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Proactive Policing: The Early Intervention Program

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ABSTRACT

Law enforcement executives have known that a small number of officers in their agencies generate the majority of complaints filed by citizens. An accountability tool known as an early intervention (EI) program, also known as early warning system, can reduce the number of complainants against officers in the agency. The EI program can be part of the agencies' community policing strategy. The law enforcement agency can show the community it is being accountable. An EI program also changes the role of a first line supervisor, making them more accountable in officer development. Research shows that law enforcement agencies who implement a strong EI program will result in fewer complainants against officers. This paper recommends all law enforcement agencies should implement an EI program.

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INTRODUCTION

It has become a belief among police chiefs around the country that 10% of officers cause 90% of the problems within their department. Investigative reporters have discovered that two percent of officers are responsible for 50% of the complaints in their respective police departments. Herman Goldstein points out problem officers are known to the supervisors, peers, and even top management, but nothing is done with the officer (Walker, Albert, & Kenney, 2001). A report by the Kolts Commission found the Los Angeles County Sheriff's Department had 17 deputies who were responsible for 22 lawsuits costing the county \$32.2 million dollars (Walker & Archbold, 2013).

Most all law enforcement agencies have had officers who have caused problems within the department, and the other officers within the department know who they are. The U.S. Civil Rights commission in 1981 showed the first evidence. The information came from the Houston Police department (Walker & Archbold, 2013). The information showed one officer received 12 complaints and two other officers had 11 over a 24-month period, compared to 298 other officers who received only two complaints. Officers who did receive five complaints over the same time represented approximately 12% of officers on the department, but they were responsible for 41% of the entire complaints (Walker & Archbold, 2013).

Approximately 40 years ago, the U. S. Civil Rights Commission asked the law enforcement profession to create an early intervention (EI) program, also referred to as early warning system (Bazley, Mieczkowski, & Lersch, 2009). The EI program is a database police management program and has become a way to identify officers who

may have the potential of becoming engaged in misconduct within their department. The program is used to provide a form of intervention to correct the performance of the officer (Walker et al., 2001). The EI Program is a proactive way to identify officers who have the potential of engaging in misconduct. The EI program is a form of support to the officer before they become involved in an incident that could cause an officer to lose their career. The EI program is an accountability tool. Law enforcement agencies should implement an EI program within their organization.

In 1989, the International Association of Chiefs of Police endorsed EI programs as a means of building integrity in police departments (Shjarback, 2015). Beginning in the 1990s, EI programs have gained prominence as the best method for department accountability (Shjarback, 2015). In 2001, the Commission of Accreditation for Law Enforcement Agencies (CALEA) implemented standards requiring large law enforcement agencies to have an EI program (Shjarback, 2015).

POSITION

The EI program can decrease the number of complaints a police department receives; it can also reduce complaints against the officer who is part of an EI program. Having an EI program is a form of community policing. The program reduces complaints against police, which shows the community a police department is being accountable. An early case study performed on three police departments, the Miami-Dade County, Minneapolis, and New Orleans police departments. Miami-Dade County police department has 2,920 sworn officers, Minneapolis police department has 890 sworn officers, and New Orleans has 1,576 sworn officers (Walker et al., 2001). Data was collected on a group of all officers hired within a certain number of years, whether

they were in an EI program or not. The data collected on the group of officers were citizen complaints, use-of-force reporting, reprimands, suspensions, terminations, including commendations, and promotions. The study showed there were significant reduction in citizen complainants of officers who were in an EI program. In the Minneapolis police department, a decrease of citizen complaints on officers in the EI program was 67% (Walker et al., 2001). In the New Orleans police department, citizen complaints dropped 62% (Walker et al., 2001). Data from the New Orleans police shows officers responded positively to their EI program; in an anonymous evaluation, they rated the program a seven out of a ten-point scale (Walker et al., 2001). All the officers gave a positive comment about the program (Walker et al., 2001). In the Miami-Dade police department, 4% of officers in the EI program had zero use-of-force incidents prior to the EI program; after the intervention, 50% had zero use-of-force incidents (Walker et al., 2001).

One of the early EI programs from the 1960s to the early 1970s was started within the Oakland police department and was given the name Oakland Police Department Violence Reduction Project (Macintyre, Prenzler, & Chapman, 2008). This EI program was one of the best-documented EI programs. When an officer met the threshold, meaning incidents of conduct to be placed into the EI program which involved violent incidents, the officers had to go before a panel comprised of the officer's peers. There was a review of the officers' actions, which resulted in the conflict. After the review, the officer made a commitment to make changes. Because of the program, there was a noticeable reduction of violent citizen encounters with the Oakland Police (Macintyre et al., 2008).

