

Best Practices in Early Intervention System Implementation and Use in Law Enforcement Agencies



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About Early Intervention Systems

A law enforcement early [warning and] intervention system is a personnel management tool designed to identify potential individual or group concerns at the earliest possible stage so that intervention and support can be offered in an effort to re-direct performance and behaviors toward organizational goals.¹ The ideal purpose of an EIS is to provide officers with resources and tools in order to prevent disciplinary action, and to promote officer safety, satisfaction and wellness. Generally, an EIS is a central repository or analytic effort where various data and early indicators are collected and used for analysis. While also referred to as early warning systems (EWS) or early warning and intervention systems (EWIS), the use of the term EIS implies the need to go beyond identification of a potential problem or risk to an officer in order to promote well-being. Most now recommend the use of the term Early Intervention System (EIS), as this terminology emphasizes the role of the agency in providing officers with support and resources to address problems at their earliest stage. Key components of EIS systems are identification (selection), evaluation, intervention, and monitoring.

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CALEA Standards

35.1.9 Personnel Early Intervention System

If an agency has an EIS, a written directive establishes a Personnel Early Intervention System to identify agency employees who may require agency intervention efforts. The directive *shall* include:

- a. definitions of employee behaviors or actions to be included for review;
- b. threshold or trigger levels to initiate a review of employee actions or behavior;
- c. a review of identified employees, based on current patterns of collected material, that is approved by the agency CEO or designee;
- d. agency reporting requirements of conduct and behavior;
- e. documented annual evaluation of the system;
- f. the responsibility of supervisors;
- g. remedial action; and
- h. some type of employee assistance such as a formal employee assistance Program, peer counseling, etc.

As part of CALEA's standard on EIS, commentary suggested that "the failure of the agency to develop a comprehensive system can lead to the erosion of public confidence in the agency's ability to investigate itself, while putting the public and agency employees in greater risk of danger." However, it cannot be overstated that the goal of an EIS is to be helpful and supportive of officers as opposed to using it only as a disciplinary tool, as many have cautioned against using EIS as a punitive measure, as it is contrary to its purpose of being pre-disciplinary. Like other resources in organizations, agencies put a lot of time and investment in human resources and as such, have an obligation to ensure that they are providing every reasonable means for its personnel to be successful, healthy, and safe.

An EIS as Part of an Overall Performance Management System

Performance management systems (not to be confused with performance management software systems or EIS) consist of a range of managerial activities and responsibilities including setting organizational goals and standards, communicating those standards, providing ongoing training and knowledge as well as development of skills and abilities, monitoring individual and organizational performance, establishing accountability,³ implementing disciplinary action where necessary (and commendations where appropriate) and providing feedback to guide, re-direct, or reinforce individual, group, and organizational performance. An EIS therefore, can aid in the management of performance across an array of management activities and responsibilities. However, it is important to note that EIS are not designed to predict poor behavior, but rather to identify officers who may exhibit behaviors indicative of an underlying issue that may be affecting them on the job in order to provide necessary support and assistance and ultimately prevent disciplinary action or termination, and promote officer safety, health and wellness, and success.

EWIS are not "designed to nor can replace the role of front-line supervisors."

As a tool to aid police leadership in carrying out their duty to ensure officers' behavior and performance conforms to organizational standards, an EIS does not function in a vacuum. It is important to emphasize that even since the origin of EIS, their purpose was never to replace supervisors or serve as a tool for predicting misconduct.⁴ The purpose of implementing an

EIS, then, is to provide a means to alert supervisors and/or commanders of potential problems so that they can best manage their officers' performance and guide or assist officers so that disciplinary action does not become necessary; in essence a preventive tool. As such, an EIS is not a stand-alone system, but one that requires ongoing interaction to identify, remediate and/or intervene (when necessary), and monitor potentially problematic behavior, as well as to routinely adjust performance standards to conform to ever-changing organizational goals.

Purpose and History of Early Intervention Systems

The origins of EIS go back to the 1970s. One of the earliest documented systems was that of Kansas City in 1972, and indeed, by the late 1970s a number of agencies had implemented early forms of EIS, most likely with little or no information from other agencies who were developing their own similar systems simultaneously, although most tended to focus on just a few categories of performance such as use of force and public complaints.¹⁰ However, recognizing the responsibility of agencies to prevent problems and ensure the health and safety of its officers, many departments today rely on many other early indicators of underlying challenges or circumstances affecting officers, with some even capturing indicators of exemplary performance such as commendations and awards.

