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Early Warning System: The Implementation of a Systematic Means
of Monitoring Problematic Police Officers

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by
Alain R. Babin

Round Rock Police Department
Round Rock, Texas
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Abstract

With greater media attention centered upon officer misconduct, police departments are focusing on proactive means to intervene with problem officers. The Early Warning System has emerged as a means of identifying those problematic officers who can possibly involve themselves or the Department in civil litigation as a result of officer misconduct.

The theory of monitoring police officer interaction through a proactive means with the public is not a new one. New Orleans and Miami-Dade County police departments experimented with the idea of systematically monitoring potential problem officers during the 1970s and 1980s. Police departments applied the same techniques to monitor problem police officers as those that were used to monitor career criminals. The data acquired by using the same techniques generated some of the same results, in that, a small percentage of criminals were responsible for a large segment of the criminal activity being reported. Likewise, when the same techniques were applied to monitor police officers, the data indicated that a small percentage of police officers were generating a significant proportion of citizen complaints.

To evaluate the effectiveness of an Early Warning System, an evaluation of a national survey conducted by Walker, Alpert and Kenny will be examined to determine the current trend in the development of an Early Warning System and the impact the Early Warning System has on reducing the number of complaints received. The data indicates departments' nation wide are employing Early Warning Systems to identify problem officers and are perceived to have reduced the number of citizen complaints received. It is concluded that the establishment of an Early Warning System as a proactive tool for police managers to monitor police officers can identify problem behavior and can reduce the number of citizen complaints received by a Department.

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Introduction

Police agencies throughout the United States are generally compelled to insure police officer misconduct is monitored through a systematic means that allows the agency to identify and address problematic officers. Allegations of excessive force, unjustified shootings, and racial profiling, have produced an atmosphere of skepticism towards police agencies across the country (Walker and Alpert, 2000). Recently, racial profiling has been in the forefront of America's media, with allegations of officers conducting traffic stops based solely upon an individual's race, ethnicity or national origin for criminal offenses. Allegations of racially motivated enforcement tactics by police officers can potentially damage the progress already made through community policing. The dynamics of confrontation among racial, ethnic and alternative lifestyle groups in communities are by their very nature, profound. The circumstances that foster crisis, and the scars and wounds that result, tend to linger for months and even years (Maddox, 1993).

Early Warning Systems have emerged as a popular and potentially important new tool for police managers to curb police misconduct, enhance police accountability, and improve community relations (Walker and Alpert, 2000). An Early Warning System gathers information related to citizen complaints, disciplinary actions, use-of-force incidents, on-duty traffic accidents, internal affairs and supervisor reports and either mandated or voluntary statistics from traffic stops to identify problem officers. Prior to the emergence of Early Warning Systems, police department treatment of allegations of misconduct have been punishment oriented and provided no system to address officers with recurring behavioral problems. The term *discipline* is most often used to describe an adversarial process resulting in the application of various kinds of negative sanctions or punishments (More and Wegener, 1996). Departments

across the country are seeking ways to adopt a proactive stance by identifying officers who exhibit symptoms of recurring behavioral problems in advance of serious problems occurring.

This research paper will assess the effectiveness of Early Warning Systems as a proactive management tool in identifying police officers who may create serious policy and safety violations in the future. The early identification of such officers coupled with remedial actions such as training and counseling, can increase a Department's accountability to the public and offer employees an opportunity to increase their value to their Departments. The report will gather information from previous Early Warning System studies used as well as information from the Round Rock Police Department's experience with the Early Warning System. The next section of this paper reviews existing literature on the effectiveness of Early Warning Systems. These findings then will be applied to existing surveys and internal Round Rock Police Department data to assess how these data compare to existing research.

Review of Literature

The idea behind Early Warning Systems is that law enforcement agencies can and should use data on officer performance to identify officers who appear to have recurring problems interacting with citizens (Walker and Alpert, 2000). The Early Warning System gained prominence during the Christopher Commission Report in Los Angeles during the investigation of the Rodney King beating in 1991. The report indicated that the Commission had found evidence of a significant number of officers who repetitively misused force and persistently ignored written, departmental policies (Christopher, 1991). The Commission concluded that the majority of the 1,800 officers reviewed had one complaint. ... "But 183 officers had four or more allegations, 44 had six or more, and one had 16 allegations. The top ten percent of officers ranked by number of excessive force or improper tactics allegations accounted for twenty-seven

percent of all such allegation" (Christopher, 1991). These officers were identified by the Commission through computer-generated data provided by the Los Angeles Police Department (LAPD), which had this information available and failed to act either through counseling or training. Investigative journalists have found the problem officer phenomenon in other police departments as well. A 1991 article in the *New York Times* reported that in the Kansas City police department, two percent of all sworn officers were responsible for fifty percent of all citizen complaints (Walker and Alpert, 2000). Of the 3,440 complaints against Boston police officers during the 1980s, 61.5% were lodged against eleven percent of the officers (Thibault, Lynch, McBride, and Bruce, 1998).

