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FINAL REPORT

RESPONDING TO THE PROBLEM POLICE OFFICER:

A NATIONAL STUDY OF EARLY WARNING SYSTEMS

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FINAL REPORT *Archive*

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declares that an EW system is not just a system to focus on problem officers [emphasis in original].[1] It views an EW system as a "proactive management tool useful for identifying a wide range of problems," including "inappropriate supervisory instructions to officers" and other management issues.[2]

EW systems are analogous to COMPSTAT and similar recent innovations in policing. COMPSTAT is an administrative tool utilizing timely data on criminal activity through which precinct or area commanders are held accountable for crime in areas under their command. Just as COMPSTAT is based on the systematic collection, analysis, and utilization of crime data, so EW systems rely on the systematic collection, analysis, and utilization of data on problematic performance by individual officers.

The growing popularity of EW systems as an accountability measure raises questions about their effectiveness. To date, however, very little has been written on the subject [3] This report discusses the concept of EW systems, explores the principal issues related to the management and evaluation of EW systems, and reports the findings of both a national survey of the prevalence of EW systems and case studies of EW systems in three police departments (Miami-Dade, FL, Minneapolis, MN, New Orleans, LA).

The Problem Officer: Empirical Evidence

A growing body of evidence indicates that in any police department a small percentage of officers are responsible for a disproportionate share of citizen complaints. The 1991 Rodney King incident heightened national awareness of the phenomenon of the problem officer. The

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In New Orleans, we would like to thank Superintendent Richard J. Pennington for agreeing to participate in this study. Major Felix Loicano, commander of the Public Integrity Division gave us full cooperation during all phases of the study, and deserves particular thanks. Sergeant Richard Drouant who has direct responsibility for the PPEP program was also very generous with his time and ideas. Lt. Carol Weigand was also very helpful in explaining the PPEP program. Barry Fosberg went to great lengths to obtain difficult to obtain data for us. We would also like to thank various members of the community, who prefer to remain anonymous, for taking the time to share their observations on policing in New Orleans with us.

At the Police Executive Research Forum, Tara O'Connor Shelley assumed principal responsibility for the national survey of law enforcement agencies. We would like to thank her and her assistants for doing an excellent job.

We would like to thank the anonymous reviewers who reviewed the draft report for the National Institute of Justice and who made a number of helpful comments.

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PART ONE

EXECUTIVE SUMMARY

I. THE CONCEPT OF EARLY WARNING (EW) SYSTEMS

An Early Warning (EW) System is a data-based police management tool designed to identify officers whose behavior is problematic, as indicated by high rates of citizen complaints, use of force incidents, or other evidence of behavior problems, and to provide some form of intervention designed to correct that performance. An EW system is "early" in the sense that a department acts on the basis of performance indicators that suggest that an officer may be having problems on the job but do not necessarily warrant formal disciplinary action. The system "warns" by providing officers with counseling or training designed to address the problematic behavior. The intervention is informal in the sense that it is not itself an official disciplinary action.

EW systems are not simply a response to individual officers but are understood as instruments for raising standards of performance and creating a climate of accountability throughout the department. An IACP report on integrity and corruption control, for example,

1.1

Christopher Commission identified 44 "problem officers" in the Los Angeles Police Department

(LAPD) with extremely high rates of citizen complaints, and observed that these officers were

"readily identifiable" on the basis of existing LAPD records.[4] Investigative journalists have found

departments where as few as 2% of all officers are responsible for 50% of all citizen complaints.[5]

Historically, police officers recognized that certain colleagues had serious performance

problems. Yet, this informal knowledge was never utilized in an official way to help those officers

or incorporated into departmental personnel management systems. Herman Goldstein observed in

1977 that problem officers "are well known to their supervisors, the top administrators, to their

peers, and to the residents of the areas in which they work," but that "little is done to alter their

conduct."[6] In 1981 the U.S. Civil Rights Commission was the first official body recommend EW

systems as a response to the phenomenon of the problem officer.[7]

Program Elements

EW systems consist of three basic program elements (Figure 1-1). The selection criteria

are those performance indicators used to identify officers whose behavior is problematic. Some

EW systems use only citizen complaints, while others use a broader range of performance

indicators such as use of force reports and involvement in civil litigation. The intervention phase

generally consists of counseling by an officer's immediate supervisor or a training class for

groups of officers identified by the EW system. The post-intervention monitoring phase involves

the effort a department makes to monitor the performance of officers following intervention. The

monitoring is generally informal and conducted by immediate supervisors, but in some

1.3

Figure 1-1

Early Warning System

PROGRAM ELEMENTS

I. SELECTION CRITERIA

* Citizen Complaints
* Use of Force Reports
* Civil Litigation
* Resisting Arrest Incidents
* Pursuits and vehicular accidents
* Other Indicators

II. INTERVENTION

* Informal Counseling
    (Immediate Supervisor only
* Informal Counseling
    (Immediate Supervisor, and other Command Officers
* Training Class

III. POST-INTERVENTION MONITORING

* Informal review by immediate supervisor
* Informal review by supervisor and other command officers
* Formal observation and documentation

1.5

departments it involves a formal process of observation, evaluation, and reporting.

II. ISSUES RELATED TO EW SYSTEMS

The increased popularity of EW systems raises a number of important issues. Are EW systems effective in achieving their intended goals of reducing police officer misconduct? Do they achieve their goals without any unintended and undesirable effects? Are some types of EW systems more effective than others? What impact do EW systems have on the departments in which they operate? Do they have a "spillover" effect in creating new standards of accountability throughout the agency? Finally, what are the essential management requirements for operating an effective EW system?

III. NATIONAL SURVEY OF EW SYSTEMS

As part of the national evaluation of EW systems, 832 municipal and county police departments as well as sheriff's departments serving populations of 50,000 or more people were surveyed. Usable responses were received from 571 agencies, for a response rate of 69% percent. The response rate was significantly higher for municipal agencies than for sheriff's departments.

1.4

The Prevalence, Distribution, and Growth of EW Systems

The national survey found that EW systems are a significant and growing aspect of American law enforcement. Approximately a quarter (27%) of local law enforcement agencies serving populations of 50,000 or more people currently have an EW system. Another 11.5 percent indicate that one is being planned (Figure 1-2). One-half of the existing EW systems have been created in the past five years (since 1994). Slightly more than a third of all EW systems have been created in the last three years. These data, combined with the number of agencies indicating that an system is currently being planned, suggest that EW systems can be expected to spread rapidly in the next few years.

EW systems are more prevalent among municipal law enforcement agencies than county Sheriffs' Departments. Of those agencies responding to the survey, one-third (32.9%) of the municipal agencies currently have an EW system, compared with 15.8% of the Sheriffs' departments. Another 11.1% of the municipal agencies indicate they are planning a system, compared with 10.8% of the Sheriffs departments. EW systems are most prevalent among large agencies. Among those agencies with 1,000 or more sworn officers, 62% currently have an EW system, and another 12% are planning one. Only 36% of agencies with between 500 and 999 officers have an EW system, with another 20% planning one.

Program Elements

Selection Criteria. The majority of EW systems are managed by the law enforcement

1.6

agency's internal affairs unit. A number of different performance indicators are used to identify officers for the system. Very few (n = 8) systems rely only on citizen complaints. The most prevalent approach involves a combination of indicators, including use of force reports, high speed pursuit reports, involvement in civil litigation, and other indicators. With respect to citizen complaints, most (67.8%) EW systems identify an officer on the basis of three complaints. Another 11% use two complaints. About three-quarters (76%) of systems utilize a 12-month time frame for counting the number of complaints.

Intervention. In most EW systems (62%) the initial intervention consists of a review by the officer's immediate supervisor. Almost half of responding agencies (45%), however, also indicate that counseling by other command officers is also part of the initial intervention. In some agencies the initial intervention involves a combined effort with officers from different ranks. About half of all systems (45%) require identified officers to attend a specialized training class as part of the intervention.

Post-Intervention Monitoring. Nearly all (90%) of EW systems monitor the performance of officers following the initial intervention. About 40 percent monitor officers' performance for 12 months following the intervention. Slightly less than half (46.9%) monitor performance for 36 months. Half of the systems indicate that they have no formal follow-up time period but monitor performance either continuously or on a case-by-case basis.

Cautionary Observations

The responses from the national survey should be viewed with some caution. The

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investigators involved in the national evaluation are personally aware of law enforcement agencies that have claimed to have an EW systems but do not in fact have functioning systems. Moreover, several police departments created EW systems in the 1970s, but none of those systems appears to have survived as permanent programs.[8] Finally, the authors of this report have been informed of changes in the EW systems in two of the three sites in this study. that have occurred following the data collection period. In one instance, the EW system was substantially improved. In the other there is unverified information that the EW system was allowed deteriorate.[9] These cautionary observations lead to one of the principal conclusions of this report: EW systems are complex, high maintenance operations that require considerable, on-going investment of management attention.

IV. THREE CASE STUDIES OF EW SYSTEMS

Research Strategy

This study investigated the EW systems in three police departments: Miami-Dade, Florida, Minneapolis, Minnesota, and New Orleans, Louisiana. The research strategy was designed to address two separate questions. The first question involved the programmatic nature of each of the three EW systems and their respective places within the departments where they operate. The second question involved the impact of EW intervention on the performance of officers subject to intervention.

With respect to the first question, in all three sites, qualitative data were collected on the

1.8

nature of the EW systems through a review of official documents and interviews with key stakeholders. These data yielded as description and assessment of the formal structure and administrative history of each EW system along with an assessment of the place of each EW system in the larger processes of accountability with its department.

With respect to the second question two different research strategies were employed.. In two sites (Miami-Dade and Minneapolis), demographic and performance data were collected on a cohort of all officers hired in certain years. The performance data included citizen complaints, use of force reports, reprimands, suspensions, terminations, commendations, and promotions. Other data were collected as available in each site. The backgrounds and performance records of the EW and non-EW officers were analyzed to determine if there were significant differences between the two groups. The performance records of the EW officers were analyzed for the periods before and after EW intervention to determine the impact of intervention on citizen complaints and other indicators of problematic behavior. The analysis controlled for assignment to patrol duty on the assumption that citizen complaints and use of force incidents are infrequently generated in other assignments.

The nature of the PPEP program in New Orleans created opportunities for a different research strategy. First, citizen complaints received by officers subject to EW intervention for two year periods before and after intervention were analyzed. Second, Critiques of the PPEP classes completed by officers subject to EW intervention were analyzed to determine officer perceptions of the classes. Third, one two-day PPEP class was directly observed to determine both the content of the intervention and officer responses to various components.

The research strategy is modeled after the famous and influential Wolfgang, et al. birth

1.9

cohort study of juvenile delinquency.[10] Wolfgang, et al. found that a small group within the entire cohort (6.3% of the total) were "chronic delinquents" and were responsible for of half of all serious crime committed by the entire cohort. The EW concept resets on the assumption that within any cohort of police officers, a small percentage will have substantially worse performance records than their peers, and consequently merit departmental intervention. This study was designed to confirm or refute the above assumption.

Principal Findings

The Nature of EW Systems. This study found that the EW systems in the three sites vary considerably in terms of their formal program elements. Even more important, this study found that EW systems are extremely complex, high-maintenance operations that require considerable on-going administrative attention. EW systems should not be understood as "alarm clocks," in the sense of mechanical devices that will automatically sound an alarm after they have been initially programmed. Rather, they are complex administrative procedures that require close and on-going human attention.

Impact on Officers Subject to Intervention. This study found that in all three sites EW intervention had a positive impact in terms of reducing problematic officer behavior.

Background Characteristics of EW Officers. Officers selected by EW systems do not differ significantly in terms of background characteristics from non-EW counterparts in terms of race or ethnicity. Males, however, are somewhat over-represented and females under-represented.

Disciplinary Records of EW Officers. Officers selected by EW systems have more

1.10

serious disciplinary records than their non-EW colleagues. EW officers are more likely to have

ever received a citizen complaint, to have a higher average number of complaints, to have use of

force reports in their records, and ever to have been suspended by their departments. At the same

time, however, EW officers are somewhat more likely to be promoted than non-EW officers.