Data and Functioning of EIS

An EIS allows police management staff to identify performance indicators of interest. There are many common performance indicators¹³ that have been included in such systems, these can be identified, selected, or developed depending on whether a system is being developed internally, purchased from a vendor, and/or tailored by a vendor. In **Table 1** below, we provide a number of these indicators compiled from various sources, along with possible considerations in evaluating each. These considerations may take the form of underlying issues such as life circumstances, need for additional knowledge or skills, or personal problems and the need for support to get through life's challenges including exposure to excessive stress. In all cases, these are just some of the possible considerations and they may or *may not* be relevant. The list below is not exhaustive; others have suggested additional categories such as notices of intent to sue an agency that are associated with officer behavior, habitual tardiness, excessively risky behavior (personality characteristic) that could lead to safety risks, excessive overtime usage (may signal a financial problem), dog bites (may reflect need for training in dog behavior), or reports of complaints from prisoners (especially jail personnel)¹⁴, among others.¹⁵ While there are no minimum number of indicators recommended, the more potential indicators that can be identified and captured in the system, the more likely it is that an agency will be able to detect training deficiencies, challenging personal circumstances, excessive stress, underlying medical conditions (e.g., sleep disorder, diabetes, etc.), safety risks to officers, and the like. It is important that an agency focuses on capturing pre-disciplinary indicators, as opposed to things like excessive force, and therefore subject to disciplinary processes. Remember this is early intervention and prevention, not a disciplinary tool.

Best Practices in Early Intervention System Implementation and Use in Law Enforcement Agencies

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Table 1. Performance indicators and considerations

Performance category	Possible considerations
Arrests, especially excessive 'discretionary' arrests	<i>May</i> signify underlying bias of officer or over-zealousness; or could be due to agency reinforcement of arrests as a "good statistic" (therefore an agency-level problem)
Assaults on police officers	<i>May</i> reflect more aggressive verbal or physical behaviors by the officer or inability to recognize volatile persons.
Civil litigation against the officer	<i>May</i> be reflective of inappropriate behavior, or a pattern of excessive force or unjust treatment, perhaps civil rights abuse
Community complaints of abusive behavior or unwarranted use of force	<i>May</i> signify lack of empathy, aggressiveness, speaking or behaving in an unprofessional manner, or failure to treat person with respect and dignity, or listen
Failure to appear in court	<i>May</i> signify improper citations, neglecting duty, or illness
Internal complaints by peers	<i>May</i> signal inability to work with peers and/or communication problems
Injuries to officers and/or citizens	<i>May</i> be indicative of unsafe acts or use of unnecessary force
Number of shootings/weapons discharges ⁱ	<i>May</i> signify over-zealousness or aggressive tendencies; may indicate insufficient training, improper handling of weapons, or poor training
Off-duty employment	<i>May</i> uncover a financial problem and underlying cause, e.g., family member serious illness, etc.
Resisting arrests indicated in reports	<i>May</i> reflect more aggressive verbal or physical behaviors by the officer that lead the person to resist, or may indicate lack of perceived legitimacy or procedural justice by resident due to media coverage
Sick leave (excessive or abuse of)	<i>May</i> reflect job dissatisfaction, depression, lack of job commitment, hostile work environment, or ongoing physical or emotional challenge (addiction, divorce, etc.). More concerning where greater instances occur, like 12 separate days (one per month) versus a 12-day leave due to one illness.
Traffic stops	<i>May</i> highlight concern over bias if indicative of profiling, may be due to agency reinforcement of arrests as a "good statistic" (therefore an agency-level problem).
Use of force by type (e.g., baton, pepper spray, gun, etc.)	Limited use of less lethal <i>may</i> indicate underlying fear or lack of confidence in ability to resolve encounters with a minimal amount of force. <i>May</i> uncover overly aggressive tendencies, lack of verbal ability, lack of skill or training in de-escalation.
Vehicle/property damage	<i>May</i> signify lack of respect for property, lack of attention, carelessness, unsafe actions, e.g., bumping a standing object, etc. ⁱⁱ
Vehicular or foot pursuits	<i>May</i> signify over-zealousness or improper procedures
Vehicular crashes ⁱⁱⁱ	<i>May</i> signify lack attention, carelessness, unsafe actions, e.g., speeding, failure to follow proper procedures, etc.
Warrantless searches and seizures	<i>May</i> undercover biases or assumptions about the "types of people" who carry drugs, etc.

