EARLY INTERVENTION PROGRAMS IN LARGE LAW ENFORCEMENT AGENCIES: ADDRESSING AT-RISK BEHAVIOR OF SWORN PERSONNEL

Article

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Introduction

The most important asset any police organization can ever hold is the trust and confidence of the community it serves. Such trust and confidence literally takes years of dedicated work by many people to develop and can be destroyed overnight by actions of just a few. With this in mind, many major city law enforcement executives have collectively spent many sleepless nights contemplating how best to prevent becoming the subject of a nationally covered police misconduct scandal.

In the past decade, many large law enforcement agencies across the United States have been forced to confront the intense public backlash that has resulted from highly publicized acts of alleged police misconduct. Police departments in Los Angeles, Cincinnati, Oakland, New Orleans, Washington DC, Detroit, and several others have all faced such scandals and have struggled to regain the confidence of their communities.

Federal law enforcement agencies have not been immune from such scandals. The Federal Bureau of Investigation (FBI), the Bureau of Alcohol, Tobacco, and Firearms (ATF), and the Border Patrol each have been the subject of intense criticism as a result of high profile cases involving their investigators or managers. As a result of consent decrees and other settlement agreements signed in lieu of litigation, many jurisdictions have agreed to develop and implement some type of early intervention program to help them identify officers that exhibit a pattern of misconduct or other at-risk behavior.

Taken as a whole, these scandals have understandably rocked the public's trust and confidence in law enforcement. Consequently, in June 1999, President Bill Clinton and Attorney General Janet Reno convened a conference entitled, "Strengthening Police-Community Relationships." At this meeting, they brought together 250 law enforcement,

civil rights, government, and community leaders to discuss issues surrounding police misconduct, use of force, racial profiling, and police leadership/management techniques. At the conference, the President personally moderated a panel on police-community relationships and emphasized the need to increase the level of trust and confidence that citizens have for local law enforcement.

One of the key recommendations that came from this conference relating to police leadership and management techniques was to:

> Identify, develop and use performance measures and detection systems (early warning, remedial monitoring, etc.) that reliably disclose to the diverse stakeholders in a timely fashion whether front-line police employees, supervisors and managers are conducting themselves professionally, so that unwanted conduct can be altered and exemplary work can be honored and emulated.[1]

Current Research

With the renewed interest in police accountability issues highlighted by the President's personal appeal to law enforcement, criminal justice researchers have started to focus attention on improved risk management strategies that include comprehensive early intervention systems. The two leading researchers in the field of police accountability have produced the core of the available literature. Dr. Samuel Walker from the University of Nebraska, Omaha and Dr. Geoffrey Alpert from the University of South Carolina have both written books and monographs highlighting early intervention systems. Their work has been used as a starting point for many departments in their attempts to implement an early intervention program.

Their recent research, funded by the National Institute of Justice (NIJ), on early intervention systems reveals that large departments are more likely than smaller agencies to have formal intervention systems.[2] In 1999, NIJ—the research arm of the U.S. Department

of Justice—surveyed 832 local law enforcement agencies to determine what percentage were utilizing or developing some type of early intervention system. This survey of municipal and county police departments (as well as sheriffs' offices) found that in agencies with over 1,000 sworn personnel, 79 percent currently have or are developing early intervention systems. In agencies with between 500 and 1000 sworn personnel, 56 percent have or are developing an early intervention system.

Early Intervention Systems

Early intervention systems (often referred to in the scholarly literature as "early warning" systems) have become the standard method by which police executives identify and track at-risk officers.[3] There are three main elements to such early intervention programs: the selection criteria, the intervention session, and the post-intervention monitoring system.[4] This article will examine some of most commonly used early intervention programs and identify some of their strengths and likewise highlight some of their weaknesses. At the conclusion, a preferred option for implementing an early intervention system will be presented along with a recommended implementation plan.

First, it is instructive to look at some case studies involving the experience of a few agencies around the country to see how successful early intervention programs have been.

Case Studies

Following a series of high profile use of force incidents involving minorities in Maimi-Dade County, Florida in the late 1970s and the early 1980s, the Dade County Commission and the Miami-Dade Police Department implemented a series of police

accountability reforms to help improve the level of trust between the police and the community. In addition to opening up to public scrutiny most of the department's administrative misconduct investigations, the Miami-Dade Police Department also created and implemented one of the nation's first early intervention systems in 1981.[5]

This new program was known as the Early Identification System (EIS) and was used to track officers who received two or more citizen complaints or who were involved in three or more use of force cases in the previous three months. Each month, the Internal Review Bureau (Internal Affairs) compiled a list of the officers meeting the listed criteria and directed the officers supervisors to conduct an informal counseling session with the listed employee.[6] The purpose of the counseling session was assist to assist the employee with identifying problematic behavior and to offer appropriate referrals through the department's Employee Assistance Program (EAP).