Traditionally, police internal affairs units are reactive in nature, and rarely engage in proactive, covert investigations of members of their own agency. One study concluded that fewer than eleven percent of internal affairs units within agencies of 100 to 1,000 personnel have ever engaged in a proactive type of investigation. This same study revealed that in departments with more than 1,000 personnel, only 42% conducted proactive types of investigation (Rothlein and Lober, 1996). Proactive investigations can involve the use of an Early Warning System to monitor behavioral problems to intervene and provide counseling and training or, for covert operations, targeting officers who have multiple allegations of theft complaints, for example, that have not been sustained and creating a sting operation to apprehend the officer in the act.

The collection of data by police organizations has been a proven process in which to predict or monitor behavior. During the 1970s and 1980s, police agencies began to focus on career criminals. Law enforcement recognized that a small percentage of criminals were responsible for a disproportionately large percentage of crime. Several departments utilized the

same analysis to monitor officers internally. They found similar results in that a small number of officers within the department were responsible for a disproportionate share of the complaints, allegations, and problems within that agency (Berkow, 1996).

Using computer generated Early Warning Systems software, department can track and record incidents as they occur. It is a non-disciplinary management system and "flags" officers at risk. Behavioral activities are utilized to establish a pattern even though a single activity may, in and of itself, prove to be of limited consequence. When combined with other activities, a behavioral pattern may emerge that needs to be reviewed by management (More and Wegener, 1996). An Early Warning System allows managers to intervene with either additional training or counseling to prevent the officer from committing other acts of misconduct that may lead to the officer's arrest, termination or litigation against the officer and/or the department. Typically, no record of the officer's participation in the Early Warning System is placed in his personnel file. The incidents that triggered the Early Warning System generally remains in the internal affairs file, as does a separate report outlining the officer's participation in the Early Warning System.

Factors utilized to assess officers behavioral problems vary from one department to another, for instance in Chicago, information gathered to identify behavior problems include such indicators as race, sex, age, education, marital status and abuses of sick days. It also considered traffic accidents and lost weapons or badges (More and Wegener, 1996). The Round Rock Police Department utilizes the following to identify early signs of performance decline: citizen complaints, use-of-force incidents, on-duty vehicle traffic accidents, firearm discharges, vehicle pursuits, and civil claims in any combination over a specific period of time. Using this system, a positive approach to behavior modification through training and assistance can be accomplished. .

Generally the goal of the Early Warning System is to catch problem officers early, as symptoms of unacceptable officer performance begin to manifest themselves, and reduce police misconduct. Typically the Early Warning System targets individual officers and supervisors. Many Early Warning Systems are conceived as a means of helping officers and outline its design as a means of intervention for assistance not a punitive tool. However, from the officer's perspective, the Early Warning System is viewed as a potential danger, crafting unwarranted labeling as viewed in a recent article of *The Shield*. The author (Higgins, 2001) describes the efforts of a Nebraska police department to implement the Early Warning System by indicating it would undermine the morale and cause worry of the unknown. "No officer would object to being "flagged" and counseled for three substantiated traffic stop rudeness complaints in six months. What is not understood is the potential for "a bad stretch of luck" in which the categories/criteria are reached at no fault to the officer" (Higgins, 2001). From the field supervisor's perspective, it can be a means of holding them accountable- for their supervisory behavior. The formal requirements of an Early Warning System help ensure that a supervisor will pay closer attention to an officer who is having performance problems (Walker and Alpert 2000).

Once an employee has "triggered" or has been "flagged" by the Early Warning System the Department must decide upon a means of intervention, which can consist of an informal counseling session or training. Supervisors who are inadequately trained on methods related to counseling or fail to document the counseling session may hinder the Early Warning System process and, in fact, the counseling session may never actually take place or may be taken so lightly that the supervisor may tell their officers not to worry about it. Training sessions

designed to teach groups might not address the individual officer's actions that triggered the Early Warning System.