Impact of EW Intervention. EW systems have a dramatic effect in reducing citizen

complaints and other indicators of problematic police performance among those officers subject to

intervention. In Minneapolis, officers subject to EW intervention averaged 1.95 citizen complaints

per year before intervention and 0.65 per year after intervention (Figure 1-3). In New Orleans,

officers averaged 1.66 citizen complaints per year before intervention and 0.63 per year after

intervention (Figure 1-4). In Miami-Dade, only 4% of the EW cohort had no use of force reports

prior to intervention; following intervention 50% had no use of force reports. Additionally, 25%

of the EW cohort had four or more use of force reports following intervention, compared with

71.4% of the cohort prior to intervention (Table 1-1). Because none of the sites had readily

recoverable historical data on officer activity levels (arrests, traffic citations, officer-initiated

citizen contacts), this study was not able to draw any conclusions regarding possible adverse

impact on desirable

1.11

Figure 1-3

AVERAGE ANNUAL COMPLAINTS

MINNEAPOLIS/BEFORE AFTER INTERVENTION

Figure 1-4

ANNUAL AVERAGE COMPLAINTS
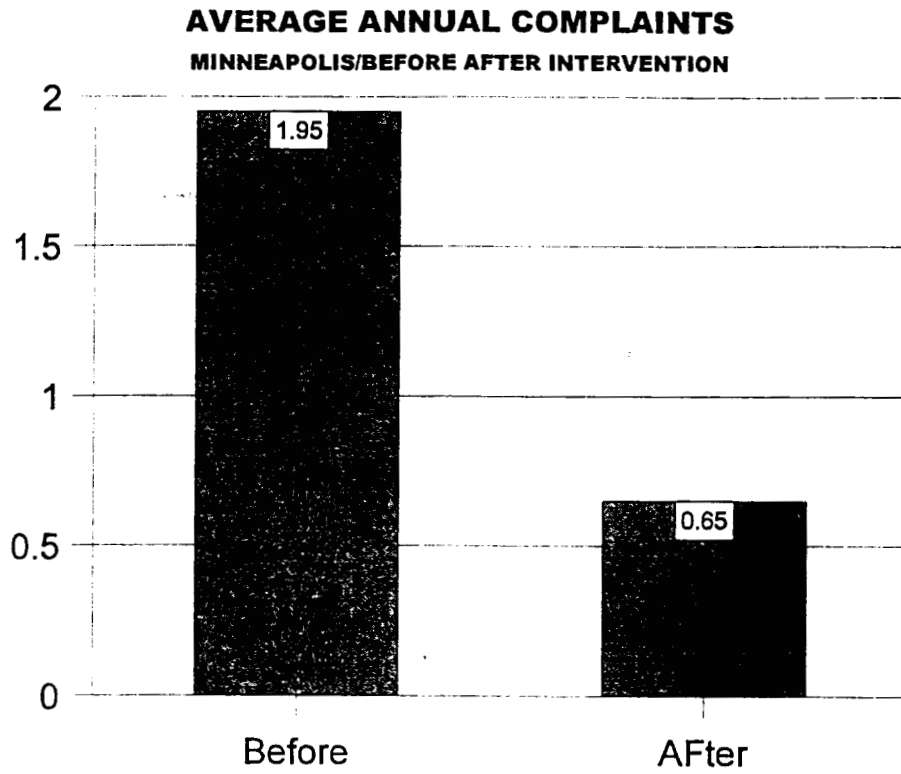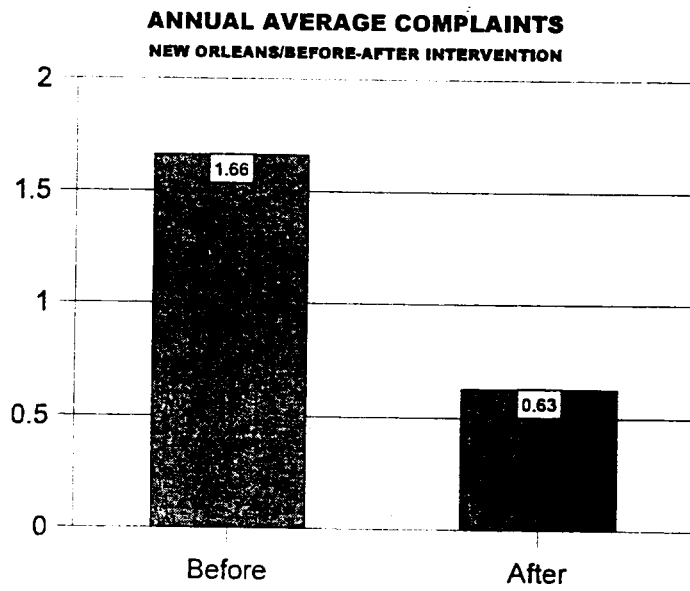NEW ORLEANS/BEFORE-AFTER INTERVENTION

1.13

Table 1-1

MIAMI-DADE EIS OFFICERS

USE OF FORCE REPORTS,

BEFORE AND AFTER INTERVENTION

# Use of Force Reports	Before Intervention	After Intervention
0	1	14
1-3	7	7
4-6	11	3
7-9	3	2
10-16	6	2

1.14

officer behavior.

Data from New Orleans indicate that officers respond very positively to EW intervention. In anonymous Critiques of the PPEP classes, officers gave it an average rating of 7 on a scale of 1-10. All of the officers made at least one positive comment about the class, and some made specific comments about how it had helped them. In the PPEP class that was directly observed, officers were actively engaged in those components they perceived to be related to the practical problems of police work, particularly incidents that often generate complaints or other problems. Officers were disengaged, however, in components of the class that they perceived to be abstract, moralistic, or otherwise unrelated to practical aspects of their jobs as police officers.

Impact on Supervisors. This original design of this study did not include an evaluation of the impact of EW systems on supervisors. Nonetheless, the qualitative component of the research found that EW systems have potentially significant effects on supervisors. The New Orleans PPEP program requires supervisors to monitor PPEP-subject officers under their command for six months and complete signed evaluations of their performance every two weeks. Officials in Miami-Dade, meanwhile, stated that the EIS system "keeps problems from falling between the cracks," meaning that it helps ensure that supervisors will attend to potential problem officers under their command. In this respect, EW systems mandate or encourage changes in the behavior of supervisors. The impact of EW systems on supervisors has the potential for changing the standards of supervision within a law enforcement agency with respect to all officers and not just those subject to the EW system.

Impact on Departments. The original design of this study did not include an evaluation of the impact of EW systems on the departments in which they operate. Nonetheless, the qualitative

1.15

component of the research identified a number of important issues for future research. The extent to which an EW system changes the climate of accountability within a law enforcement agency is not known, and would require a sophisticated research design. The research here found that an EW system is more likely to be impacted by the larger organizational culture than vice-versa. That is to say, the existence and effective maintenance of an EW system is dependent upon a general commitment to accountability within an organization. The authors of this report are highly skeptical about the ability of an EW system to create by itself a commitment to accountability where that commitment does not already exist.

Limitations of the Data and the Findings. The findings regarding the impact of EW intervention should be regarded with caution. As the first-ever study of EW systems this project encountered a number of unanticipated problems with the data. First, it was not possible to collect retrospectively systematic data on positive police officer performance (e.g., arrests, other officer-initiated activity). Consequently, it is not known whether EW intervention had a deterrent effect on desirable officer behavior.

Second, in each of the three sites, the EW system operated in the context of a larger commitment to increased accountability on the part of the police department. Given the original research design, it is not possible to disentangle the impact of this larger effort on officer performance from the impact of the EW system per se.

Third, the EW systems in two of the three sites had experienced significant changes during the years for which data were collected. Thus, the intervention delivered was not consistent for period studied. Additionally, the principal investigator has obtained information regarding significant changes in the EW systems in two of the sites immediately following the data

1.16

collection period. In one instance, the EW has been substantially strengthened. In the other

instances there is good but unverified information that the administration of the EW system has

deteriorated significantly. It is not known whether that deterioration began at a point that it

affected data that were collected. The new information regarding the changes in the two sites

reinforces the conclusion stated above that EW systems are complex, high maintenance operations

requiring on-going administrative attention. It is possible for EW systems either to be

strengthened or to weaken in relatively short periods of time. Consequently, one should exercise

great caution in making statements about the nature and effectiveness of any particular EW

system.

IV. IMPLICATIONS

The findings from this study have a number of important implications related to EW

systems and the larger issue of police accountability. As the first-ever study of EW systems, this

study uncovered a number of important issues that were not addressed in the original research

design. Additional research is needed on EW systems.

A. Potential Impacts EW Systems

This study finds that the potential impact of EW systems reaches beyond the individual

officers who are the subject of EW intervention. These potential impacts involve individual

officers, supervisors, and organizations.[11]

1.17

1. Individual Officers

The primary goal of EW systems is the change the behavior of individual officers who have been identified as having problematic performance records. The underlying strategy involves a combination of deterrence and/or learning theory. The theory of simple deterrence assumes that officers who are subject to EW intervention will change their behavior in response to a perceived threat of punishment.[12] The theory of general deterrence assumes officers not subject to the system will also change their behavior to avoid potential punishment. At the same time, EW systems operate on the assumption that intervention can provide assistance that helps officers to improve their performance.

This study finds that EW intervention has a positive effect on the performance of officers subject to intervention, although as noted above these findings should be regarded with some caution. Given the original design of the study, it is not possible to specify the exact nature of the impact on subject officers. It is not known whether the impact involved a deterrent or a learning effect. Nor is it possible to determine which aspects of intervention are most effective (e.g., counseling regarding personal issues, training in specific law enforcement techniques, stern warning about possible discipline in the future), or whether certain aspects are more effective for certain types of officers. Nor was this study able to disentangle the effect of EW systems per se from the general climate of rising standards of accountability, of which the EW systems were only one part.

1.18

2. Supervisors

This study found that EW systems potentially have important impacts on supervisors. In some departments the EW system mandates change by requiring supervisors to document certain actions. In others, the system communicates a message to supervisors that it is their responsibility to monitor closely officers who have been subject to the program. Several officials in the Miami-Dade police department, for example, explained that an EW system helps prevent problems from "falling through the cracks. " That is, it requires them to address minor problems that they might otherwise defer due to the demands of immediate crises. Finally, as a data-based system, EW systems can provide supervisors with relevant information about officers newly assigned to them and about whom they know very little.

3. Departments

EW system potentially have important effects on the organization as a whole, not only by responding to particular officers whose behavior is problematic but also by communicating a more general message regarding standards of accountability. All of the three police departments participating in this study are undergoing serious efforts to raise standards of accountability. Their respective EW systems are a part of those efforts. EW systems probably function effectively only where they operate in the supportive environment of a department-wide commitment to accountability. It is unlikely that EW systems will have any significant impact in departments that have no serious commitment to accountability.

1.19

The data developed as a part of EW systems can also be used to effect changes in policies and procedures, and/or training. Presumptively, such changes help reduce the existing problems and help the organization achieve its official goals. In this respect EW systems can be conceptualized in terms of organizational development and human resource management.[13]

B. Issues Related to EW System Administration

Perhaps the principal finding of this study is that EW systems are complex, high-maintenance operations that require considerable on-going administrative attention. The following section discusses the various administrative issues related to EW systems.

1. Implementation

Effective implementation of an EW system involves considerable investment of resources and administrative attention. The EIS system in the Miami-Dade Police Department, for example, in part of a sophisticated data system on officers and their performance. The Professional Performance Enhancement Program (PPEP) in the New Orleans Police Department, meanwhile, involves several staff members, including one full-time (non-sworn) data analyst and utilizes part of the time of two other full-time employees (one of whom is sworn) for the purpose of data entry.

1.20

2. Program Elements

Each of the three program elements of EW systems involves a number of complex policy issues.

Selection Criteria. Some EW systems rely solely on citizen complaints as selection criteria, while others rely on a broad range of performance indicators, including use of force reports, involvement in civil litigation, and violations of administrative rules (e.g., neglect of duty). There are a number of problems related to official data on citizen complaints,[14] and using a broader range of indicators is more likely to identify officers whose behavior is requires departmental intervention.

Intervention. In most EW systems, intervention consists of an informal counseling session between the officer and his or her immediate supervisor. In some systems there is no documentation of the content of that session. This practice raises concerns about whether supervisors deliver the intended content of the intervention. It is possible that a supervisor may tell an officer "not to worry about it," with the result that the officer's behavior is reinforced. Involvement of higher ranking command officers is likely to ensure that the intervention serves the intended goals. Further research is needed on the most effective form or forms of intervention, and in particular whether it is possible to tailor certain forms of intervention for particular categories of officers.

Post-intervention Monitoring. The nature of post-intervention monitoring varies in EW systems. Some systems rely on informal monitoring of EW subject officers, while other employ a

1.22

Figure 1-5

POTENTIAL IMPACTS OF EW SYSTEMS

I. INDIVIDUAL OFFICERS

    ** EW subject officers deterred from future misconduct

    ** EW subject officers learn proper techniques

    ** Other officers deterred from future misconduct

    **Undesirable attitudes and behavior reinforced

II. SUPERVISORS

    ** Closer supervision of EW officers

    ** Closer supervision of other officers

    **Enlarged definition of supervisor's role

III. DEPARTMENTS

    ** New standards of accountability

    ** Reduced misconduct

    ** Improved community relations

1.21

formal systems of observation and documentation by supervisors. The relative impact of different

post-intervention monitoring systems on individual officers, supervisors, and departments is a

subject needing further research.

C. Policy and Legal Considerations

1. Community Policing and Problem-Oriented Policing

The concept of EW is fully consistent with community-oriented policing (COP). COP

seeks to establish closer relations between the police and the communities they serve. In addition

to creating working partnerships related to neighborhood problems, this includes active efforts to

reduce barriers to community confidence in the police. Insofar as EW systems seek to reduce

citizen complaints and other forms of problematic behavior, they are fully consistent with the

basic goals of COP.[15]

EW systems can also be viewed from a problem-oriented policing (POP) framework. POP

involves identifying specific police problems and then developing carefully tailored responses.[16]

EW systems, from this perspective, approach the problem police officer as "the problem" to be

addressed. EW system intervention is the response narrowly tailored to address the behavior that

leads to high rates of citizen complaints or other indicators of unsatisfactory performance.

2. Legal Considerations

Some law enforcement agencies may be reluctant to create an EW system out of fear that it creates a data base on officer misconduct that plaintiffs attorneys may subpoena and then use against the agency in suits involving alleged excessive use of force.[17] Several experts argue, however, that in the current legal environment an EW system is more likely to shield an agency against liability for deliberate indifference regarding police use of force. An EW system in this context is evidence that the agency has a clear policy regarding misconduct, has made a good faith effort to identify employees whose performance it unsatisfactory, and has a program in place to correct that behavior.[18]

3. Traffic Stop Data Collection

The issue of racial profiling by police has recently emerged as a national controversy. Civil rights groups allege that some police officers make traffic stops solely on the basis of the race or ethnicity of the driver. In response to this controversy, a number of law enforcement agencies have begun to collect traffic stop data with respect to race and ethnicity.

Traffic stop data can be readily incorporated into an EW system. Conceptually, an officer who makes a disproportionate number of traffic stops of racial or ethnic minorities (relative to other officers with the same assignment) is a potential problem officer who warrants attention by the department. Since a number of law enforcement agencies are already committed to collecting traffic stop data, these data can be incorporated into an EW-related data base that can be used to identify a range of potential problems (e.g., unacceptably low levels of activity; disproportionate stops of female drivers, etc.).