ⁱ May also include accidental discharge, animal shootings

ⁱⁱ An anecdote from a housing authority police department suggested that certain officers were more likely to have rocks thrown at their cars, because residents didn't respect that officer.

ⁱⁱⁱ Some refer to these as "accidents" but today error schemes classify auto accidents as crashes/collisions as there is usually an underlying cause. According to Jeff Larason (Director of Highway Safety for Massachusetts) noted that "At least 28 state departments of transportation have moved away from the term 'accident' when referring to roadway incidents." (NY Times, May 22, 2016). Even the British Medical Journal has banned the use of "accident" in defining medical error, because errors are preventable, see: Davis, RM & B. Pless. BMJ. 2001;322(7298): 1320-1321.

Best Practices in Early Intervention System Implementation and Use in Law Enforcement Agencies

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Functioning of an EIS

The most important functions of an EIS are flagging capacity, evaluation of situational factors, time parameters, and documenting remedial actions, tools or resources provided, and/or monitoring steps taken. In addition, an EIS should have the capacity for examining not only individual and group performance, but performance of supervisors as well.

Flagging mechanisms. Within each performance category, agencies can set ranges of acceptable performance (also known as “tolerance” or “threshold” levels). By setting these parameters, police managers will be alerted or “flagged” when performance of individual officers or groups of officers signify a need for review or possible intervention. The goal of such standard setting is to identify the point at which the system should provide an alert to supervisors and command staff that someone has (or a group of officers have) reached a predetermined level, i.e., exceeded (or in some cases fallen below) an acceptable threshold indicating potentially problematic behavior. The system should allow the flagging to be set using relevant comparison groups such as within specialized units, shifts, or divisions whose standards need to be different (e.g., perhaps higher arrest rates are acceptable during the evening or night shifts than on the day shifts, or for certain specialized units like drug interdiction, warrant service, SWAT, etc.).

Importantly, there should not be a uniform set action for any particular flag or alert provided by the system, and the standards may vary by groups. In all cases, any action should be preceded by an administrative review by a supervisor and/or commander (or an established review committee) to evaluate the circumstances that gave rise to the alert. However, being flagged alone does not necessarily represent poor or improper behavior; it may be that an officer was out for a prolonged period due to a surgical procedure, or a drug interdiction unit obtained numerous complaints based on a properly executed warrant on a drug house.

Typically, the flags are based on agency-established raw numbers of events over a specified time period (e.g., two use of force incidents in one year, etc.). However, in some cases, the thresholds are established using ratios or standard deviations,^{18, 19} the latter of which mathematically demonstrate a significant deviation from the average of their established peer group, as was the case with the Pittsburgh PARs system²⁰ and the Phoenix PAS system.²¹ Defining the comparison group is not without complications because simply assuming that those on the same shift are similarly situated may not be a complete or fully accurate comparison. In addition, it has been argued that far too many officers are identified with EIS, creating “false positives.” In fact, many agencies use a criterion of one “incident” as the flagging parameter for some performance categories or comparison groups, which increases the rate of false positives. To counteract that, a different form of benchmarking that uses a variety of statistical techniques has allowed for the creation of more specific and accurate benchmarks or comparison peer groups although it has been applied solely to race bias in traffic stops, but has promise in other forms of performance.²² It has recently been argued that “there are advantages to both comparative and absolute approaches to defining thresholds in an effort both to recognize that officers in different conditions will look different from one another.”²³

In some systems, there are multiple levels of flagging, e.g., a “yellow flag” (or similar cautionary terminology) may be established as a standard for supervisors to “be on watch” and assess a situation, whereas a “red flag” may signify the need for, at a minimum, a supervisory counseling session. An important addition may consist of a “green” flagging ability to indicate positive performance such as receiving a set number of commendations, community letters/calls for exceptional service, and the like. In Pittsburgh, for example, the PARS system included positive performance indicators like awards, commendations, and recognition, as required by the consent decree with the U.S. Department of Justice.²⁴

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When an alert or flag has been triggered, the system ideally sends a notification to the appropriate personnel (e.g., a supervisor or commander) which would typically warrant, at a minimum, a supervisory review. Sometimes such a review may result in a supervisor or commander not taking any corrective action (e.g., in the “yellow flag” condition) due to various circumstances, and in other cases, it may require another action such as counseling, guidance, re-training, or simply putting an officer on notice. For example, if there was a series of protests in a city, and an officer made a number of arrests that exceeded a standard threshold, an agency may determine that such a circumstance was unusual or not representative of everyday duties, and so may decide to “continue to monitor” but not provide any specific intervention.