Within the Round Rock Police Department, once an employee triggers the Early Warning System, the internal affairs investigator prepares a memorandum identifying them and forwards the memorandum to the employee's division commander. The division commander forwards the memorandum to the employee's immediate supervisor through the chain of command for review and necessary action. The employee's supervisor conducts an informal interview with the employee to explain the Early Warning System and discuss the incidents cited on the memorandum. During the interview process, the supervisor determines if there are problems to be addressed. The supervisor 1) schedules and monitors any training, counseling or other service deemed necessary to address the specific problems; or 2) prepares a memorandum justifying the employee's actions within the scope of the Department's policies and procedures. The supervisor then completes an administrative report and forwards it through the chain of command back to the Internal Affairs Detail within thirty days. The Internal Affairs investigator presents the report to the Chief of Police for final approval on the action taken, if any, and ensures the approved action is implemented. The report is retained within the Internal Affairs Detail for a period of five years.

Some officers and police unions may object to the implementation of an Early Warning System citing the system exists solely to target police officers. In an increasing number of cities and counties across the country, Early Warning Systems and police unions coexist harmoniously (Alpert and Walker 2000). Part of the reason for this harmony might be the Early Warning Systems signify a systematic approach of gathering data about an officer's performance, which has already been collected for years. Use-of-force and high-speed pursuit

data have been collected by agencies for many years at the same time internal affairs units have collected data regarding citizen complaints. The Early Warning System is a systematic means of compiling and using these data for proactive management. Another reason for this emerging harmony is the Early Warning System can assist the employee with their problems and improve their performance.

Although there may be increasing acceptance of Early Warning Systems, there are issues raised by the officer and police unions. Officers and administrators are hard-pressed to agree on what criteria should be used to monitor problem officers within the body of an Early Warning System. The Commission on Accreditation for Law Enforcement Agencies (CALEA) has developed a draft for the Early Warning System. Because the proposed criteria have proven to be controversial among law enforcement administrators, CALEA has opted to solicit further input before implementing the new standard for the Early Warning System.

The Early Warning System is a tool to assist managers for controlling police officer misconduct and heighten accountability within law enforcement agencies. However an Early Warning System cannot rescue a department that endures police misconduct on the streets without action (Alpert and Walker 2000). The Early Warning System is effective only with the support of the Chief of Police who has announced a strong position in providing quality service to the public and officers who are accountable by means of performance evaluations and are disciplined for rules violations.

Methodology

After reviewing existing literature, several questions remain. Is the Early Warning System a useful tool for proactive managers to identify potential problem officers? Have agencies implemented an Early Warning System to assist in identifying problem officers?

It is hypothesized that the Early Warning System is perceived as an effective proactive tool to identify problem officers and agencies are implementing an Early Warning System. An evaluation of a national survey was conducted to determine the impact of the Early Warning System. Samuel Walker, Geoffrey P. Alpert, and Dennis J. Kenney completed the survey in conjunction with the Police Executive Research Forum. The National Institute of Justice and the Office of Community Oriented Policing Services funded the research. They surveyed 832 sheriffs offices and municipal and county police departments serving populations of 50,000 or more with 571 usable responses returned. The survey addressed the following areas; 1) How does an Early Warning System work? 2) How prevalent are Early Warning Systems? In addition to the surveyed Departments, the researchers examined three police department as case studies.

The information was evaluated by reviewing the size of the department and if a systematic means of monitoring officer performance was in existence. Also the criteria used to monitor officer performance and what action, if any, was taken to address those officers who were identified by use of the Early Warning System.

Findings

Regarding the effectiveness of the Early Warning System, Walker, Alpert and Kenney's research study (*Responding to the Problem Police Officer 2001*) conducted a national survey of 832 sheriffs' offices, municipal and county police department serving populations of 50,000 or more. They received 571 usable responses; a response rate of 69%. The response rate was higher for municipal agencies than for sheriffs departments. About one-fourth (27%) of the surveyed agencies had an Early Warning System in 1999. One-half of these systems had been created since 1994, and slightly more than one-third had been created since 1996. The authors implied

that these data, combined with the number of agencies indicating that a system was being planned (another 12%), suggest that Early Warning Systems will expand quickly in the next few years. Early Warning Systems are more prevalent among municipal law enforcement agencies than among county sheriffs' departments. The national survey had limitations, they stated that some law enforcement agencies claimed to have an Early Warning System, however, the system was not functioning.

Walker, Alpert and Kenney targeted three departments for their case study investigation: Miami-Dade County, Minneapolis, and New Orleans. These three agencies represented large urban areas and differed in size. Miami-Dade has 2,920 sworn officers, New Orleans has 1,576 sworn officers, and Minneapolis has 890 sworn officers. They chose these sites for several reasons. Each had an Early Warning System in operation for at least 4 years; each system differed from one another in terms of structure and administrative history; and each differed in their history of police officer use of force and accountability.