1.24

Figure 1-6

SUMMARY OF FINDINGS

** EW systems are recommended by a number of professional associations and other

experts in law enforcement

** EW systems can be expected to grow in the immediate future

** Program elements of EW systems vary considerably. No evidence exists that one

form of EW system is more effective than others

** EW systems are effective in reducing citizen complaints and other forms of

problematic behavior in officers subject to formal intervention

** EW systems are complex, high-maintenance operations requiring considerable

investment of administrative attention and agency resources

** EW systems are no panacea for police officer misconduct, and require the

supportive environment of a larger commitment to accountability

In this regard, an EW system has the potential for addressing long-standing police-community relations tensions. An EW system has the potential for identifying those officers whose behavior is a major source of racial and ethnic tensions. At the same time, an effectively functioning EW system can communicate to community representatives that a law enforcement agency is taking active steps to reduce and hopefully eliminate unacceptable police behavior.

V. CONCLUSION

Early Warning (EW) systems have emerged as a popular remedy for police misconduct. The national evaluation has found that EW systems exist in slightly more than one-fourth of all law enforcement agencies and are spreading rapidly. The national evaluation also found that EW systems vary considerably in terms of their formal program content, specifically with respect to selection criteria, the nature of the intervention, and post-intervention follow-up.

This study has found that EW systems are effective in reducing citizen complaints and other problematic police behavior. In all three departments investigated as case studies, officers subject to EW intervention experienced substantial reductions in citizen complaints and/or involvement in use of force incidents.

This study also raises a number of important and unanswered questions about EW systems. EW systems are complex, high maintenance operations, requiring a significant investment of administrative resources. There is some evidence that some EW systems are essentially symbolic gestures with little substantive content. There are many questions regarding the precise impact of EW systems on individual officers subject to them, on supervisors, and on

1.26

the departments in which they operate.

In the three police departments that participated in this study, the EW systems were part of larger efforts to raise standards of accountability. To the extent that an EW systems is effective, it is because it is reinforced by other policies and procedures designed to enforce standards of discipline and create a climate of accountability. The authors of this report question whether an EW system can be effective in a law enforcement agency where there is no serious commitment to accountability. In short, however, an EW system is no panacea for police officer misconduct. An EW system can be an effective management tool, but it should be seen as only one of many tools that need to be used in order to raise standards of performance and improve the quality of police services.

1. IACP, <u>Building Integrity and Reducing Drug Corruption in Police Departments</u> Washington: Government Printing Office, 1989), p. 80.

2. <u>Ibid</u>.

3. The best discussion of the various goals of EW systems is in Lou Reiter, <u>Law Enforcement Administrative Investigations: A Manual Guide</u>, 2nd ed. (Tallahassee, FL: Lou Reiter and Associates, 1998), Ch. 18.. Victor Kappeler, Richard Sluder, and Geoffrey Alpert, <u>Forces of Deviance: Understanding the Dark Side of Policing</u> (Prospect Heights, IL: Waveland Press, 1998).

4. Christopher Commission, <u>Report of the Independent Commission on the Los Angeles Police Department</u> (Los Angeles, 1991), pp. 39-48.

5. "Kansas City Police Go After Their 'Bad Boys," <u>New York Times</u> (September 10, 1991). "Wave of Abuse Laid to a Few Officers," <u>Boston Globe</u> (October 4, 1992).

6. Herman Goldstein, <u>Policing a Free Society</u> (Cambridge: Ballinger, 1977), p. 171.

7. U.S. Commission on Civil Rights, <u>Who is Guarding the Guardians?</u> (Washington: Government Printing Office, 1981).

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PART II

PROJECT DESCRIPTION

I. INTRODUCTION

This project involves a national evaluation of police department early warning (EW)

systems. EW systems are administrative procedures designed to identify police officers with

multiple citizen complaints or other indicators of problematic behavior and to provide some form

of informal intervention to correct that behavior. The evaluation consists of a national mail

survey of law enforcement agencies designed to determine the prevalence and nature of existing

EW systems, and case studies of EW systems in three police departments.

II. THE CONCEPT OF EARLY WARNING (EW)

A. A New Approach to Police Problems

The idea of early identification of "problem" police officers has emerged as a popular

approach for curbing police misconduct and achieving greater police accountability. Early

Warning (EW) systems have been endorsed by several government agencies and professional

associations, including the U.S. Civil Rights Commission in 1981,[19] the International

Association of Chiefs of Police (IACP) in a 1989 report on police integrity sponsored by the U.

2.1

S. Justice Department,[20] and a 1996 Justice Department conference on Police Integrity.[21] An EW system is incorporated in a consent decree between the Civil Rights Division of the Justice Department and the Pittsburgh (PA) Police Department related to allegations of use of force by officers in the department,[22] and is being established by the New Jersey State Police in response to litigation and a federal investigation related to alleged racial profiling by state troopers.[23] At least one private management consultant has included EW systems in a manual of recommendations for police internal investigations.[24] By 1999, about 27 percent of all municipal and county law enforcement agencies serving populations greater than 50,000 people had EW systems in place, and another 12 percent were planning to implement one.[25]

EW systems are analogous to COMPSTAT and similar programs that are one of the most important recent innovations in policing. COMPSTAT involves the systematic collection, analysis, and utilization of timely data on criminal activity for the purpose of holding precinct or district commanders accountable for crime trends in their areas. Some COMPSTAT systems involve the production of crime data every 24-hours. Similarly, EW systems represent the timely collection, analysis, and utilization of data on problematic police officer performance, for the purpose of holding individual officers accountable for their activity.

The growing popularity of EW as a remedy for police misconduct raises questions about its effectiveness and the various program elements that are associated with effectiveness. To date, however, little has been written on the subject.[26] This report represents the first in-depth investigation of EW systems.

B. The Basic Concept

An EW system is a data-based management tool designed to identify officers whose behavior is problematic, as indicated by citizen complaints, use of force reports, or other indicators, and to assign those officers to some kind of intervention, usually in the form of counseling or training to correct the problematic behavior. The system is "early" in the sense that a department acts on the basis of performance indicators that do not necessarily warrant formal disciplinary action but suggest that an officer may be having problems on the job. The system "warns" by providing some form of intervention that is not defined as discipline within the terms of the agency's personnel procedures or collective bargaining agreement. Intervention is intended to help improve an officer's performance. The New Orleans EW system, for example, is officially labeled the "Professional Performance Enhancement Program." Generally, no record of participation in an EW program is placed in an officer's personnel file, although a separate record of participation is usually maintained by the internal affairs or professional standards unit.

The EW concept represents a significant departure from traditional police practice in which law enforcement agencies have been seen as punishment-oriented bureaucracies, with innumerable rules and regulations that can be used to punish an officer[27], but with few formal procedures for either rewarding good conduct[28] or helping officers with problems. Apart from employee assistance programs (EAP) designed to address substance abuse or family problems, police departments have done relatively little in a formal way to correct problem behavior.[29] It is significant, for example, that a recent National Institute of Justice (NIJ) publication on developing programs to deal with law enforcement officer stress includes a section on "Selecting Target Groups" but contains no reference to specific performance indicators such as are commonly used in EW systems.[30]

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In the private sector, by comparison, personnel issues have become defined in terms of

human resource development, with a specific emphasis on helping employees correct behavior

that is not consistent with the organization's goals.[31] Reiter argues that "A professional police

agency has a responsibility to its community and police employees to demonstrate a positive

approach to identifying and assisting a police employee whose performance indicates a

possibility of job stress and other job-related problems."[32] The concept of EW is consistent with

the basic principles of personnel management and human resource development.[33] Employers

recruit, select, and train employees to serve effectively the goals and objectives of the

organization. Effective personnel management assumes that employee performance is assessed

and evaluated on a regular basis, and that the organization collects and analyzes performance

data relevant for that purpose. It is also assumed that on an informal basis, each employee's

immediate supervisor is familiar with the quantity and quality of the subordinate's

performance.[34] Alpert and Moore, meanwhile, argue that the demands of community policing

require the development of new personnel evaluation systems that include indicators of both

good and unacceptable performance.[35] Presumptively, systematic performance evaluations and

supervisors' first-hand knowledge of employees is sufficient to identify those employees whose

performance is problematic or inadequate.[36]

C. "Problem" Officers: The Empirical Evidence

Interest in EW increased in response to growing evidence that in most law enforcement

agencies a small percentage of officers are responsible for a disproportionate share of citizen

complaints and other concerns. The phenomenon of the "problem officer" who receives a high

rate of citizen complaints was first recognized in the 1970s. Herman Goldstein was perhaps the

first authority to discuss "Identifying Officers with a Propensity for Wrongdoing."[37] He cited a

program developed by Hans Toch in which Oakland, California, police officers with records of

use of force incidents were counseled by peer officers.[38]

The U.S. Civil Rights Commission was the first authoritative body to recommend the

creation of EW systems in all police departments. It concluded that "The careful maintenance of

records is essential to making possible the recognition of officers who are frequently the subject

of complaints or who demonstrate identifiable patterns of inappropriate behavior."[39] The

Commission cited with favor early warning systems in Oakland, New York City, and Kansas

City. It faulted the Houston Police Department for having the necessary data systems, including

notably an officer "History file," that could serve as parts of an early warning system, but not

using the data from these systems effectively. The Commission was even more critical of the

Philadelphia Police Department which, it concluded, "has routinely ignored ... early warning signs

...." In fact, the department "appears to have tolerated incredible records of proven misconduct."[40]

The aftermath of the 1991 Rodney King beating heightened national awareness of the

phenomenon of the problem officer. The Christopher Commission identified 44 "problem

officers" in the Los Angeles Police Department (LAPD) with extremely high rates of

complaints.[41] The Commission commented that these officers were "readily identifiable" on the

basis of existing departmental records. Yet, the LAPD appeared to have made no effective use of

these records to identify and respond to these problem officers. The Commission found that

citizen complaint data were not used in making routine performance appraisals.[42]

2.5

A year after the Christopher Commission report, an investigation of the Los Angeles County Sheriff's Department (LASD) (the Kolts Commission Report) , consciously using the same methodology, identified a group of 62 "problem" officers in the department. These 62 officers were responsible for almost 500 use for force/harassment complaint investigations, and seventeen members of the group were responsible for 22 civil law suits that resulted in damage awards or settlements of about $3.2 million against the County. The Kolts Commission concluded that the LASD had "failed to deal with officers who have readily identifiable patterns of excessive force" incidents on their records. Not only were nearly all of the 62 problem officers still on patrol duty but many served as field training officers (FTOs) where, the Commission argued, they were "imparting their 'street wisdom' to patrol deputies." The Commission recommended the creation of an EW system within the LASD.[43]

The Christopher Commission report spurred journalistic investigations of the problem officer phenomenon in other police departments. The New York Times found that In Kansas City, 2 percent of the sworn officers were responsible for 50 percent of all citizen complaints. [44] A Boston Globe investigation found that 11 percent of all Boston Police Department officers were responsible for 61.5 percent of all complaints.[45] And in Washington, DC, it was discovered that a small number of officers was responsible for a large proportion of multiple discharge of firearms.[46] Recognition of the problem-officer phenomenon has spread in the 1990s to the point where it increasingly became a cliche among police chiefs that "10 percent of your officers cause 90 percent of your problems."[47]

D. From Informal Knowledge to Management Tool

2.6

Although identifying problematic employees is a legitimate management goal, police personnel evaluation systems have generally failed to provide meaningful assessments of performance. Police departments have been punishment oriented, with few formal programs for helping individual officers improve performance,[48] and little organizational attention to officers with recurring performance problems. Oettmeier and Wycoff argue that "Most performance evaluations currently used by police agencies do not reflect the work officers do."[49] The formal categories for performance assessment are often vague and global (e.g., "initiative," "dependability").[50] In particular, they fail to address the most critical aspects of police work, notably the exercise of discretion under conditions of uncertainty and stress, with the most important decisions involving the use of deadly or physical force. The neglect of these aspects of the job is particularly important because of the unique role of the police. Unlike other professions, police officers carry weapons and have the power to use coercive force, even to the point of using deadly force.[51] Failure to correct misuse of force can and often does result in serious violations of citizens' rights and creates serious police-community relations problems.[52]

As both the U. S. Civil Rights Commission and the Christopher Commission found, law enforcement agencies do not make effective use of data available to assess officers' performance. More than twenty years ago, Goldstein observed that problem officers "are well known to their supervisors, the top administrators, to their peers, and to the residents of the areas in which they work," but that "little is done to alter their conduct."[53] Insofar as any action was taken, there is anecdotal evidence that police departments dumped problem officers on racial minority neighborhoods, thereby aggravating police-community relations.[54]

For the most part, however, departments do not use available data in any systematic

2.7

fashion to identify problem officers. Most departments do not utilize citizen complaint data in

personnel evaluations or take into account an officer's involvement in civil suits against the

department. In fact, a recent report on police performance appraisal for community policing gives

no indication that an immediate supervisor should make an effort to check with other

departmental data such as citizen complaints in completing performance evaluations.[55] The basic

purpose of an EW system is to translate records of officer performance into a formal management

tool for monitoring officers' actions, identifying potentially problem officers and implementing an

intervention strategy to correct problematic behavior. Police agencies often collect information

that is important for their management and the supervision of their officers but this information is

often collected in many documents and is never aggregated in a central location or available on a

single form. A critical use of these data is to make possible the recognition of officers who fit a

behavioral profile or who are involved in a specified number of high-profile incidents.

The community policing movement has created demands for new measures of police

performance –both departmental and individual– that are consistent with the concept of EW.

Traditional performance measures have failed in several regards. They have emphasized crime, to

the neglect of quality of life issues; they have failed to take into account perceived community

needs; and they have failed to reward adequately good police performance.[56] By systematically

identifying and attempting to control inappropriate behavior, EW systems can potentially reduce

the number of incidents that alienate communities from the police.