In addition to standard setting for any particular category, another possible function of EIS is to provide a means for identifying officers who don't exceed any particular threshold, but across a number of categories, come close to the threshold. A particular underlying problem may manifest across an array of performance categories but may otherwise be missed. In an early system created by the National Police Foundation,^{iv} their EIS had the capability to allow weighting of different performance categories differently (sick leave abuse may have been a lower risk value but use of force/excessive force may have been assigned a higher value). Then a calculation could be made across the entire range of performance indicators, or a select number of indicators, thereby providing flagging of those officers who may be ‘at risk’ of exceeding thresholds in any number of categories perhaps signifying a temporary personal problem or other underlying cause that would normally allow the officer to run under the radar.

Evaluation of situational factors. A key step in the process of performance management is the supervisory review of the “alert” or “flag.” In some cases, this may be done by individuals, but in some agencies the alerts across personnel are reviewed by a team. For example, Pittsburgh's initial early warning system required regular meetings of the command staff to discuss each alert generated by their EIS. Typically, they would discuss (briefly) over 100 alerts per meeting, but most exceptions were explained away and only a couple resulted in consequences for the officer. In essence, the discussion of situational factors often revealed that no remediation was necessary. A common critique of such systems is that they are more likely to “flag” highly active officers and ignore those who fail to engage in many circumstances. This is why the evaluation is so important, as officers who have more engagements are likely to have more alerts.

Time parameters. Another important feature for EIS is the ability to set thresholds based on time period. Depending upon the category of performance, different time parameters may be warranted, e.g. perhaps an agency wants to be flagged when an officer exceeds a certain number of use of force incidents in a three-*year* period, yet for another category such as sick leave, they want to be alerted when officers have booked off sick more than four times in a three-*month* period. This raises another concern, when setting thresholds for sick leave, agencies should consider whether they are interested in total occurrences (4 individual sick days spread apart by a week each) or total days (1 occurrence but over 4 consecutive days), with the former more likely to be representative of a pattern of sick leave abuse. In addition, in a highly flexible EIS, supervisors or commanders should be able to use time parameters to run separate reports on an ad hoc basis and not only rely on the EIS for flagging. For example, in conducting individual performance evaluations, a supervisor might want to look at the last six months of an officer's performance across all of categories to aid in the evaluation, if the use of the EIS is to be fully maximized as part of an overall performance management system.

^{iv} Known as the Risk Analysis Management System (RAMS) and Quality of Service Indicator (QSI).

Documentation of supervisory/command review and associated remedial actions. An EIS should have a supervisory and command staff module for tracking when an alert (yellow flag, red flag, or other terminology) has been made, that will require a supervisor and/or commander to note the date of review of the information leading to the alert, and whether he/she (or a committee) recommended or took any action(s), and if so, what those actions were (e.g., supervisory meeting/counseling session with officer, recommended or referred to counselor, provided and reviewed policy, recommended re-training, fitness for duty evaluation, etc.) perhaps from a dropdown list or using checkboxes that allow for multiple options to be selected. This serves as a trail for subsequent monitoring and intervention, as well as managing overall performance and/or conducting performance evaluations by putting an officer “on notice” or providing necessary resources to help remediate any problematic performance. In some cases, a standing committee may review performance of flagged officers.

Who needs to be monitored? While many assume EIS are restricted to evaluating line officer performance, agencies should use such systems to monitor performance of its supervisors as well. For example, it is possible that performance problems are occurring under a particular supervisor. As such, an EIS should have the capacity for commanders to examine performance under particular supervisors. While there are probably several ways this can be done depending on the system itself, it is important that this function be provided solely to command staff (under separate system authorizations or user passwords). Such an approach will allow command staff to follow the performance of those under their command, and this could apply to various ranks such as sergeants and lieutenants. This function will allow for agency level accountability and create a mechanism for monitoring supervision. In doing so, the agency may want to include other performance indicators for supervisors such as meeting deadlines, making appropriate referrals, and the like. It was reported for example, that under the New Orleans system, supervisors could be held accountable for their subordinates’ behavior.²⁵