The impact of the new system was impressive. It served to not only hold officers accountable for their conduct, it also required that first line supervisors become engaged with at-risk employees at an early stage. Since its inception, the EIS has evolved into a highly sophisticated database that is used by department managers as an important risk management tool.

San Jose Experience

The city of San Jose (population 925,000) is the third largest city in California and the eleventh largest in the United States. The San Jose Police Department has 1403 sworn personnel that serve an approximately 185 square mile area not including many small pockets of unincorporated area in Santa Clara County that are surrounded on all sides by the

city of San Jose. According to the US Department of Justice, San Jose is the safest large city (over 500,000 population) in the United States[7] and has been so for the past ten years.

The police department generally enjoys strong community support and recently received a vote of confidence with the passage of $170 million public safety bond measure.[8] This bond measure will provide funding for the construction of a new police substation in South San Jose that will effectively double the square footage of space available for police operations.

The department currently utilizes an early intervention program that is administered through the department's Internal Affairs Unit, a unit that reports directly to the Office of the Chief of Police. This early intervention model is formally known as the "SJPD Intervention Counseling Program," and has been in existence for over twenty years. Although this program was once considered a cutting edge risk management program, time and recent research have shown that there are several other early intervention programs that would better serve the community.

The existing early intervention system uses as its triggering mechanism only the number of Internal Affairs complaints received during a specific time period. A sworn employee is referred for intervention counseling if he or she receives three or more complaints during any continuous twelve-month period. At the intervention session, the subject officer, along with his supervisor, meets with the Internal Affairs Unit commander and the deputy chief of the officer's assigned bureau.[9] The session is not disciplinary in nature and no questions concerning the involved cases are asked. Rather, the session is designed to explore the possible reasons why the subject officer has received such a high

number of complaints compared to his peers and to discuss strategies to avoid generating such a statistically high number of complaints.

Although this system has been in place for over two decades and has served the department well, it has significant limitations. Because the system is strictly complaint driven, the database lacks the capacity to capture a variety of other at-risk behaviors. These other problematic behaviors often serve as a signal that something is amiss in the employee's work or personal life.

In 2001, the department added a new feature to its accountability protocol with the implementation of the Supervisors Intervention Program (SIP). This program was designed to take early identification and intervention to the next level of accountability. The idea for this enhancement was conceived by then-San Jose Police Chief William M. Lansdowne in response to the Oakland PD "Riders" scandal. In that case, four officers were prosecuted for corruption related offenses including falsifying police reports and planting evidence.[10] During the investigation of the case, it became apparent the officers' supervisor was aware of at least some of the alleged misconduct yet failed to properly investigate the allegations or otherwise act on the information.

In the SIP, supervisors with subordinates that receive a combined total of three or more misconduct complaints during a six-month period are automatically referred to a meeting with their chain of command up to and including the deputy chief of the supervisor's assigned bureau. This program, similar to the Intervention Counseling Program, uses only the number of misconduct complaints as a basis for the threshold for referring. The SIP program has improved supervisory accountability; however, ultimately it suffers from the same limitation as the Intervention Counseling program as it is strictly complaint-driven.

In light of this limitation, the Intervention Counseling and Supervisor Intervention programs need to evolve from their current design. The failure to do so will likely lead to the following scenario. There will be a high profile misconduct case where it will be shown that the subject officer will have exhibited several documented at-risk behaviors, although none of which became the subject of a misconduct complaint. As such, the involved officer/supervisor would not have met the criteria for early intervention counseling and thus would not necessarily have come to the attention of department management. This will also likely result in the department facing a negligence claim for failing to adequately supervise the subject employee and the allegation that the department "knew or should have known" that the officer was likely to engage in alleged misconduct. Finally, the department will likely lose a well-trained employee to termination or resignation, and it is quite possible that if identified sooner, the employee could have been referred to appropriate counseling and he could have salvaged his career.

The Enhanced Intervention Counseling Program

An alternative strategy to address the limitations of the Intervention Counseling Program model is to include referral criteria other than just misconduct complaints. These additional criteria could include any of the following: use of force incidents, on-duty vehicle collisions, being named as a defendant in civil litigation against the city, tardiness, and sick leave usage. This strategy is attractive because it uses as its foundation the existing database that has been in existence for many years. This archive of historical data can be extremely helpful and no data need be re-entered into the system.