E. EW, COMMUNITY POLICING, AND PROBLEM-ORIENTED POLICING

2.8

1. A Community Policing Perspective

The basic concept EW is fully consistent with the goals of Community-Oriented Policing (COP). One of the basic goals of COP is to establish closer ties to the communities receiving police services. While COP places particular emphasis on being more responsive to perceived community needs with respect to police policy (e.g., disorder, particular law enforcement problems), it also involves being more responsive to community concerns about the quality of police services, and particularly with respect to racial and ethnic minority communities concern about excessive force or other forms of inappropriate behavior by officers.[57]

In this regard, Alpert and Moore argue that police departments need to develop new performance measures that are more closely linked to the goals of COP. Community satisfaction is a function of both perceptions of the quality of life in the neighborhood and the quality of police services. Alpert and Moore specifically recommend "the development of statistical evidence on the use of force and the incidence of brutality, discourtesy, and corruption, ..." Such data is precisely the kind of information that is embodied in an EW system. Indeed, Alpert and Moore's approach suggests that a law enforcement's personnel data system should transcend a narrow focus on suspected problem officers and include all current sworn officers.[58]

2. A Problem-Oriented Policing (POP) Framework

EW systems may be conceptualized in terms of "problem-oriented policing" (POP), with certain police officers as the target "problem." As initially formulated by Herman Goldstein, POP

holds that police departments should disaggregate the various aspects of their role and, instead of attempting to address "crime" and "disorder as global categories," should identify particular problems within each category and develop narrowly tailored responses appropriate to each. In addition, they should develop the appropriate performance measures for each problem.[59] To date, the POP process of scanning, analysis, response, and assessment (SARA) has been applied to the police role in serving the community, and not to internal police management issues.[60] Although no EW system known to the authors of this report conceptualizes itself in terms of POP, nothing precludes such a framework. Application of the POP SARA process to EW systems is illustrated in Figure 2-1

The value of a POP framework is that it provides a potentially effective response to the historic problems of officer misconduct and tensions between police and the communities they serve. For many decades, alleged police officer misconduct, including misuse of deadly force, use of excessive physical force, and discourtesy, has been a major cause of tensions between the police and racial and ethnic minority communities. Civil rights leaders have alleged that minority citizens are not only the targets of police misconduct at a rate disproportionate to their presence in the population, but that police departments have failed to investigate citizen complaints about misconduct and discipline guilty officers.[61]

2.10

Figure 2-1

APPLICATION OF THE SARA PROCESS TO EW SYSTEMS

SCANNING   Allegations of police misconduct

                  Citizen complaints

                  Police-community relations tensions

ANALYSIS   Identify small group of "problem" officers

RESPONSE   Implement Early Warning System

ASSESSMENT   Monitor EW subject officers

                  Evaluate and refine EW System

2.11

To a great extent, police abuse of citizens has been explained in global terms. Abusive

behavior, for example, has been attributed to a general police subculture, with the implicit

assumption that certain attitudes and behaviors are common to all officers in all police

departments.[62] Other observers have attributed abusive behavior to race, arguing that abuse

reflects racist attitudes and behavior on the part of white police officers toward citizens of color.[63]

Some observers have attributed overly aggressive or abusive behavior to gender, holding that

reflects male norms of behavior.[64] Still other observers have attributed police misconduct to

organizational dysfunction, arguing that poor leadership and low standards of professionalism

have tolerated many different forms of police officer misconduct.[65]

The POP framework for developing EW systems represents a significant refinement in the

understanding of and response to police misconduct. The principal advance is the notion that

certain attitudes and behavior may be common to all law enforcement officers, serious

misconduct, and repeated incidents of misconduct are associated with a small percentage of

officers in any given department. As previously noted, an increasing number of investigations

supports this interpretation. EW systems, therefore, are directed toward particular officers and

based on data regarding actual performance, as opposed to global stereotypes about police

officers, or stereotypes about the race or gender of officers.

The idea that a few "problem" officers are responsible for a high percentage of any

agency's citizen complaints and/or excessive force incidents is modeled after the famous and

influential Wolfgang, et al. study of juvenile delinquency. Wolfgang et al. found that in a cohort

of males born in one year (1945) in Philadelphia, a small group (6.3% of the total cohort) became

"chronic delinquents" and was responsible for a majority of the serious crime committed by the

2.12

entire cohort.[66] The findings by Wolfgang, et al. have been confirmed by subsequent studies in other locales and times. This research inspired considerable research and new policy initiatives directed toward identifying and responding to "career criminals."[67] The concept of EW rests on a related set of assumptions: that in any group a small percentage of its members will be responsible for a disproportionate share of the misbehavior, that these individuals can be identified through the collection and analysis of the proper data, and that appropriate intervention strategies can be developed to either reduce misbehavior and/or promote public safety. The development of EW systems, however, did not involve explicit reference to the research by Wolfgang, et al.

Anecdotal and journalistic evidence, which is not systematic, suggests that certain categories of officers may be over-represented among problem officers. Some reports, for example, indicate that problem officers are overwhelmingly, and perhaps even exclusively male.[68] Official data on citizen complaints against police officers, moreover, indicate that female officers receive complaints at about half the expected rate based on their representation in particular police departments. Similarly, however, the same data indicate that white, African American, and Hispanic officers receive complaints at about the expected rate based on their representation in particular police departments.[69]

One of the potential values of an EW system data base is the identification of officer background characteristics that correlate, or do not correlate with problematic performance. Identifying correlations might have potential implications for recruitment and training. Identifying a lack of correlation, meanwhile, would serve to lay to rest stereotypes about certain categories of officers (e.g., gender, race, education).

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III. HISTORY OF EW SYSTEMS

A. The First EW Systems

The first EW programs appear to have developed independently in a number of different departments in the late 1970s. The process of development was ad hoc and experimental, without the guidance of recommended or model programs. Details of the administrative histories of these systems is not known and may not be recoverable. It is entirely possible that some EW systems were never publicized outside of their own departments and left no formal records. The U.S. Civil Rights Commission in 1981 cited with favor the EW systems in Oakland, New York City, and Kansas City.[70] Little is known about those systems or their ultimate fate, apart from the Commission's report. In light of subsequent information about those departments, moreover, there are questions about the actual viability of those systems. The Mollen Commission report on corruption and violence in the New York City Police Department fifteen years after the Civil Rights Commission report, for example, offers no evidence of a functioning EW system.[71] A 1991 news media account of an EW system in Kansas City portrayed the system as a new program, twenty years after the Civil Rights Commission report.[72]

The Kansas City early warning system was authorized in early 1972 and began operating in November, 1973. It as part of an experimental Peer Review Panel Program.[73] The Panel was part of the same effort to stimulate innovation in the Kansas City Police Department that included the well-known Kansas City Preventive Patrol Experiment.[74] The Panel had the general goal of reducing tensions between the KCPD and the public and, to that end, sought to effect change in

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police officer attitudes and behavior through peer support and pressure. The program was designed to "Identify those patrol officers with high frequencies of negative encounters with citizens." It used "no single fixed formula" for identifying problem officers but utilized a combination of four separate criteria. These included: (1) three or more "negative encounters" with citizens, defined as both official citizen complaints and "interfering with an officer" charges; (2) referral by an immediate supervisor or other high-ranking department official; (3) an officer's "voluntary request for appearance;" (4) involvement in an incident of "public or departmental notoriety."[75] An evaluation by the Police Foundation found that the Peer Review Panels had no significant effect on reducing either citizen complaints or interfering with an officer charges among those officers who were subject to the program. The ultimate fate of the Kansas City Peer Review Panel is not known. Given the fact that it was an experimental program, was funded through a grant from the Police Foundation ($73,000 in 1973 era dollars), and had no positive impact, it appears that the program lapsed.[76]

In these early programs, departments began using indicators of activities to monitor officers' involvement in citizen contacts that involved use of deadly force and in response to growing public concern about that particular issue.[77] These initial approaches included review of arrest reports and identification of situations that involved the use of force by officers. In Oakland, for example, records were kept on individual officers to determine if any officers showed early signs of trouble. Additionally, computers were used to determine if any officer characteristics such as age, length of service, or education correlated with their use of force.[78] In New York, information on each officer's use of force, use of firearms, complaints, discipline , sick leave and off-duty employment was used to determine if that officer needed further

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monitoring or intervention. Officers who entered the information into the files were responsible for noting and reporting trends in behavior or activities to a supervising officer.[79] Kansas City cross-referenced officers with their supervisors "on the theory that particular supervisory officers may be tolerating abusive behavior."[80]

The 1981 report of the U. S. Commission on Civil Rights, <u>Who is Guarding the Guardians</u>,[81] took note of these early EW systems and recommended that all departments establish similar systems. Specifically, the Commission concluded that:[82]

"The careful maintenance of records based on written complaints is essential to indicate officers who are frequently the subject of complaints or who demonstrate identifiable patterns of inappropriate behavior. Some jurisdictions have 'early warning' information systems for monitoring officers' involvement in violent confrontations.

B. Early Systems: Miami and Miami-Dade

Two early EW systems that have had continuous operation from their creation to the present day, and about which detailed information exists, were developed in the City of Miami Police Department and the Miami-Dade (formerly Metro-Dade) Police Department in the late 1970s and early 1980s. Unlike the EW systems reported by the U. S. Civil Rights Commission in 1981, these two systems have continued to exist to the present day. The respective histories of these two systems probably reflect the process of development that occurred in most of the initial systems: the intersection of growing external pressure to curb misconduct and improve police-community relations and creative leadership by a few key individuals inside the department,

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operating without the aid of any external models.

In 1979, The City of Miami Police Department became concerned with their officers' behavior that generated citizen complaints. In a May 29, 1979 memorandum to the Chief, the Commander of the Internal Security Unit suggested an early warning system based on concepts of organizational development. He suggested a "cyclical model where the problem is diagnosed, external professional are consulted, strategies are developed, programs are implemented and evaluated, and results are fed back to begin the cycle again."[83]

To illustrate his idea, Commander Ross identified a list of officers, by assignment, who had two or more citizen complaints during a 2-year period (1976 - 1978). He also compiled a list of officers who had received 5 or more civilian complaints during that period. Armed with those data and the Internal Security Monthly Activity Reports, Commander Ross computed statistics indicating that 5% of all officers on the force accounted for 25% of all citizen complaints. He noted, "That is, if this group were suddenly removed from our department, our complaint picture could be reduced by as much as one-fourth. Obviously, this group should warrant some special attention, if we are to reduce our complaint incidence."[84] The data also indicated that the small group of officers with the most complaints were also more likely to receive complaints regarding excessive force. Excessive force complaints made up 9% of complaints against all officers, but 13% for those officers with 2-4 complaints and 16% for those with 5+ complaints.

Commander Ross suggested that Commanders and Supervisors in the Miami Police Department should be systematically provided with information "that can be used to identify problem officers."[85] He also noted that off-duty employment, including rock concerts, wrestling matches and football games generate a high number of citizen complaints. He reasoned that

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fatigue may "heighten an officer's opportunity to react in an aggressive manner."[86] He suggested

that the department should respond to these officers before they become involved in self-

destructive activities or develop a trend of violating departmental orders. His proposal included

more intensive supervision, counseling by outside professionals and training in tactics and

strategies. He concluded that:[87]

> The problem will not vanish, but it can be reduced through constant attention. The
> solutions will not be cheap, they will be time consuming, and may be difficult to implement.
> However, the potential is there to make a significant impact on the citizen complaint's (sic)
> against police officers."

The Miami EW system evolved into a comprehensive approach to monitoring police

officers. The selection criteria include four categories of behavior to identify officers meriting

intervention These include: (1) citizen complaints (utilizing a list of all officers with 5 or more

complaints, with a finding of sustained or inconclusive, for the previous two years); (2) control of

persons (i.e., use of force) incidents (utilizing a list of all officers involved as principals in 5 or

more control of persons incidents for the previous two years); (3) reprimands (utilizing a list of all

employees with 5 or more reprimands for the past 2 years); (4) discharge of firearms (utilizing a

list of all officers with 3 or more Discharge of Firearms within the past 5 years).[88]

Once an officer is identified by the system, his or her supervisor is notified and is expected

to meet with the officer and to determine if he or she needs any assistance, such as counseling,

training or other intervention. Officers identified by the EW system are then closely monitored.

Supervisors are expected to investigate any problem incident and follow-up with a memorandum

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containing a recommendation. Internal Affairs provides the supervisor with a report of each incident which must be reviewed as well as the officer's assignment when the incident occurred. After evaluating the reports, the supervisor must make a recommendation which may include: 1. Reassignment; 2. Retraining; 3. Transfer; 4. Referral to an Employee Assistance Program; 5. Fitness for Duty Evaluation; or 6. Dismissal pursuant to Civil Rules and Regulations. The memorandum goes to the Commander of Internal Affairs through the chain-of-command. Each reviewing supervisor must agree or disagree with the recommendation.[89]

The Miami Police Department EW system has been in operation for twenty years, with only minor revision. During the past ten years, the number of officers identified by the system has declined. This represents prima facie evidence that the department has successfully reduced repeat problem behavior by its officers.

The EW system in the Miami-Dade police department developed in the 1970s in response to a number of racial incidents. The beating of an African-American school teacher and the beating death of another African-American (Insurance Agent Arthur McDuffie) by Miami-Dade officers, peaked racial tensions in the Miami area. On May 17, 1980, the four officers accused of the death of McDuffie were acquitted by an all-white jury in Tampa. The verdict provoked three days of riots that resulted in civilian deaths and millions of dollars in property damage.[90] As a result of the problems, the Dade County Commission enacted legislation which made public the internal investigations conducted by the Miami-Dade Police Department. In addition, an Employee Profile System was adopted to track formally all complaints, use of force incidents, commendations, discipline and disposition of all internal investigations.

As an off-shoot of the Employee Profile System, the Miami-Dade Police Department

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implemented the Early Identification System (EIS) under the supervision of the Internal Review

Bureau. It is not clear what role the City of Miami's EW system had in the development of the

system for the Metro-Dade department. By 1981 the EIS system of Quarterly and Annual reports

was operational, and it has continued in operation with only relatively minor changes to the

present day. The Miami-Dade EIS system is described in detail in Part III of this report.

