervention to correct issues, not impose discipline. This can be accomplished by clearly stating the purpose in the policy that governs the EIS. For example, the New Orleans Police Department implemented the New Orleans Professional Performance Enhancement Program which stated in its policy that the purpose of the program was to not punish, but instead help officers. A training session on stress reduction and deescalating potentially volatile situations was also included in the intervention stage to help prevent citizen complaints (Walker, et al., 2001).

Another aspect of an EIS that can make implementation difficult for some LEA's is that they are often complex and difficult to manage. In 1999, it was found that as a result of a national survey that EIS's are "complex administrative tools, with a number of different goals, program elements, and potential impacts" (Walker et al., 2001, p. 142). It was also determined that EIS's "are also high-maintenance operations that require careful planning and a high level of ongoing administrative attention" (Walker et al., 2000, p.142). One of the more concerning findings is that a department may implement an EIS but fail to provide the administrative oversight to ensure that it remains part of the administrative structure (Alpert & Walker, 2000). In 2013, Walker and Archbold

concluded that police administrators “must be apprised that such systems do not operate automatically but require a tremendous amount of time, resources and managerial attention” (Shjarback, 2015, p.323). While these aspects of implementing an EIS are a concern, they can be overcome with proper planning. The national evaluation of EIS’s conducted by Walker et al. in 1999 found that at two sites, Miami-Dade and New Orleans, “the early warning system was established with considerable initial planning and ongoing administrative attention” (Walker, et al., 2000, p. 148). The third site, Minneapolis, had received little administrative attention initially, but later developments indicate that their EIS has been strengthened by considerable new attention that was given to the system (Walker, et al., 2000). Agency administrators must first determine what kind of EIS they want to create (Walker & Milligan, 2005). The importance of the planning process cannot be understated. The agency must examine which types of incidents they want to use as criterion for their EIS and how many during what time period will create an “alert”. One of the best ways to accomplish this is with a committee made up of various stakeholders, as the Austin, Texas Police Department did when designing their EIS (Walker & Milligan, 2005). The committee they established was composed of officers, supervisors, labor union representatives, the department psychologist, information technology personnel, internal affairs investigators, and members of the community (Walker & Milligan, 2005). Departments have found that it is better to not rush into a system, but instead carefully examine the needs of the department and ensure the framework is in place to make it successful. Additionally, departments should reach out to other agencies to learn what type of EIS

system they are utilizing and what the pros and cons of those systems are (Walker & Milligan, 2005).

## **RECOMMENDATION**

Law enforcement agencies today are becoming more aware of the increasing need to be more proactive when it comes to officer performance and behavior and less reactive. The communities that law enforcement serves insist that officers are professional and are held accountable when they fail in that regard. An EIS is the tool that law enforcement agencies need in order to accomplish this goal and therefore, all law enforcement agencies should implement an EIS.

An EIS can take many forms and can be structured in such a way to meet the needs of any agency. One of the primary benefits of the EIS is that it can help identify performance or personal problems that the officer may be experiencing and provide some form of intervention before the behavior results in an event that could result in discipline. Early interventions systems, by design are used to accomplish this goal. The LEA will have decided what criteria to use in monitoring performance and how many of each type of incident will cause the officer to “alert” in the system. Once there is an alert, a review takes place to determine what type of intervention, if any, needs to happen. This intervention can range from additional training to counseling (Rothlein, n.d.).

Another benefit of an EIS is that they can increase integrity within the LEA and can also increase accountability both internally and externally. Law enforcement agencies today increasingly find it necessary to hold themselves accountable for any wrongdoing by their officers in order to remain accountable to the community they

serve. For agencies that have had a history of problems within them, the EIS will put officers on notice that the department is committed to change and increased accountability. For those that have not had any issues in these areas, the EIS sends a message to those officers that the agency is committed to maintaining the high level of performance and identifying problematic behavior before it results in an incident that could result in discipline (Alpert & Walker, 2000). Each of these benefits form the foundation for the EIS and how it can successfully help a LEA manage their officer's performance with the intent to provide them assistance that will help prevent an incident that could result in discipline.

Early intervention systems are not without some drawbacks, however. The EIS, if not implemented and explained properly, can result in skepticism, making buy-in difficult. To prevent this, the EIS, prior to implementation, should be presented in a positive manner by the administration and as a tool of prevention, not discipline. Some agencies make it clear in policy that the EIS is not disciplinary (Walker, et al., 2001). This sets the expectation for the officers and helps alleviate any concern that an EIS is to be used to enact discipline. Another aspect of implementing an EIS that must be overcome is that they can be complex and difficult to manage. Depending on the size of the agency and how the EIS is set up, an EIS can be a complex instrument however this can be managed through proper planning prior to implementation. The LEA needs to spend a lot of time researching how they want their system to work and who will be responsible for managing it. Agencies should not feel like they have to "reinvent the wheel" when creating their EIS and should get input from other agencies similar in size to determine what has and has not worked for them (Walker & Milligan, 2005).

As a component of successful implementation of an EIS, an agency should create a policy that outlines the purpose of the EIS and the procedure for which it is used. This policy should specifically state that the EIS is non-disciplinary, what types of incidents will be monitored and how often the threshold for “alerts” will be evaluated. The policy should also state the process that will take place once an alert is received and what measures, if any, can be taken to provide intervention. A good policy will form the foundation for the system and should provide a level of education for the officers that will in turn provide comfort in understanding the purpose of the system.

An EIS is a powerful tool that any LEA can benefit from if proper planning and management takes place. The increased awareness that it brings to potentially problematic behavior before it results in an adverse incident outweighs any negative aspect of the EIS. Ultimately, the EIS will create an accountable agency that the officers can be proud to serve in and the community can be proud to have providing service to them.

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