Australian Victoria Police initiated an EI program in 1996 (Macintyre et al., 2008). A review of the program showed that complaints against officers in the department decreased by 71.07%. Complaints against officers in the department were beginning to trend upwards, after the EI program the complaints decreased (Macintyre et al., 2008). The Victoria Police Department had calculated the costs of investigating a complaint from a citizen. The cost was on average \$40,105.00. There was a decrease of 86 complaints over eight quarters (Macintyre et al., 2008). Over a two year period, there was an average savings of \$3,269,030.00. The Victoria Police Department initiating an EI program shows it can be effective on citizen complaints (Macintyre et al., 2008).

An in-depth study completed in 1999 showed 27% of police departments had an EI program and 12% were in the process of implementing one, meaning less than 40 percent of large police departments had an EI program (Walker et al., 2001). The study showed if the EI program is administered properly, it could identify negative behavior and behavior worthy of commendation. The study also indicated it significantly reduced citizen complaints against officers (DeCrescenzo, 2005).

The Phoenix Police Department implemented an EI program in January 2004 and is regarded as the best EI program in the United States (Office of Police Integrity (OPI), 2008). Since the implementation of their program, they have seen fewer complaints and frivolous lawsuits. This has reduced the cost associated with lawsuits against their officers and their department.

A law enforcement agency that has an EI program forces a first line supervisor to be involved in officer development. Police managers who have EI programs are reporting the program makes the role of a supervisor stronger (Walker et al., 2006). It is

considered a non-traditional model of supervisory problem solving. If an officer is placed into an EI program, the supervisor will be involved in the process. The role in the EI program enhances the supervisor's management skills (Walker et al., 2006). Officers in departments, especially larger departments, will change assignments. This does not allow a supervisor to know the performance histories of an officer. Having an EI program allows the supervisors to access the EI program database, review, and know the officer's history.

The Police Executive Research Forum (PREF) conducted a study of EI programs (Walker, 2003). In site visits, the PREF team saw departments that did not have a strong EI program. In those programs, some supervisors felt that the EI program was just used to monitor the officers and supervisors. The supervisors believed they were now responsible for looking at a lot of time-consuming data. This has now changed to a more proactive supervision, analyzing data, paperwork and follow-up. New supervisory duties have upper management in law enforcement taking on new skills to improve their supervision. The study showed that law enforcement agencies with strong EI programs helped improve supervision of officers (Walker, 2003). The Pittsburgh Bureau of Police EI program requires supervisors in their department to meet with officers quarterly. The Vera Institute evaluation of the Pittsburgh Bureau of Police discovered that there was a big change in the responsibilities of the first line supervisors (Walker & Archbold, 2013). The Pocatello Police department EI program notifies the supervisor when the officer is approaching their threshold of conduct to be placed in the program. The supervisor is then required to meet with the officer. The PREF study concluded, "It is recommended that supervisors attempt to identify and address performance problems before they

reach a threshold within the early intervention system. This early awareness requires supervisors to observe their personnel's attitude and behaviors" (Walker, 2006, p. 20).

EI programs have also emerged to enhance accountability in police departments. Studies have shown that actions by police, whether the conduct is intentional or unintentional, are likely to result in a civil lawsuit. An example, in 2016, the California Highway patrol settled a civil lawsuit which involved several officers and a supervisor who retaliated against citizen who filed a complaint (Fields, 2011). In 2009, the Oakland California City Attorney's office reported that the city pays on average \$5.7 Million a year to settle lawsuits against police officers (Fields, 2011).

COUNTER POSITION

The implementation and maintenance of an EI program is a difficult challenge. It is very important that a department have a thorough use of a force reporting system and an open and accessible citizen complaint process. If either of these fails, the data in the EI program will not accurately reflect an officer's performance. EI programs are complex mechanisms and must require ongoing attention from the command staff in a law enforcement organization (Walk et al., 2013). Officers make arrests as part of their daily duties. As a result of an arrest, a citizen is going to file a complaint on an officer just because they are unhappy with the arrest, and there is not a basis for the complaint. The purpose of an EI program is to detect possible misconduct before it warrants discipline. The question has been made how early should an officer be placed in the program. Questions arise to what is the data that is going to be used as the threshold to place an officer into the EI program. To be effective, a police department must intervene early enough and use data to be effective to suggest a performance

problem. If supervisors flag officers with excessive legitimate citizen complaints or inappropriate use of force, the system may flag all officers whose numbers may appear from the data as trending up. In doing so, the system may flag an officer who is just having a “tough month.” When the EI program focuses earlier or using indicators of behavior this may cause uncertainty in the system. Being dependent on these indicators may increase the potential of officers to play games with the system (Jackson, Towe, Wagner, Hunt, Greathouse, & Hollywood, 2016).

There is a lack of uniformity in the indicators used in EI program; however, there are some common indicators used such as a use of force report. There is no standardized method of evaluating the information and the actual data collected varies across police departments. Using a single indicator to determine the threshold has been criticized. If this method is used, it needs to be reviewed and weighed by supervisors (Bazley et al., 2009).