IV. PROGRAM ELEMENTS OF EW SYSTEMS

Although the idea of EW systems has become increasingly popular, there is no model

system or recommended set of program elements. In fact, substantial variety is found in existing

EW systems. This section describes the full range of potential elements in EW systems.

A. Formal Program Components

EW systems generally consist of three basic program elements: (1) selection criteria, (2)

intervention, and (3) post-intervention monitoring.

1. Selection Criteria

The selection criteria consist of those performance indicators that are used to identify and

officers for intervention by the EW system. There is considerable variation in the criteria used by

EW systems. Virtually all systems use citizen complaints. Some systems, such as Minneapolis,

use only complaints (see Part III). Many systems, however, also use a variety of other performance indicators such as involvement in use of force incidents, involvement in civil litigation, and other factors. As noted above, the Miami Police Department's EW system uses four performance categories: complaints, control of person reports, reprimands, and discharge of firearms. As described in Part III of this report, the New Orleans Professional Performance Enhancement Program (PPEP) uses three broad performance categories, one of which is a discretionary supervisor's referral.

The IACP report on police integrity and the control of corruption recommends that departments collect data on seven different performance categories: (1) firearms discharges, (2) excessive force incidents, (3) motor vehicle damage, (4) loss of departmental equipment, (5) injury on duty, (6) excessive use of sick leave, (7) all complaints, including supervisory disciplinary actions.[91] Reiter, meanwhile, recommends seven performance indicators: (1) complaints, (2) use of force reports, (3) firearm discharges, (4) vehicular pursuits, (5) "official vehicle traffic accidents," (6) criminal complaints, and (7) civil suits.[92]

2. Intervention

The intervention phase of an EW systems consists of some form of counseling, training, or other action by the police department. There is considerable variation among EW systems in the exact form of the intervention. Many involve individual counseling by the immediate supervisor. The Minneapolis program included in this study operates in this manner. The Miami Police Department system described above involves several levels of supervisors in the review of reports

Figure 2-2

EARLY WARNING SYSTEM   PROGRAM ELEMENTS

BASIC COMPONENTS AND OPTIONS

I. SELECTION CRITERIA

* Citizen Complaints
* Use of Force Reports
* Civil Litigation
* Resisting Arrest Incidents
* Pursuits and vehicular accidents
* Other indicators

II. INTERVENTION

* Informal Counseling
      (Immediate Supervisor only
* Informal Counseling
      (Immediate Supervisor, and other Command Officers
* Training Class

III. POST-INTERVENTION MONITORING

* Informal review by immediate supervisor
* Informal review by supervisor and other command officers
* Formal observation and documentation

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on officers identified by the system. In San Jose, California, the counseling session is attended by several command officers.[93] Intervention in the New Orleans PPEP program, on the other hand involves a class of several officers selected by the program.[94]

3. Post-Intervention Monitoring

The post-intervention monitoring phase of an EW systems involves efforts by the department to monitor the performance of an officer who has been subject to intervention to determine whether there has been an improvement in an officer's performance or whether the original problematic behavior is continuing. There is considerable variation among EW systems with respect to post-intervention monitoring. Some EW systems utilize formal review, evaluation, and reporting of officers' performance by immediate supervisors for a period of several months. In New Orleans, immediate supervisors are required to observe officers under their command and complete written evaluations of their performance every other week. In Houston, the monitoring and reporting lasts for 12 months.[95] Other systems, however, rely only on an informal commitment to reviewing officer's performance following intervention. The variations in post-intervention monitoring are described in detail below.[96]

B. Program Goals and Strategies

The original goal of EW systems was to monitor the behavior of police officers whose performance was problematic and to intervene before the officer's behavior led to a serious

incident. In some police departments, however, the EW system has acquired other explicit or implicit goals which involve officers, supervisors, and the organization. Obviously, different strategies are used to accomplish the various goals. In some instances the various strategies are clearly articulated, while in others they are implicit, unarticulated, and in some cases not clearly thought out.

Reiter is the only authority to have discussed the various potential goals of EW systems. He lists six "obvious benefits" to early warning systems: (1) to "salvage" an officer's career before involvement in "serious trouble," (2) forcing immediate supervisors "to become actively involved in in employee development," (3) to provide evidence of an agency's efforts to help an officer should the officer not respond and ultimately need to be terminated, (4) to develop information that "can be used to develop positive changes in training, equipment, tactics and policy," (5) to develop documentation that can help defend the agency against "custom and practice" litigation, and (6) to enhance greater "community confidence in the agency's ability to control and manage itself."[97]

1. Monitoring and Changing Individual Officers

The basic strategy of EW systems involves a combination of deterrence and learning theory. The distinction between these two strategies does not appear to be clearly articulated in most EW systems, however.

With respect to deterrence, EW systems implicitly operate on the basis of both specific and general deterrence.[98] Specific deterrence is directed toward the officers subject to the EW

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system and assumes that the process will deter the officers from future behavior that might make them subject to future discipline. As Zimring and Hawkins explain, the threat of punishment teaches right and wrong, builds good habits and respect for law (in this case, departmental rules), and serves as a rationale for conformity (in this case, to departmental rules).[99]

One unresolved issue is the extent to which an EW system is perceived as punishment by officers subject to it. Officially, EW systems are not a form of punishment or discipline, although in some systems being placed on the system can lead to formal discipline. Nonetheless, some officers may perceive being identified by the system as a form of *labeling* which affects their reputation within the department and, for all practical purposes, becomes a form of punishment.[100] It may be the case, for example, that an officer being considered for another assignment may not be appointed if he or she is currently on the EW system.

General deterrence assumes that the existence of the EW system and the example of some officers being subject to it will be a caution or a warning to other officers in the department to avoid behavior that might make them subject to the system. For these officers as well, the threat of punishment teaches right and wrong, develops good habits, cultivates respect for law, and serves as a rationale for conformity among those officers who are not directly subject to the EW system.

In a report on personnel evaluations in community policing, Wycoff and Oettmeier argue that one function of evaluation is "to convey expectations to personnel about both the content and style of their performance, and to reinforce other means of organizational communication about the mission and values of the department."[101] An EW system can perform that function for those officers selected for intervention.

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With respect to learning, some EW systems operate with an officially stated goal of helping and not punishing officers. The official purpose of the New Orleans PPEP program is to help and not punish officers.[102] A Public Integrity Division (PID) officer explained to officers selected for a PPEP class that only one NOPD officer subject to PPEP had been terminated, but that the termination was for an incident that had occurred before the PPEP class.[103] Various aspects of the intervention are intended to teach officers techniques for controlling their behavior and thereby avoiding problems that might lead to disciplinary actions. The New Orleans PPEP class, for example, has a unit on Techniques and Assessment, designed to teach the proper techniques for handling potentially volatile situations (see Part III).

2. Changing Supervisors

Some EW systems include a second goal of attempting to control and alter the behavior of supervisory officers, to ensure that they more closely supervise the performance of EW system subject officers than they might do in the ordinary course of their work. Reiter cites forcing supervisors to become more involved in employee development as one of the six "obvious benefits" of EW systems.[104] A letter explaining the New Orleans PPEP program, for example, states that the individual officer "comprises only one portion of the citizen complaint problem," and that the program is designed to address a wider range of organizational and management issues that may be relevant. The letter further states that "While good supervision in general is vital, we particularly recognize the critical role of the 'immediate' supervisor in maintaining performance standards ...."[105] In some systems this goal is articulated by EW system managers,

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while in other programs it is implicit and unarticulated.

The strategy for controlling and altering supervisors' behavior involves the standard bureaucratic approach of requiring formal reports. In New Orleans, for example, supervisors (usually sergeants) are required to directly observe the performance of EW-subject officers under their command for six months and to file a signed evaluation every two weeks. In another EW system (not included in this study) a computerized system requires supervisors to report that they have conducted the required intervention and automatically notifies the next highest level supervisor if the intervention has not been conducted after two weeks. In the Pittsburgh (PA) system, instructions to counsel an officer appear on a supervisor's computer screen. If that person fails to take the required action and enter that fact into the computer within two weeks, the computer automatically notifies his or her supervisor.

Even though most experts on policing recognize that street-level sergeants play a crucial role in shaping the work of a police department, there is very little research on their activities. The most thorough study remains Van Maanen's which is over twenty-five years old.[106] The capacity of sergeants to undermine the effective implementation of an innovative program was found in an evaluation of team policing experiments in the 1970s.[107] The role of sergeants in the implementation of EW systems is obvious. On the one hand, it is possible for sergeants to effectively undermine the goals of EW systems. On the other hand, it is possible for EW systems to change the behavior and work norms of sergeants, with collateral benefits to both the quality of policing on the street and the organization as a whole.

3. Changing Departments

A third goal of EW systems is to improve the management and supervision with the entire department and to establish new standards of accountability. The IACP report on integrity and corruption control, for example, declares that an EW system is not just a system to focus on problem officers [emphasis in original].[108] It views an EW system as a "proactive management tool useful for identifying a wide range of problems," including for example, "inappropriate supervisory instructions to officers" and other management issues.[109] Similarly, the New Orleans PPEP program that, apart from problems related to particular officers, citizen complaints may be a function of "training, procedures, and supervision."[110] Reiter also lists facilitating improvements in "training, equipment, tactics, and policy" as one of the benefits of EW systems.[111]

The idea that citizen complaints or other indicators of problematic performance are a potentially useful management tool for improving the department as a whole is consistent with William A. Geller's notion of police departments as "learning organizations." Geller characterizes learning organizations as those that seek to "work smarter" by learning from experience.[112] From this perspective, complaints and other indicators of problematic behavior serve as the experience to which a department can apply a problem-solving process. Experts on citizen oversight of the police take a similar view. Walker, for example, argues that one of the most important roles of citizen oversight agencies is to use individual complaints to identify recurring problems and to make policy recommendations designed to correct those problems.[113] Douglas Perez, meanwhile, argues that one of the criteria for evaluating a citizen complaints process (whether internal or external) is the extent to which it serves a "learning" function, with feedback to the police department on improvements that need to be made in departmental procedures.[114]

Along similar lines, Oettmeier and Wycoff argue that one of the functions of personnel

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evaluations under community policing is "system improvement." The evaluation process is an opportunity to "identify organizational conditions that may impede improved performance and to solicit ideas for changing conditions."[115] An EW system, by systematically identifying problem officers may, at the same time, identify policies or practices that encourage or tolerate problematic officer behavior, and lead to corrective action.

The goal of changing the organization can be accomplished in several ways. Most directly, the EW system is designed to reduce problematic behavior and thereby improve the quality of service delivered to the public. Presumably, this serves to reduce the number of citizen complaints, excessive force incidents, civil suits, and improves public attitudes toward the department. At the same time, the organizational culture is affected as a consequence of effects described above. Presumably, the general deterrent effect communicates new standards of performance and improves the performance of all sworn officers in the department. The formal bureaucratic systems designed to control and alter the behavior of supervisors, meanwhile, also communicate new standards of accountability to all supervisors.

The PPEP program in the New Orleans Police Department has already had an impact on other parts of the organization. In response to the perceived effectiveness of the program the commanders of four different divisions within the NOPD have requested PPEP training for all of the officers in their units.[116]

C. Potential Drawbacks and Dangers

EW systems are not without their potential dangers. Reiter lists six "potential drawbacks":

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(1) that the system could have an "adverse impact"on an officer's career if "used inappropriately;" (2) that it could inhibit active and desirable police work; (3) that some supervisors "may simply go through the motions" without taking the goals of the system seriously; (4) that the department could create legal liability for itself by creating an EW system but then not using it; (5) that data in the system could be used by plaintiffs' attorneys in actions against the department.[117]

The first two points raised by Reiter are particularly important. It is possible that EW systems will indeed have a deterrent effect but in the wrong direction. Instead of deterring misconduct they may deter officers from the kind of active police work that is both appropriate and consistent with the department's goals.

The third point raised by Reiter is also important. A departments may adopt an EW systems because it is the current fad, but with little commitment to the administrative requirements of making the system operate effectively over the long term. In such instances, an EW system becomes little more than a symbolic gesture, designed to create the impression of a commitment to accountability but without the substance of real accountability.

IV. ISSUES FOR EVALUATION

The development of EW systems as a response to police officer misconduct raises a number of different issues for evaluation. These issues may be categorized in terms of the goals of EW systems discussed above.

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A. Implementation: Intervention Content and Delivery

A major issue for EW systems involves implementation. Specifically, the question is whether the content of the intervention is related to the goals of the program and whether that content is in fact delivered as intended.[118] In this respect, EW systems resemble correctional treatment programs in the criminal justice system, along with other interventions in medical, psychological, and other non-criminal justice settings. These programs are based on the assumption that there is some substantive treatment, that it is in fact delivered, that it is relevant to target problem, that it has a positive impact on its subjects, and finally that it has no unintended negative effects.

A number of questions arise with respect to the content and delivery of interventions in police EW systems. In most systems, the intervention consists of an informal counseling session between the subject officer and that officer's immediate supervisor. There is evidence that some police departments do not require any documentation that the counseling actually takes place. In one of the sites investigated as part of this study, the department initially required supervisors to document counseling in the form of a memorandum to the commander of the internal affairs unit. At some point, however, the then-commander eliminated the documentation requirement (see Part III, below).

In short, in some EW systems there is no way of knowing whether any intervention was delivered, while in others there is guarantee that the content of the intervention was consistent across all subject officers or consistent with the official goals of the program. This is an extremely important issue and poses serious problems for both program administration and evaluation

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research. Administrators face the problem of ensuring consistent delivery of intervention content. Further discussion of this issue is needed as EW systems continue to develop in the future. With respect to evaluation research, in the absence of some verification that the intended intervention is delivered positive findings with regard to officer behavior cannot with confidence be attributed to program intervention.