The Managerial Function in EIS Implementation

In order to ensure the ability to manage individual, group, and organizational performance, the agency is tasked with capturing historical data, setting standards within each of the performance categories. Additionally, an organization should establish policy around the use of the EIS and develop training on proper use of the system consistent with organizational objectives. Finally, law enforcement leaders should provide access to proper resources and support for officers in order to improve their performance and/or reduce risks to their safety and wellness. Additional managerial and leadership guidance can be found in the Office of Community Oriented Policing Services’ Guide for Law Enforcement Chief Executives.²⁶ Supervision and Intervention within Early Intervention Systems: A Guide for Law Enforcement Chief Executives

Capturing historical data. Data to be captured will only be immediately useful if some historical data are uploaded into the system. For this reason, agencies should consider how it will go about uploading data from prior years (perhaps one to three years in order to benchmark and for which to compare current data). This may be achieved internally through an integrated system or may require electronic downloads or writing of scripts to transfer the data. It may also be included as part of the vendor agreement, although agencies purchasing new systems should ask the vendors what would be involved in uploading past years’ data and the associated timeline and costs.

Setting performance standards and thresholds. There are no nationally established or accepted standards for setting thresholds across a range of performance indicators; therefore, agency leaders must take time to consider what is acceptable within their agency using past data, such as behavioral indicators of performance problems, along with solid reasoning and performance expectations consistent with local policy and standards. One process for setting the standards and thresholds is through an agency committee established for this purpose; one example of this is the “Indicator, Deviation and Threshold Levels Committee” as recommended by the San Diego Police Department.²⁷

Establishing an EIS Policy. An effective EIS Policy would outline the purpose for the system, the data being captured in that agency, appropriate supervisory and command staff responsibilities and remedial options under the agency’s established thresholds, when any case needs referral up the chain of command. Also, any established requirements for documenting flags and supervisory/commander review and/or remedial actions taken should be part of the policy. In developing such a policy, it is important to work with the local union(s) or association(s) to ensure that they are comfortable with the policy, (e.g., assuming it is designed as a non-disciplinary tool, does not relate in any way to the disciplinary practices, etc.).

Training on the use of the EIS. Agency leaders should ensure that all command and supervisory staff receives initial training on the functions of the system (provided by the vendor or internal IT staff), as well as the role of EIS in supporting a broad-based performance management system. It is important that staff understand the various discretionary steps that could be provided as described below. It is also important that supervisors and commanders are discreet in their interactions with these officers, as in some cases, there may be an underlying personal circumstance or situation that is temporarily affecting that officer’s performance, and supervisors should be advised to use discretion in their actions, while following policy and procedures set for disclosure to commanders. This can protect the reputation of the program as being preventive and non-disciplinary, as anecdotal evidence suggests that word often gets out about those flagged in such systems, and they are seen as “bad boys.”²⁸

Figure 1. Possible Interventions after Individual has been “Flagged” in EIS

- Fitness for duty evaluation
- Formal supervisory meeting (‘put on notice’ or review departmental policy)
- Informal supervisory meeting and guidance (empathetic, e.g., “is there something I/we can do to help you?”) and/or mentoring
- Referrals to:
 - 24-hour hotline (suicide prevention or similar)
 - Employee assistance program (EAP)
 - Evaluation by departmental psychologist
 - Family therapist/practice
 - Financial counseling
 - Fitness for duty evaluation
 - Medical doctor
 - Mental health organizations/providers
 - Peer counseling or support
 - Rehabilitation services (addictions, physical injuries, etc.)
 - Sleep specialist
 - Stress reduction program(s)
 - Training division for specialized training/re-training

Ensure proper resources are available. In order to support officers in effectively meeting the standards of their jobs, agency leadership has the responsibility of ensuring that personnel have access to resources. These may any number of interventions such as training, counseling, peer support, etc. (See Figure 1), and importantly ensure that supervisors are trained and equipped to recognize warning signs and provide referrals for services, as well as monitoring (e.g., checking in with officer periodically, depending on the type of performance problem or underlying circumstance). It is also helpful if the agency would provide a list of available community resources for obtaining such services, and ensure they have sufficient training staff capable of providing individualized training when necessary.