Next, the relevant question becomes which data points to track and how many of each should be required to make a program referral. The development of these so called "threshold criteria" are critical as they constitute the department's warning bell level at which the agency feels that additional attention is warranted.

Threshold Criteria

The most challenging task in creating any early intervention program is the development of the threshold criteria used to determine which officers get referred into the program. Specifically, the question of how many and what combination of data points should trigger an intervention with the involved officer needs to be determined.

The most effective method of identifying the appropriate threshold criteria is to convene a group of representatives from all of the stakeholder groups (POA, supervisors, command officers, city attorney, line officers) and discuss at what level should the department intervene with an employee exhibiting at-risk behavior. Ultimately, the agency executive should determine the threshold criteria; however, the stakeholder discussions will be extremely helpful to the chief when balancing the needs of the employee with the needs of the organization.

Conclusions

It is clear that early intervention programs are fast becoming an essential part of any large law enforcement agency's risk management protocols. What is less clear and deserves careful study by those interested in using such programs are the significant implications associated with implementing such programs. Based on the latest research in the field and on

the first-hand experience of those agencies that use such systems, there are many pitfalls that await even the most savvy police administrator who seeks to introduce an early intervention program. High costs (both developmental and operational), system maintenance, data integrity, union objections, difficulty in developing threshold criteria, and adverse impacts on officer morale are all critical issues that need to be addressed prior to implementing such programs.

Among the early intervention systems currently in use, the type that seems to be the most cost-effective and easiest to maintain are those that feature eight to ten data points and are administered in the Internal Affairs Unit. With each passing year, more and more software vendors are developing and marketing off-the-shelf programs that can be customized to track a variety of data points as determined by the purchasing agency.

It is also likely that the California legislature will soon act to impose a requirement that agencies enact such programs (Assembly Bill 1119 –Wesson). With this in mind, it would be advantageous for agency executives to develop their own early intervention systems that fit their own needs rather than to have such a program imposed on them from Sacramento.

Recommendations

As early intervention programs have become a necessary part of any large law enforcement agency's risk management strategy and protocol, it is recommended that: The chief executive should immediately convene a working group tasked with researching which model would work best for their jurisdiction. The chief executive should then

reinforce the need for such programs by incorporating remarks about the program into their speaking events and during their daily discussions with subordinate officers.

Once the appropriate early intervention model is chosen, the chief executive should designate the commander of Internal Affairs as the program coordinator and direct this person to convene a meeting of the key stakeholders. The IA commander should then seek consensus from the stakeholders on what the appropriate threshold criteria should be for referral to the program.

A detailed implementation plan, including a multi media marketing strategy should then be presented to the chief executive for approval. Once approved, the program should be implemented for a one-year test period. At the conclusion of the test period, the IA commander should track the complaint histories of the referred officers and seek feedback from the stakeholders. The IA commander should then recommend appropriate changes, if any, to the chief executive. The new program should be implemented on a permanent basis.

Early intervention programs have proven to be effective in tracking at-risk behavior by sworn employees. Every major city police department should have such a program and invest the necessary resources to ensure that it is properly utilized and maintained.

NOTES

[1] U.S. Department of Justice, *Attorney General's Conference: Strengthening Police-Community Relationships: Summary Report*, Appendix pp. 4-5, Washington, DC, June 1999

[2] U.S. Department of Justice, Office of Justice Programs, National Institute of Justice. *Early Warning Systems: Responding to the Problem Police Officer*, pp. 1-2, Samuel Walker, Geoffrey P. Alpert, and Dennis Kenney, from the series National Institute of Justice Research in Brief, July 2001.

[3] As the scholarly literature treats them as synonymous, "early intervention" and "early warning" systems are used interchangeably throughout this paper.

[4] Samuel Walker. *Police Accountability*: *The Role of Citizen Oversight*, p. 172, Belmont, CA: Wadsworth Thompson, 2001.

[5] U.S. Department of Justice, Office of Justice Programs, National Institute of Justice. *Early Warning Systems: Responding to the Problem Police Officer*, pp. 1-2, Samuel Walker, Geoffrey P. Alpert, and Dennis Kenney, from the series National Institute of Justice Research in Brief, July 2001.

[6] Ibid, p.4.

[7] City Crime Rankings: Crime in Metropolitan America, 9th Edition, Morgan Quitno Press, October 2002 (update).

[8] Measure O, March 2002 San Jose citywide election

[9] As a practical matter, only the Deputy Chief of the Bureau of Field Operations (BFO) is involved in the Intervention Counseling and Supervisor Intervention Programs as the vast majority of misconduct complaints arise with personnel assigned to BFO.

[10] William M. Lansdowne is currently Chief of the San Diego Police Department

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