Second, because intervention counseling sessions are by design informal and off-the-record, there is no way of documenting the content of the intervention. It is entirely possible that the counseling session contains no substantive content related to the goals of the EW system. Potentially even worse, it is possible that the content delivered undermines the goals of the EW system. It is possible, for example, that a sergeant takes an EW subject officer aside and says, "Don't worry about it. I'll take care of you. This is all bureaucratic bullshit. Let's go get a drink." A "counseling session" of this sort would undermine the goals of the EW system by communicating to officers the message that the department is not serious about performance standards. There is good reason to fear that this outcome may actually occur. Many experts believe that in the past (and possibly still in the present) new officers were socialized by veteran officers who immediately told them to disregard everything they were taught in police academy.[119] Finally, even where substantive content is delivered that is consistent with program goals, there are questions about consistency across supervisors. It is entirely possible that some supervisors deliver threats about possible future discipline while others make an effort to help the officers they counsel. This type of undermining is not to be confused with the proper response of a supervisor who reviews the circumstances and determines that the officer's actions were reasonable and that the officer has not done anything improper.

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The development of EW systems is still in its infancy. As noted above, program administrators need to give additional thought to various strategies to ensure the consistent delivery of intended intervention content. Two obvious strategies include the development of written guidelines and formal training for supervisors regarding EW intervention.

Questions about content and delivery are far less problematic in those EW systems where the intervention consists of a class of several officers. One of the EW systems investigated as a part of this study conducts the intervention in this manner (see Parts III, IV, below). In this particular program, for example, the intervention is guided by a written curriculum that is available for scrutiny by outsiders and which ensures that it contains substantive content related to the program's goals. At the same time, group-based intervention ensures that the delivery of the intervention is consistent for all subject officers, at least for each class.

B. Data Problems

As noted earlier, EW systems are data-based management tools. Their effectiveness, therefore, depends on the validity and reliability of the data they use. Unfortunately, there are a number of problems related to the data that are used by EW systems.

One set of problems involve citizen complaints which are the most commonly used selection criterion, and in some systems are the only criterion. Citizen complaints are a highly under-reported phenomenon. An analysis of data from the Police Service Study (PSS) found that only about a third of all citizens who felt they had a reason to complain about a police officer took any kind of action, only about three-quarters of those people contacted the police, and it is not

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known how many of those contacts resulted in a formal complaint.[120] A recent Justice Department victimization-style survey of police-citizen contacts did not find a single individual who filed a complaint about police use of force.[121]

A second problem with citizen complaint data is that the number of complaints received by a police department –expressed as the complaint rate in the form of complaints per 1,000 officers– is very heavily influenced by the complaints process. Research on citizen complaints has found that in many instances the number of complaints rises as citizens perceive the complaints process to be more open, receptive, and fair. By the same token, the number of complaints remains low where citizens perceive the process to be closed and inaccessible, and the police department unresponsive to complainants. Walker, for example, argues that in some instances an increase in the number of complaints may in fact indicate that a police department and/or the external oversight agency are doing a better job of receiving and investigating complaints. It is an index not of deteriorating police performance but of improved complaint processing. Further, it is possible that improved complaint processing would lead to improvements in the quality of police service (i.e., more sustained complaints, greater deterrent effect, etc.). The net result is that the official complaint rate rises even as the quality of police service improves. Consequently, there are serious problems involved in using complaints as a measure of police performance when they measure administrative arrangements.[122]

Questions also arise with respect to departmental use of force reports which are used by some EW systems as performance indicators. Many, if not most large police departments today require officers to file control of person or use of force reports after any incident where force is used, or where an injury was reported.[123] The level of compliance with this requirement is not

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known. It is probable that compliance is near-total in incidents where other officers, especially supervisors, are present and where an arrest raises the visibility of the incident. It is not clear, however, whether officers fully comply in "low-visibility" situations where there are no observers and no arrest results.

Additionally, in some EW systems there is a lack of consistency between the selection criteria and the post-intervention monitoring criteria. One EW system, for example, uses a broad range of selection criteria, including involvement in use of force incidents, but uses only citizen complaints as a post-intervention performance measure. Thus, the system is not equipped to measure the impact of the intervention on the behavior that selected the officer for intervention in the first place.

C. Impact on Individual Officers

1. Reducing Undesirable Behavior

EW systems are designed to reduce problematic behavior on the part of police officers whose records indicate repeated instances of such problems. The first issue for evaluation is whether EW systems are effective in changing officer performance. A decline in citizen complaints or other indicators used as selection criteria would suggest that the program is effective.

2. Possible Unintended Consequences

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EW systems may also have the unintended consequence of reducing desirable performance on the part of officers subject to EW intervention. It is possible, for example, that officers subject to intervention are deterred from active police work. They might, for example, initiate fewer contacts with citizens out of fear that contacts entail a risk of citizen complaints and either additional EW intervention or formal disciplinary action.[124]

3. The Regression to the Mean Problem

Because EW systems are designed to identify officers with high rates of problematic behavior, they may be subject to what is known as the regression to the mean problem. The concept of regression to the mean holds that in any situation where indicators deviate from an expected mean for a certain limited period of time they will eventually return to that mean. For example, a neighborhood suffers from a sudden rash of burglaries, but eventually returns to its normal level of crime; a baseball player goes on a hitting "streak" but eventually returns to his or her normal batting average; a person is struck by a severe cold or flu, but eventually returns to normal health. The regression to the mean is considered normal and predictable (at least in most instances), and cannot be attributed to any external factor such as intervention by a treatment program. In the examples just cited, the return to normal is not necessarily the result of more police protection, a change in batting style, or grandmother's favorite cold remedy.[125]

The regression to the mean phenomenon is particularly relevant for programs that involve some formal intervention or treatment of individuals whose behavior is deemed problematic or undesirable and are as a consequence subject to treatment. An abnormally high level of the

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behavior in question is likely to bring individuals to the attention of persons delivering the treatment in question. Several examples illustrate the point. Criminal offenders are most likely to be subject to "treatment" through apprehension, conviction, and sentencing when their offending is at an abnormally high rate. The sheer increase in the number of offenses increases the risk of apprehension. If and when the individual returns to a lower level of criminal activity, it is not known whether this is a result of the treatment or a regression to the mean.

The regression to the mean phenomenon is relevant to EW systems. By their very structure, EW systems are designed to identify and select police officers at points of abnormally high levels of problematic behavior. A series of two or three citizen complaints or use of force reports within a few months will "trigger" the EW system and select an officer for intervention. The regression to the mean phenomenon, however, would predict that most --although not necessarily all-- of these officers will return to some normal level of behavior (e.g., a "normal" level of citizen complaints) without the benefit of any formal EW intervention.

The methodology used in this study (see Part III) attempted to control for the regression to the mean problem by employing a cohort approach. The study collected data on the performance histories, including both positive and negative indicators, on officers in selected recruit class cohorts. The data were analyzed to determine whether or not those officers subject to EW intervention had substantially worse performance histories than officers no subject to intervention. If it were found that members of the EW-subcohort did not have substantially worse performance histories than their non-EW colleagues, then it would be reasonable to infer that they had been identified by the EW system on the basis of an atypical series of events and that any post-intervention improvement in their performance would be the result of the regression to the mean

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phenomenon. In fact, EW officers were found to have substantially worse performance histories.

D. Impact on Supervisors

As discussed above, some EW systems clearly articulate one of their goals being to change the behavior of supervisors. The goal is to encourage or mandate (through bureaucratic means) them to supervise officers under their command more closely than they would normally.

Several issues for evaluation arise with respect to the impact of EW systems on supervisors. The first is an implementation issue in those EW systems that include formal procedures for enhanced supervision of EW subject officers. Do these supervisors comply with the requirement in a formal sense (i.e., do they complete and file the required forms)? Assuming formal compliance, is the enhanced supervision meaningful with respect to the goals of the program? Do supervisors merely fill out the required forms or do they actively monitor officers and provide assistance or corrective advice? Alternatively, do supervisors undermine the goals of the EW system by telling officers they will "take care of them"?

A second question involves the possible "spill-over" effect of the enhanced supervision requirement. That is, does a supervisor who is required to engage in enhanced supervision of an EW subject officer learn and internalize a new style of supervision and also begin engaging in enhanced supervision of other officers?

E. Impact on Organizations

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EW systems do not exist in an organizational vacuum. Whatever the specific factors that lead to the creation of an EW system (racial incident, community protests, litigation, etc.), an EW system represents a step towards greater accountability. In all of the departments known to the authors of this report, the EW system was part of a broader commitment to reducing officer misconduct and enhanced accountability. This raises several issues for evaluation.

The first set of issues relate to relations between the police and the community. By improving the behavior of a few officers with high rates of citizen complaints, does an EW system succeed in improving the overall quality of the delivery of police services in a community? The improved quality would be measured in terms of the total number of citizen complaints, excessive force incidents, civil litigation against the department, and public opinion about the department.

A second set of issues relate to internal aspects of a law enforcement agency. Does the introduction of an EW system per se communicate a message to the organization as a whole that leads to great accountability (e.g., greater restraint by individual officers; increased likelihood of officers reporting misconduct by other officers; more thorough investigations by internal affairs units; etc.). In this scenario the EW system is the agent of change. Second and alternatively, the EW system could be the beneficiary of other changes in the direction of greater accountability. In this scenario there is a reduction in officer misconduct, which appears in EW system data, but which is a consequence of other changes in the organization and would have occurred even if the EW system itself did not exist.

These issues have implications for pre-post evaluation designs such as the one employed in this study. It is theoretically possible that observed improvements in officer performance are the result of the larger message communicated by the articulation of new standards of

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accountability and not necessarily the result of the EW system per se.

F. EW Systems as Predictive Tools

EW systems are data-based management tools that collect longitudinal data on police officer performance, particularly on undesirable forms of behavior. This raises the question of whether they can serve as predictive tools capable of identifying background characteristics of officers which correlate with undesirable behavior.[126]

In short, one important issue for research is whether systematic data on officers subject to EW systems can serve to predict problematic police performance, with implications for police recruitment and training.

G. Departmental Liability Considerations

EW systems raise important issues of liability. Many law enforcement agencies may be reluctant to create EW systems out of fear that attorneys representing plaintiffs suing the department may subpoena the EW system records and utilize the information against it.[127] Several commentators, however, argue that in the current legal environment an EW system is more likely to shield a law enforcement agency against liability. Gallagher argues that departments can shield themselves against charges that they "had a policy of encouraging excessive use of force" through a six-layer approach that includes maintaining written policies on proper conduct, training related to those policies, close supervision of officers, discipline of those officers who violate policy, on-

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going review and revision of both policies and the personnel process, and in-service training for officers regarding the current state of the law.[128] Although Gallagher does not refer to EW systems per se, the basic EW concept that a department closely monitors its officers's performance and makes a good faith effort to correct the performance of officers whose records are substandard or problematic is fully compatible with his argument.

Along the same lines, Beh argues that a police department's failure to maintain an effective citizen complaints process, and/or to discipline officers guilty of misconduct, exposes it to liability under the deliberate indifference standard. Beh cites an EW-type system (ensuring "early identification of problem officers") as one of the nine "minimum" steps necessary for an effective response to citizen complaints.[129]

VI. CONCLUSION

Early warning (EW) systems have emerged in recent years as a response to the phenomenon of "problem" officers, defined as those officers who receive a high rate of citizen complaints or whose records indicate other problematic behavior. The concept of EW has been endorsed by a number of professional associations. EW systems are data-based management tools for identifying "problem" police officers and responding through some kind of departmental intervention, generally in the form of informal counseling or training. EW systems are seen as a means of helping officers improve their performance and not as a form of discipline.

Little is known about EW systems. As this report is being written there are no published articles or books describing, analyzing, or evaluating EW systems. The advent of EW systems

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raise many important questions. First, are the various components of EW systems implemented as planned? Second, do EW systems have their intended effect on individual officers, without at the same time reducing desired police officer performance? Third, what effects do EW systems have on both supervisors and the law enforcement agencies that adopt them?

2.42

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PART III

SCOPE AND METHODOLOGY

I. INTRODUCTION

Context and Basic Objectives

At the time this study was undertaken there was no published scholarly literature on EW systems. Apart from documents produced by officials with individual EW systems there were no detailed descriptions of EW systems in the professional or scholarly literature, much less any articles analyzing or evaluating EW systems.[130] Even the reports recommending the development of EW systems, such as the U.S. Justice Department's report on police integrity, contain no details about the nature of scope of EW systems.

As a consequence, the present study is exploratory and seeks to establish baseline data on the parameters of this new feature of American police administration. In brief, this study seeks first to determine the status of EW systems in American law enforcement agencies (e.g., prevalence, growth trends), describe the dominant components of such systems, and to evaluate the effectiveness of EW systems in three police departments.

The methodology used in the present study combines survey research and case study techniques. First, to determine the nature and extent of EW systems in American policing, a national mail survey of law enforcement agencies was conducted to determine the prevalence of

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EW systems, trends in the growth of EW systems, and the elements of various EW systems. Second, to evaluate the administration, operation and effectiveness of EW systems, case studies were undertaken in three police departments: Miami-Dade (formerly Metro-Dade), Florida; Minneapolis, Minnesota; and. New Orleans, Louisiana; This chapter describes the agencies selected for the case studies and the methodology used in each site.

II. THE NATIONAL SURVEY OF EW SYSTEMS

A national mail survey of law enforcement agencies was designed to determine the prevalence of EW systems, trends in the growth of EW systems, and the components of various systems. The survey was conducted by the Police Executive Research Forum (PERF) in Washington, DC. PERF created a sample of municipal and county police and sheriff's departments serving populations of 50,000 people or more. PERF has extensive experience in surveying law enforcement agencies and the strategy and techniques used for this study have been tested in previous surveys. The survey included a series of questions related to police use of force as part of a separate research project with which PERF was involved. A pre-test of the instrument in three agencies resulted in changes in wording and order of the questions. A copy of the survey instrument is attached as an Appendix to this report.