Summary of Research on EWS in Law Enforcement

In a nationwide survey of about 1,800 residents from large U.S. metropolitan areas^{vi} researchers found that 75% of white respondents and 80% of Black and Hispanic residents favored the use of early warning systems as an accountability mechanism within police agencies.³⁰ While research on EIS is quite limited, initial research funded by the National Institute of Justice, and carried out in three big city police departments demonstrated that EI systems were effective in reducing citizen complaints and use of force incidents among those officers who were subjected to intervention, as well as in re-defining the role of supervisors, and even had the capacity to identify units that had high levels of unacceptable performance, thereby having implications for evaluating supervisory of command level performance.³¹ At the same time, others have found that EIS are not always effective with more serious offenders or more serious abuse, where disciplinary action is necessary.³²

Other researchers, however, have noted that officers' activity levels such as complaints and use of force have been shown to decline over time regardless of EIS interventions. Instead, their contention is that these declines may not necessarily be due to interventions from the EIS, and rather may be the result of officer experience, broader reforms, and even temporary 'abnormal spike[s]' in indicators that would likely return to normal levels in a relatively short period of time anyhow.³³ Additionally, the LAPD's inspector general found that the system "was seemingly ineffective in identifying officers who were ultimately fired."³⁴ Despite these criticisms, however, it is important to reiterate that EIS are not designed to be predictive of serious misconduct or disciplinary action, as they are independent from the disciplinary process."³⁵

The Role of EIS in U.S. DOJ Consent Decrees & MOUs

The U.S. Department of Justice (DOJ) was granted the authority to investigate and litigate cases involving "a pattern or practice of conduct by law enforcement officers" that violates federal or constitutional rights. As part of the reform efforts by the DOJ, EIS are a "consistent feature" of their Memoranda of Understanding and/or Consent Decrees. Under these agreements, not only does DOJ urge the use of the systems but also requires leadership and supervisors to analyze the patterns that emerge, address them, and enhance accountability of individual officers.²⁹

Considerations in Selecting EIS Vendors

In a nationwide survey of information technology managers about rapidly evolving technology, researchers validated a number of areas where challenges are greatest, two of which are directly about vendors: *vendor neglect* (some vendors have insufficient experience with their own products, and limited ability to contribute to the integration of

^{vi} Those with of 100,000 or more population.

their own products with those of other vendors) and *vendor oversell* (vendors may release their products before they are stable and/or describe their products with excessive enthusiasm).³⁶ A full list of challenges (problem types) with implementing technology is provided in **Table 2**. As such, agencies selecting vendors would be well served by considering various strategies to counteract these challenges such as contacting vendors' existing customers, considering the length of time the product has been on the market and the amount of beta testing done prior to its release, the number of sites where the technology is currently being used, how long the IT professional assigned to work with you has been with the vendor and also in IT sales, service, and development (especially), the level of support provided and how support calls are handled, the vendor's experience with interfaces and interconnectivity, the ability of users to query the system and run reports or if a vendor only provides canned reports and/or tailors necessary reports (in which case, pricing for such reporting or add-on functions should be obtained in advance).

Table 2. Problem Types³⁷

<i>Vendor Neglect:</i> Insufficient experience, knowledge, or problem determination ability for suppliers of IT
<i>Vendor Oversell:</i> Premature marketing or the setting of unrealistic expectations by suppliers of IT
<i>Acquisition Dilemma:</i> Difficulty staying informed about or choosing new IT
<i>Support Burden:</i> Lack of external expertise about, control over, or IS organization structure to properly administer new IT
<i>Resistance:</i> Disagreement about use, or reluctance to accept new IT
<i>Cascading Needs:</i> Unanticipated need for or dependence on new IT
<i>New Integration:</i> Incompatibility or need for interfaces between multiple Its
<i>Errors:</i> Inadequate documentation of or shortcomings in new IT
<i>Training Demands:</i> Steep learning curves, diminished productivity with and difficulty retaining staff experienced in new IT

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Experts have noted that few technology solutions ever come in on time and within budget. For example, in a study published in Harvard Business Review, researchers studied almost 1,500 IT projects and found that on average they came in 27% over budget. Furthermore, about one in six projects averaged a 200% cost overrun and a schedule overrun of almost 70%.³⁸ As such, purchasers should consider establishing language in contracts to set very precise timelines and possibly even financial penalties to vendors who do not meet the specified time line.