One of the stated goals of the case studies was to evaluate the impact of Early Warning Systems on the officers involved. In New Orleans, citizen complaints about officers in the early warning program were analyzed for 2-years before and after the initial intervention. In Miami Dade and Minneapolis, demographic and performance data were collected of officers hired in differing years whether they had or had not been identified by the Early Warning System. The performance data included citizen complaints, use of force reports, reprimands, suspensions, terminations, commendations, promotions and other data collected as available in each site.

These records were sorted into two groups: officers identified by the Early Warning System and those who were not, with the latter serving as a control group. The performance records of the Early Warning System group were analyzed for two years before and after the

intervention to determine the impact of the intervention on the officer's behavior. Officer identified by the system didn't differ from the control group in terms of race or ethnicity. Males were over represented while females were under represented. One of the findings of this study indicated that a slight slant of the early warning officers was promoted at a higher rate than the control officers. The authors suggested that this issue should be researched in the future in an attempt to identify whether some departments tend to reward officers with promotion who display aggressive behavior that is likely to cause the officers to be identified by the Early Warning System.

Walker, Alpert and Kenney stated that the Early Warning Systems appear to have an effect on reducing citizen complaints and other indicators of police behavioral problems. Their data indicated that in Minneapolis, the average number of citizen complaints received by officers subject to early intervention diminished by 67% one year after the intervention. In Miami-Dade, only 4% of the early warning officers had zero use of force reports prior to intervention; following intervention, 50% had zero use of force reports. Data from New Orleans indicated that officers responded positively to early warning intervention. In anonymous evaluations of Professional Performance Enhancement Program (PPEP) classes, officers gave it an average rating of seven on a scale of one to ten.

A draw back to this study was that it couldn't determine the most effective aspect of intervention (e.g., counseling regarding personal issues, training in specific law enforcement techniques, stem warning about possible discipline in the future) or whether certain aspects are more effective for certain types of officers.

The Round Rock Police Department (RRPD) during 1999 implemented the Early Warning System. It employs one hundred-nine sworn officers and thirty-seven civilian staff and

serves a population of 68,000. Since the implementation of the Early Warning System it has identified one officer who has triggered the system. The officer received formal training in the area of use of force and verbal judo. His activities were monitored for a period of six months with monthly reports completed by his immediate supervisor regarding his interaction with the public. The officer had been employed with the Department for three years and during this period he generated seventeen complaints. Preliminary post intervention results nine months after activating the Early Warning System reveal the officer has not generated a single complaint and in fact has received three letters of appreciation from citizens of which he had not received prior to activating the Early Warning System.

Discussion/Conclusions

Public perception of police misconduct has eroded the trust and confidence with which police agencies have held throughout the United States. The Rodney King beating and, more recently the sexual assault and torture of Abner Louima by New York City police officers have brought to the American people the realization of the frailties of policing in the United States.

It is hypothesized that police agencies are establishing Early Warning Systems to monitor problem police officers and are reducing the number of complaints an officer may receive. The research revealed that departments who take proactive steps towards intervention reduce the number of complaints the officers receive. Using the same concepts as community policing, managers are focusing attention on problem officers within their agencies. They are identifying key areas to be monitored such as use-of-force reports, citizen complaints, resisting arrest and pursuits. They are analyzing the data generated by an Early Warning Systems and are devoting time and funds for an effective intervention program to change the officer's behavior or if necessary terminating the officer.

Early Warning Systems are being accepted as a management tool to monitor potential behavioral problems of officers as noted by Walker and Alpert. They stated in their national report the growth of the Early Warning Systems was noticeable in more than one-fourth of all municipal and county law enforcement agencies servicing population centers of greater than 50,000 people. Walker and Alpert also concluded that early warning intervention can be an effective means of curtailing complaints against officers.

The research results provide qualitative support of the hypothesis that departments are establishing Early Warning Systems and once established the number of complaints are reduced against an officer.

Early Warning Systems can be an expensive venture dependent upon the agencies' particular needs and what information an agency wants to capture. Agencies can purchase off the-shelf software or have software created for their particular needs. The International Association of Chiefs of Police (IACP) has produced a software program designed to capture most of the information required for an Early Warning System. IACP provides the program free of charge to agencies desiring to track citizen complaints and to monitor problem officers.

The Early Warning System has emerged as a legitimate management tool to monitor police misconduct and as a result, police departments are becoming increasingly accountable to those they serve. Administrators must be committed to identifying and intervening on behalf of problem officers. Agencies who take a proactive role in salvaging officers with behavioral problems benefit by reducing the potential civil litigation that may occur as a result of police misconduct and, the retention of a valuable member of their department.

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