The first wave of surveys was mailed out to 845 law enforcement agencies (355 Sheriff's Departments and 490 Municipal Agencies) in August 1998. Eight Sheriff's Departments and 5 municipal agencies were removed from the sample for a variety of reasons (such as they were substations or parts of other agencies). The sample was reduced to 832 agencies. The second

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wave of surveys was mailed in October 1998. Those agencies that had not responded by February 1, 1999, were called, reminded about the survey, and asked to respond. The result of this administration of the survey resulted in a 69% overall response rate. Three hundred sixty-two out of the 485 municipal agencies responded (75%) and 209 out of the 347 Sheriff's department's responded (60%). The non-respondents were not significantly different from the respondents by size or geographic location.

The survey asked each law enforcement agencies whether it had an EW system in place, if not whether one was being planned, the date the system was created, and the various program elements of the system. The data permit analysis of the prevalence of EW systems by type of agency (municipal police department, county sheriff's department, county police department), size of agency (by number of sworn officers), accreditation status (accredited, not accredited), collective bargaining status (rank and file officers represented by collective bargaining unit, not represented), and other factors.

III. CASE STUDIES

Site Selection Criteria

Three police departments were selected for the case studies: Miami-Dade, Florida; Minneapolis, Minnesota; and, New Orleans, Louisiana. The three sites represent large urban police departments of varying size with respect to the number of sworn officers. According to the 1999 LEMAS data at the time the study commenced, Miami-Dade had 2,920 sworn officers,

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New Orleans had 1,576 officers, and Minneapolis had 890 officers.[131]

These three sites were selected on the basis of several criteria. First, all three have EW systems that have been functioning for a period of four or more years, and all three departments agreed to participate in the study. Second, the EW systems in the three departments are different in terms of structure and administrative histories. These differences permit exploration of the varieties of EW systems that currently exist. Third, the three departments have different histories with regard to police officer use of force and accountability. This factor also permits investigation of the role of an EW system in the larger structure and processes of accountability.

With respect to administrative history, the Miami-Dade EW system is relatively old and established, having been operating for 17 years at the time the study commenced. The system has had a relatively stable administrative history, and has experienced only minor fine-tuning. The Minneapolis EW system had been operating for approximately 9 years at the time the study commenced. Over that period, however, it has experienced a number of administrative changes, particularly related to selection criteria. During one period of slightly more than one year it ceased functioning altogether. The New Orleans system was approximately five years old at the time the study commenced. It has had a relatively stable administrative history, with the same individuals responsible for it over that period, and has experienced only minor changes.

With respect to selection criteria, two of the sites (New Orleans, Miami-Dade) use a broad range of performance indicators, including citizen complaints, involvement in use of force incidents, and other indicators. Minneapolis, on the other hand, relies solely on citizen complaints. With respect to intervention, Miami-Dade and Minneapolis utilize informal counseling by the immediate supervisor. New Orleans utilizes a training class involving groups

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of officers who have been selected by the system. With respect to post-intervention monitoring, New Orleans maintains an formal bureaucratic system of monitoring, reporting, and record-keeping. The Minneapolis and Miami-Dade systems, on the other hand, include no formal post-intervention monitoring or record-keeping. The program elements of the respective systems in the three sites are described in greater detail below.

The three sites vary considerable with regard to the departments' reputations with respect to accountability and use of force. The Miami-Dade Police Department has a national reputation for high standards of professionalism and accountability. The EW system has been in place for 17 years and is regarded as one of several mechanisms for ensuring accountability. The Minneapolis Police Department has in the past had a poor local reputation with regard to use of force and civil litigation against the department. The current police chief was hired in 1995 with a strong mandate from the mayor to raise standards of accountability. The current police chief inherited an EW system that had been in place for a few years. The New Orleans Police Department acquired a reputation in the mid-1990s as an agency with a very serious problem with respect to corruption and use of force by police officers.[132] The EW system currently in place is one of many reforms implemented by the present Superintendent who was hired in 1995 with a mandate to raise the department's standards of accountability.[133]

The different histories and reputations of the departments are important for this study, as it is critical to assess the role of EW systems in police departments with different degrees of problems with respect to use of force and accountability. What role does an EW system play, for example, in a police department with a very troubled history? What role does an EW system play in a department that by reputation already has high standards of professionalism are more

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important questions that deserve attention.

A Note of Research Methodology

Because of differences in the nature of the respective EW and also problems related to data availability in each of the three sites, a somewhat different methodology are used in each site. The methodologies used in Minneapolis and Miami-Dade are essentially the same, except for minor variations related to the availability of certain data.. The methodology used in New Orleans is very different because the nature of the PPEP program creates unique research opportunities.

A. MIAMI-DADE

1. Recent History of the Department

The Miami-Dade Police Department (MDPD) currently enjoys a reputation for high standards of professionalism and accountability. Individuals inside and outside the MDPD interviewed for this study attribute this reputation to a series of reforms instituted following a number of controversial racial incidents in the late 1970s and early 1980s.

Tensions between the MDPD and the African American community reached a crisis stage following the beating of an African-American school teacher and the highly publicized beating death of African-American Insurance Agent Arthur McDuffie by Miami-Dade officers. An

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attempted cover-up of the beating of McDuffie further strained relations between the police and the public. On May 17, 1980, the four officers accused of the death of Arthur McDuffie were acquitted by an all-white jury in Tampa, Florida. The verdict sparked three days of riots that resulted in civilian deaths and millions of dollars in property damage.[134]

As a result of the real and perceived problems between the police and the citizens, the Dade County Commission enacted legislation which opened to the public the internal investigations conducted by the Miami-Dade Police Department. In addition, an Employee Profile System (EPS) was created to track all complaints, use of force incidents, commendations, discipline and disposition of all internal investigations. As an off-shoot of the EPS, the Miami-Dade Police Department created an early warning (EW) system, known as the Early Identification System (EIS) under the supervision of the Internal Review Bureau.

Interestingly, the City of Miami was simultaneously developing its own EWS because of its relations with the public (see Part II). Although the two agencies operate in the same metropolitan area and were moving along parallel tracks, it is not clear that events in one influenced the other with respect to EW systems. The MDPD has had stable management and strong support from the County Commission and the public. Director Carlos Alvarez is a popular administrator who rose through the ranks at MDPD.

2. The EIS System

(a) Selection Criteria

The EIS in the MDPD became operational in 1981 with a system of Quarterly and Annual reports. Quarterly reports list all officers who had received two or more citizen complaints that had been investigated and closed, or who were involved in three or more use of force incidents during the previous three months. Annual reports list officers who had been identified in two or more Quarterly reports. The original requirement that complaints had to be investigated and closed before they would qualify to be included in the Quarterly report created a timing problem as many complaints would take months or a year before they are investigated and closed. Because of this problem, a system of Monthly reports was created in 1992, which listed employees who had received two or more complaints during the past 60 days, regardless of disposition.

The Monthly, Quarterly and Yearly reports are disseminated through the chain of command to the respective supervisors of each officer identified. As one official described the system, the information on the list is "utilized by supervisors as a resource to determine if job stress or performance problems exist."[135] The information is intended to be a resource in evaluating and guiding an employee's job performance and conduct, but it is understood in the MDPD that this information is to be used in conjunction with other information to provide a comprehensive understanding of an officer's performance.

(b) Intervention

The intervention phase of EIS consists primarily of an informal counseling session between the supervisor and the officer selected by the EIS system under his or her command. It is

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expected that the supervisor will discuss the report with the officer and determine whether further action is needed. Such actions may include making referrals to employee assistance programs inside or outside the department, including Psychological Services, Stress Abatement Programs or Specialized Training Programs.

In 1981, 150 employees were identified in the two initial reports. In 1982, 46 employees were identified in all four Quarterly reports. This decline is due to a number of factors, including the improved recruitment and selection procedures in the agency. It is also believed, however, that the numbers have fallen because the EIS system has helped communicate departmental expectations about officer performance and has helped to correct the performance of officers subject to it. Between 1981 and 1992, departmental strength increased approximately 96%, but citizen complaints have remained steady at an average of approximately 300 per year.

Intervention in the EIS system involves more than just an officer's immediate supervisor. As noted above, officers who are listed on Quarterly Reports become the subject of discussions among command officers regarding these officers' performance and the appropriate departmental response. The Reports are regarded as a "resource" to be used in a broad context of supervision. Formal counseling as part of the EIS system is only one possible outcome. In short, even though an officer may not be subject to formal counseling or other action, the mere fact that his or her name appears on a Quarterly Report provokes discussion among supervisors and alerts supervisors to potential problems. This process may be regarded as an indirect form of intervention.

(c) Post-Intervention Monitoring

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Post-intervention monitoring of officers in the MDPD EIS system is informal and is conducted by supervisors. Review of officers' performance records is designed to identify officers whose continue to exhibit patterns of misconduct and also to communicates a message to subject officers that their performance is being closely scrutinized. Additionally, the EIS system puts supervisors on notice that their responsibilities include the close monitoring of those whose performance is problematic.

3. Research Methodology

(a) Qualitative Assessment of the EIS Program

A qualitative assessment of the EIS program was conducted through a review of official documents and interviews with key stakeholders. Interviews were designed to determine perceptions of the EIS system, its place within the general procedures for maintaining accountability, specific experiences individuals had with the system, and perceptions of whether rank-and-file MDPD officers are aware of the EIS program and take it seriously (in terms of perceived consequences for their careers). Interviews were conducted with the Director of the MDPD, other key command and administrative personnel, an official with the Dade County Police Benevolent Association, the union representing rank-and-file officers, the key person involved with records at the Professional Compliance Bureau (PCB), other sergeants at PCB, and six sergeants who were assigned to different districts. The interviews were conducted in late 1998 and early 1999. In addition, considerable time was spent with the person responsible for

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the day-to-day management of the EIS data set. A total of 18 persons were interviewed. These categories of respondents provided the potential for various views of the EIS. The interviews were conducted in the individual's offices or district station. The content of these interviews are presented in the data chapter.

Each interview was conducted with a set of questions but the discussions all went beyond the scope of the questions and included personal and organizational experiences and observations. Because anonymity was promised, our findings will be presented as a summary and the examples will not be attributed to any individual officer.

(b) Impact on Officers' Performance

To evaluate the impact of the EIS system on officers' performance, a cohort was created including all individuals who became sworn officers in the MDPD during the calendar years 1990, 1991 and 1992. Since the data were collected in late 1998, this involved officers with between eight and six years of service with the department. This allows sufficient time for each officer to become involved with a variety of experiences as police officers. The starting point was the date of "becoming sworn." Thus recruits dismissed during or immediately after pre-service academy training were excluded from the analysis. The date of hire may reflect an individual being hired and serving in a civilian role, and graduating from the academy may not reflect the date of service. Some officers may have graduated from the academy but were required to take remedial courses (such as firearms training) or did not accept a job. The cohort used in the analysis included 295 sworn officers.

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Data were extracted from the MPD's Employee Profile System (EPS). This computerized data base includes information on the officers' assignments, history of commendations, complaints and other activities. Unfortunately, these data were not readable to another file (without significant time and resources) and all the information needed for this study was not available in this data set. It was necessary to print out the necessary data and retrieve the most recent information from the officer's "jacket" or personnel record which is located at his or her current assignment or district. Finally, additional information was retrieved from each officer's Early Identification System (EIS) file. Some of these data were computerized while other information had to be coded off hard copies of reports. In other words, we had to create a data base for our cohort form several sources within the police department. There were several documents stored in various locations that were necessary to review. Once these documents were located and the desired information copied, data entry forms were created for each member of the cohort. Finally, these data were computer entered. While there is some missing data, the most important information was available and utilized.

B. MINNEAPOLIS

1. Recent History of the Department

At the time the study began, the Minneapolis Police Department (MPD) had a mixed reputation, and was in the process of a significant transition under the leadership of a relatively new chief. On the positive side, the MPD has for many years had a national reputation as a police

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department receptive to research. It was, for example, the site of the well-known Minneapolis Domestic Violence Experiment, conducted by the Police Foundation in the early 1980s, which has had a substantial impact on public policy.[136]

At the same time, however, the MPD has had a troubled local reputation with respect to the use of force by its officers. Many individuals interviewed as a part of this study –including current MPD officers, citizen oversight officials, and community leaders– communicated this view of the department's reputation. A number of these key informants compared the MPD's reputation with that of the neighboring St. Paul, Minnesota Police Department, stating that the latter had a reputation for a high level of professionalism while the MPD had a bad reputation regarding police use of force. This interpretation of the two departments was reported in local news media stories which attributed the MPD's problems to a historic pattern of political influence that was not experienced by the St. Paul Police Department.[137] Other evidence supports this interpretation of the MPD. First, many informants, including some police officials, used the term "thumpers" in reference to MPD officers. This term has also appeared in local newspaper headlines.[138] The term clearly reflected the department's reputation for use of force.

The City of Minneapolis has, at least until recently, paid out relatively large sums of money in civil damage awards related to excessive force by MPD officers. In 1994 one local newspaper published an article entitled "The MPD's Ten Most Expensive Cops, Blow by Blow."[139] The profiles of each of the ten MPD officers included the total civil damage awards resulting from suits involving his or her actions. The top ranked officer had cost the city approximately $1.5 million in damages (plus an estimated $500,000 in legal expenses, for a total of $2 million). The next four officers had cost the city between $300,000 and $200,000 in

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damage awards each (with legal expenses bringing the total for each officer to $500,000). To

place these figures in context, it should be noted that other police departments in the country pay

an annual average of only $100,000 or less in civil damages, with that figure including all

categories of cases and not just use of force claims.[140]

The reputation of the MPD with respect to force eventually brought a number of

important political and administrative changes in the 1990s. These changes have direct

implications for the system of accountability within the MPD and complicate any attempt to

evaluate the impact of the early warning system in the MPD.