Agencies should be cautious about the financial terms established via contract to ensure that all functionality (flagging, monitoring, documenting remediation, report generation, etc.), data fields to be captured, and other specifications are part of the overall pricing and do not become add-on costs. In many cases, vendors will indicate that the system can capture certain indicators, when it does not presently do so, without disclosing that if an agency obtains the system, the inclusion of those would be at a cost. They also will affirm functions that the system 'can do' again without noting the additional costs associated with such functions or data fields. It is very important that agencies get the full specifications included in the system's base price and match it to their own specifications or needs.

Promising Practices

System Development

1. Capture as many EARLY indicators as possible instead of disciplinary actions taken against officers. These should include, at a minimum sick time and injuries, damage to vehicles, discretionary arrests (vs. citations), reductions in activity, complaints by peers or community members, uses of force (especially when less lethal options were possible), and positive indicators.
2. Create or purchase a FLEXIBLE system that allows the agency to set and change baselines for review, identify relevant peer groups for comparison, run reports useful for internal purposes, and especially to document and track support provided, as well as follow-up actions with identified officers.
3. Any appropriate EIS will have at a minimum the ability to flag or select individuals that may have surpassed thresholds within a category.
4. Include fields that require supervisors to note what resources were offered, and when, and any responses from officers that may explain the circumstances or conditions (e.g., officer noted that he/she did not get to attend a particular training, etc.)
5. When considering various EIS vendors, be sure to avoid pitfalls such as failing to fully understand what data fields, functions, and reporting options are offered by the system. Consider mechanisms to ensure the project is completed on time and within budget.

Managerial

1. Make the EIS part of an overall management system, where supervisors and commanders have primary responsibility for ensuring the proper performance of their personnel.
2. Provide training to all supervisory and command personnel on the operational aspects of the EIS, as well as the managerial responsibilities, and personnel management considerations.
3. Ensure continual policy review and training whenever policies change.

Supervisory

1. Take responsibility for ensuring the proper performance and well being of your personnel.
2. Never use the system as a disciplinary tool, but rather use it to proactively shape and encourage good performance and ensure officer and civilian staff safety and wellness.
3. Provide sufficient referrals or resources to assist the officer in getting back on track. While the agency should develop the resources (e.g., peer or mental health counseling, financial counselors, rehabilitation, etc.), these can only be helpful to officers if you provide it to him/her at the time of your meeting to discuss the indicators.

Policy

1. Develop a policy for system implementation, usage, and roles and responsibilities.
2. Ensure all supervisory and command staff are full trained on the policy

Key Myths About EIS

Myth #1: An EIS is just another disciplinary tool. While often misunderstood as disciplinary in nature, EIS actually allow early *proactive* intervention (e.g., supervisory guidance, training, raising officer awareness, etc.) so as to avoid unnecessary disciplinary action and re-direct behavior and performance towards agency identified standards.

Myth #2: Once an agency has acquired or developed an EIS, their job is over. It cannot be overstated that an EIS is simply a tool to use as part of a performance management system that requires ongoing monitoring and intervention.

Myth #3: Having an EIS will automatically reduce an agency's liability. While it is true that a properly managed EIS may aid in reducing agency liability, an EIS does not create an automatic shield from liability; in fact, by implementing an EIS, an agency has increased its capacity to identify risks or identify problem officers. As such, it becomes incumbent upon agency leadership to act upon the informational triggers. This does not mean that having no system makes an agency less vulnerable to liability. Having an EIS and then not acting upon the information may render a finding of "failure to act."

Myth #4: A lazy officer will never be flagged by the system, and instead it will focus on those who are actively engaged in the job. While this could be the result of an improperly implemented EIS, an EIS should have the capacity to flag those whose levels of performance are lower than their peers, e.g. someone has not issued a citation in six months despite being in a patrol position. This is particularly important now that concerns over "de-policing" (whether it is occurring or not) continue to be leveled at agencies. Clearly, failure to carry out one's duties is also an important consideration. In a study in Pittsburgh, Davis and colleagues found that some officers expressed slowing down activity at work after consent decree accountability reforms, with 79% indicating that they were less proactive as a result.³⁹ Of course, these included many other measures beyond the EIS. Nevertheless, agencies must guard against the concern that an EIS is more likely to unfairly punish 'active' officers and ignore those who do not engage in their jobs fully.

References and Recommended Reading

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