The U.S. Department of justice, Office of Community Oriented Policing Services (COPS) published a planning and management guide to setting up an EI program (Walker, 2003). Within the guide, it instructs police departments when setting up an EI program that departments should use more than two indicators when determining the threshold for placing an officer into the EI program. The Phoenix police department tested proposed thresholds to get an idea how it would work. According to Walker (2003), the available evidence showed it met their goals of reducing officer misconduct. There is a new paradigm evolving in EI programs, as they do not just focus on identifying a problem but as a comprehensive assessment of an officer’s performance (Walker & Albert, 2004). Law enforcement organizations today use various indicators,

including use of force, deadly force incidents, citizen complaints, resisting arrest charges, officer involvement in civil litigation, sick leave use, and others that the specific organization believes to be appropriate. EI programs has been a practice with police departments for the past 10 to 15 years. The University of Nebraska at Omaha completed a study in partnership with PREF, and one of the most significant findings is police unions and the rank and file support the EI program (Walker, 2003).

The EI program has become part of a “best practice” within a law enforcement organization. However, there is not any empirical research to keep up with the changes in the system. The EI program is costly, and a large number of resources are needed to operate an EI program (Shjarback, 2015). Because there is a large cost in administering an EI program, it is important that there is evidence the program is working on reducing citizen complainants or use of force incidents (Shjarback, 2015). With all the attention to police departments implementing an EI program, there is not a lot of research done to validate the usefulness in the program, only a limited amount of case studies.

Shjarback (2015) writes that recent research raises doubt about the premise an EI program reduces citizen complaints or use of force incidents. Officers from the Pittsburgh Police Department anonymously reported that once flagged by their EI program, the officers are less proactive and less likely to have citizen contacts (Shjarback, 2015). Some implementation issues warrant additional research. There have been problems that have been documented across police departments in the United States (Shjarback, 2015).

There were case studies on two large police departments with an EI program. An officer was identified for the EI program (Walker & Archbold, 2013). A counseling session with the officer who had a fear of being hit in the face. The officer was referred to training by the supervisor. After the officer received the additional defensive tactics training, the officer's use of force incidents significantly declined. The other case study, an officer worked patrol and identified because of a large number of use of force incidents (Walker & Archbold, 2013). When the officer was counseled, it was determined this officer was having a personal problem with finances. The officer was placed in financial consulting and the officer's performance significantly improved (Walker & Archbold, 2013).

RECOMMENDATION

One of the failures of police personnel practices is focusing themselves on punishing an officer rather than helping the employee (Walker & Archbold, 2013). Law enforcement organizations should want to implement an EI program. The U.S. Department of Justice has completed studies on police departments who have implemented an EI program (Walker et al., 2001). The studies have shown police departments who use the program have seen complainants against officers decrease (Walker et al., 2001). An EI program is an important accountability tool. A police department having an EI program is a form of community policing showing the community a department is making itself more accountable and in turn helps with community relations. Research has shown when a department has an EI program in place complaints against officers are reduced. The Phoenix police department is a perfect example of an EI program that works (OPI, 2008).

Another advantage of having an EI program is it makes supervisors inside the departments accountable. First line supervisor's role changes. The supervisor is forced to be proactive with an officer in addressing potential problems (Walker et al., 2006).

A department when implementing an EI program must make sure that the indicators used is a multitude of parameters, not just using one indicator. Unlike in the past, police departments who have EI programs use a number of indicators. When an officer meets the threshold, there must be a system in place for the first-line supervisor to review the data to determine if the officer needs to be placed into the program.

The EI program is a new law enforcement management tool. There is not a lot empirical research to show if the programs work. There is some evidence that when the programs are put into place and are run properly, they prove to be a great success. One of the most successful EI departments is the Phoenix police department (OPI, 2008).

The U.S Department of Justice has provided a guide to law enforcement organizations on the practices they should take when implementing an EI program (Walker, 2003). Some of the suggestions are to involve all officers from all ranks, utilize outside experts (other law enforcement agencies), and select multiple performance indicators and thresholds (Walker et al., 2006). The way the data is collected is very important. A police department must use databases such as IAPro, EIPro, and Blue Team that specializes in this type data collecting.

Implementing an EI program has the potential to have a substantial impact on a law enforcement organization. The total effect changes the role of a supervisor, changes departmental policy, and the culture of police with new standards of

accountability (Walker, 2003). The implementation of an EI program changes the culture on police departments within, from a practice of being punitive after misconduct to intervening prior to it.

All law enforcement agencies should implement an EI program, as it is a great tool to use in community policing. EI programs show the community that the police department is making itself accountable and showing that a law enforcement agency is able to police itself. Also, an EI program may prevent an officer being involved in an incident of misconduct causing the officer to lose their career. An EI program reduces the number of citizen complaints made against police officers. Law enforcement agencies' community policing strategy should have an EI program. The community an agency serves demands officer accountability, and implementing a strong EI program will serve this purpose.

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