First, in response to civic activism, the city created the Civilian Review Authority (CRA)

in 1990 as an independent government agency with authority to investigate citizen complaints

against MPD officers. The CRA has its own staff of investigators and, upon sustaining a

complaint, forwards the finding to the chief of the MPD for disciplinary action. Several

indicators suggest that by the late 1990s the CRA had established a reputation for thoroughness

and fairness in the city. It was given a positive evaluation by an official city evaluation team in

1997, and had apparently won the respect of MPD officers for fairness in investigating

complaints.[141]

Meanwhile, in 1994 the voters of Minneapolis elected Sharon Sayles Belton as Mayor.

Belton had campaigned on a platform promising greater accountability for the MPD. In 1995, she

did not reappoint then-chief of the MPD John T. Laux, in large part because of allegations that he

had failed to discipline officers for misconduct.[142] Minneapolis police chiefs are employed on the

basis of three-year contracts and a mayor may therefore replace a chief simply by not renewing

the contract. Mayor Belton hired Robert T. Olson as MPD Police Chief in 1995. A number of

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persons interviewed for this study –including persons inside and outside the MPD-- stated that Chief Olson was hired with a clear mandate from the mayor to impose higher standards of discipline in the MPD. Most of these informants further stated that Chief Olson has in fact followed that mandate and that MPD officers are today likely to receive significant discipline for any proven misconduct. At the same time, Chief Olson instituted CODEFOR, a form of quality of life policing, along with a system modeled after New York City's COMPSTAT that, presumptively, has heightened the standards of accountability within the MPD. Chief Olson's contract was renewed for a second three-year term in 1998, suggesting that the mayor was satisfied with his performance.

In short, the introduction of the EW system in the MDP coincided with important changes both within and external to the MPD that represented significant changes in the system of accountability for MPD officers and presumptively had effects on standards of discipline and on-the-street officer behavior. In evaluating the impact of the EW systems it is difficult to disentangle the impact of (1) the Civilian Review Authority; (2) the new police chief and the introduction of higher standards of discipline, and (3) the EW system itself.

It should also be noted that subsequent to the data collection period, the Minneapolis police chief instituted a new procedure through which the command staff of the department reviews all reports of potentially problematic officer performance every two weeks. This procedure represents a substantial heightening of the intensity of the level of supervision consistent with the goals of the EW system. Consequently, the findings related to the administration of the EW system in the Minneapolis Police Department reported in Chapter Four of this report do not reflect current practices in the department.

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2. The EW System

The EW system in the MPD was established in the early 1990s and has a number of significant administrative changes, including one major disruption since then.

(a) Selection Criteria

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The selection criteria for the system are limited to citizen complaints. Since its creation in 1990, the Civilian Review Authority (CRA) has had primary responsibility for receiving and investigating citizen complaints against MPD officers. Consequently, the MPD must rely on the CRA for data on complaints and officers who quality for EW intervention. Relations between the CRA and the MPD were observed to be professional and harmonious. Officials in each agency spoke respectfully of their counterparts in the other agency.

The formal section criteria have changed over the years, however. Currently, every quarter the Executive Director of the CRA sends to the commander of the MPD Internal Affairs unit a list of all officers with two or more citizen complaints, including sustained and unstained complaints. In the past, however, the MPD has changed the selection criteria. At times it requested a list of the twenty officers with the most complaints. Even more important, for a period of slightly more than one year in the mid-1990s the EW system in the MPD ceased functioning altogether. This interruption was related to the change in police chiefs and consequent administrative changes within the department.

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(b) Intervention

The intervention phase of the MPD EW system involves an informal counseling session between the officer and his or her immediate supervisor. Upon receiving the list of selected officers from the CRA, the Internal Affairs unit sends a memorandum through the MPD chain of command to the immediate supervisor of each officer on the list. Each immediate supervisor is then responsible for conducting a private, informal counseling session with the identified officer under his or her command.

In the early years of the system, immediate supervisors were required to document their counseling session in the form of a memorandum to the commander of Internal Affairs indicating that the counseling session had in fact occurred. A number of these memos were located in the files of the IA unit. Typically, they include statements by the supervisor that he or she explained the seriousness of the matter to the officer, that it could affect the officer's future in the MPD, and in most of the memos reviewed that the officer indicated that he or she understood the seriousness of the matter. The number of memos located, however, was far less than the number of officers indicated on the Quarterly Reports. Finally, at one point in the mid-1990s the commander of Internal Affairs eliminated the requirement that supervisors document the counseling sessions in a memorandum. Thus, there is no documentation of counseling sessions for the most recent years.

(c) Post-Intervention Monitoring

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The EW system in the MPD does not include any formal post-intervention monitoring. Apart from the routine supervision applied to all officers, officers who are subject to intervention are not subject to formal monitoring (as in New Orleans, see below) and no data are collected on their performance by Internal Affairs.

3. Research Methodology

(a) Qualitative Assessment of the EW System

A qualitative assessment of the EW system in the MPD was conducted through a review of official documents related to the program, and interviews with a wide range of stakeholders inside and outside the police department. The official documents were located in the files of the Internal Affairs Unit of the MPD. The department granted full access to all requests for files. The stakeholders interviewed included the chief of police, the current commander of the Internal Affairs Unit, other sworn and non-sworn staff members of the IA unit, a random sample of sergeants who would be in a position to conduct or to have conducted EW interventions, attorneys representing the Police Federation, the collective bargaining unit for rank and file police officers, the Director of the Civilian Review Authority (CRA), staff and Board members of the CRA, and staff members of the Personnel Department of the City of Minneapolis responsible for the police department. A total of 21 persons were interviewed.

The qualitative research was designed to determine the perceived viability of the EW system and its place in the larger structure and processes of accountability in the MPD.

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Specifically, interviews were designed to investigate the level of awareness of the EW system, knowledge about the details of the program, the apparent level of commitment to the program on the part of officials responsible for it, perceptions of the program's effectiveness, and perceptions of the structure and processes of accountability within the MPD.

(b) Impact of EW System on Officer Performance

To evaluate the impact of the EW system in Minneapolis a cohort representing all sworn officers hired by the MPD in 1991 and 1992 was selected. Recruits who were dismissed during or immediately following pre-service police academy training were excluded from the cohort. This cohort was then dichotomized into EW and non-EW subcohorts. The EW subcohort consisted of all officers who were ever subject to the EW system from the time they were hired through late 1998.

Demographic, performance and career history data were collected on all members of the cohort. Demographic data included data on officers' race and ethnicity, gender, and means of entry into the department. The latter factor was added at the request of MPD officials. Officers enter the department either as cadets or direct recruits. The cadet program is the primary mode of entry for racial and ethnic minority group officers. MPD officials were interested in investigating possible differences in the performance of the two groups. Performance data included citizen complaints received by officers, sustained citizen complaints, commendations, reprimands, suspensions, and official departmental performance evaluations. Career history data included assignment to patrol duty, promotions, and terminations, including both voluntary and

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involuntary.

The analysis of data was designed to investigate whether certain demographic characteristics (e.g., male, white) were correlated with selection by the EW system. The performance histories of EW non-EW officers were investigated for significant differences. Data on assignment to patrol represented an important control. The operating assumption was that citizen complaints (the EW selection criterion in the MPD system) are most likely to be generated by officers on patrol duty and not likely to be generated on other assignments. Thus, citizen complaint data were computed in terms of estimated average annual complaint rates per year on patrol duty. To investigate the impact of EW intervention, the analysis involved average annual complaint rates for the EW subcohort before and after intervention. The average annual complaint rates for the non-EW officers served as a control. To control for the impact of changes in the MPD since the appointment of a new police chief in 1995 involving higher standards of accountability, the complaint data for the non-EW officers were divided into pre-1995 and 1995-present categories.

A number of problems related to the availability of data were encountered. First, because the Civilian Review Authority has original jurisdiction for citizen complaints, the MPD does not have a current and complete list of all complaints received by MPD officers. The IA unit receives records of complaints, (1) when they are sustained, (2) when an officer's record is requested by MPD from the CRA, or (3) when an officer is being considered for promotion or discipline. Consequently, obtaining a complete record of citizen complaints for all members of the cohort required collecting and integrating separate lists maintained by the CRA and the MPD. Both agencies were fully cooperative and no problems in collecting the data were encountered.

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Second, demographic and performance data on individual officers are maintained by the Personnel Department of the City of Minneapolis. The state law on public personnel data limits public disclosure of certain categories of information out o consideration for public employee privacy. Dates of birth, for example, are considered personal identifiers that cannot be disclosed. Medical records and individual performance evaluations are also considered private.

Consequently, the data collection process was necessarily divided into a two-stage process. Data on citizen complaints were first entered on survey instruments by the investigators for this study, with individual officers identified by code numbers. The survey instruments were then transferred to staff members of the Personnel Department who then entered the demographic and personnel data that may be released under state law.

Finally, as was the case in the other two sites, data on officer activity –officer-initiated citizen contacts, arrests, traffic citations – are not available in a form that can be incorporated into this study. That is to say, it is not possible to reconstruct the number of arrests or officer-initiated contacts with citizens over the course of the entire career of an officer hired in 1991. The lack of this data severely limits the study, as it is not possible to determine whether EW intervention deters desirable police activity and also whether the behaviors that select an officer for EW intervention are associated with desirable behavior. The best solution to this problem is to design *prospective* studies that permit the collection of all data deemed to be relevant to evaluating the impact of EW systems on police officer performance.

C. NEW ORLEANS

3.21

1. Recent History of the Department

In the mid-1990s the NOPD gained an extremely unfavorable national reputation for both corruption and use of force by its officers. National media attention focused on two incidents in which NOPD officers were convicted of the murder of citizens. Officer Len Davis arranged for a "contract" murder of a woman who had filed a routine citizen complaint against him. The contract was uncovered through FBI surveillance of officer Davis' police radio as part of a federal investigation of his suspected drug-related corruption. In the second incident, officer Virginia Frank participated an armed robbery of a commercial establishment and murdered the proprietors. Her identity was quickly discovered and she was arrested, prosecuted and convicted. Both officers Davis and Frank were sentenced to death for their crimes.[143]

The crimes of officers Davis and Frank were simply the two most notorious incidents surrounding the NOPD in the 1990s. A number of other scandals related to corruption and violence by NOPD officers were also widely reported in the national news media. At the same time, the city experienced extremely high rates of violent crime, particularly homicide, which most observers believe was associated with narcotics trafficking.

Officials in the NOPD interviewed during the course of this study freely acknowledged the serious problems in the department. Many expressed shame and embarrassment over the more notorious incidents that had occurred. Many, however, insisted that these problems lay in the past and the department was in the process of making a serious effort to raise its standards of accountability.

In response to the unfavorable publicity about the NOPD, Mayor Marc Morial appointed

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Richard J. Pennington Superintendent of the department in 1995, giving him a strong mandate to impose high standards of accountability. Individuals both within and outside the NOPD interviewed for this study stated their belief that the initiative for reform of the department came from the local Chamber of Commerce. Business interests were concerned about real or imagined loss of convention business because of the city's reputation for crime and police misconduct.[144]

Upon being appointed Superintendent, Pennington proceeded to institute a number of changes in the NOPD. One major initiative involved a community policing program that received national publicity. The other important change was a reorganization of the internal affairs unit of the department, now called the Public Integrity Division (PID). The reorganized PID instituted a number of programs, including integrity "stings" to uncover corruption, and an early warning system, known officially as the Professional Performance Enhancement Program (PPEP). An early warning system had been planned prior to the arrival of Superintendent Pennington, but had not become operational.[145] The PID has also had two Federal Bureau of Investigation (FBI) agents attached to it to assist in its effort to raise standards of accountability.[146]

Official data on disciplinary actions by the NOPD between 1995 and 1998 support the view that, first, the department has a serious problem with respect to officer misconduct, and second, that the department is currently taking firm steps to eradicate it. During this four year period, the NOPD has terminated an average of slightly more than 18 officer per year (total of 73), and imposed an average of more than 100 suspensions per year (total of 411). These are extremely high figures, compared with similarly sized police departments. At the same time, a total of 97 officers resigned or retired while under investigation by the department, and a total of

3.23

105 officers were either arrested or issued a citation for some criminal law violation. These, too, are extremely high figures.[147]

In short, the EW system in the NOPD was created in the context of a major effort to establish minimal standards of accountability in a police department. As mentioned above with regard to Minneapolis, it is difficult and perhaps impossible to disentangle the impact of the general accountability effort from the specific impact of the EW system. This problem poses a serious threat to the internal validity of the evaluation undertaken in this study. The problem is compounded by the fact that it is reasonable to assume that any reductions in problematic behavior will be greatest among the worst officers, who are most likely to be identified by the EW system. Non-EW officers will have relatively low to moderate levels of citizen complaints and other indicators of problematic behavior, and therefore will have little room for any observed improvement.

2. The PPEP Program

The EW system in the NOPD is officially known as the Professional Performance Enhancement Program (PPEP). The creation of an EW system was announced prior to the appointment of Richard J. Pennington as Superintendent in 1995 but did not become operational until after his arrival. The PPEP program has changed slightly over time as PID officials seek to refine and improve its operations. There has been a strong continuity in PID officials responsible for the PPEP program, and current officials have a strong sense of identification with it and commitment to maintaining and improving it. One official directly responsible for PPEP

3.24

characterizes it as a "work in progress."[148]

Officials responsible for the PPEP program have a clear sense that their efforts involve a broad effort to improve the NOPD and raise standards of accountability. First, the early warning system is only one effort designed to detect and reduce police officer misconduct. The PID also conducts random integrity "stings" to identify possible corrupt activities by officers. Second, PID officials explicitly state that the PPEP program does not limit its focus to individual officers. As an PPEP document explains, "the officer comprises only one portion of the citizen complaint problem; therefore, PPEP. address not only the personal concerns each officer may bring to the issue but also examines training, procedures, and supervision." [149]

As is the case with Minneapolis (see above) the authors of this report became aware of changes in the PPEP program in the NOPD subsequent to the data collection period for this study. It was not possible to verify this information. Nonetheless, the authors have reason to believe that there has been some weakening in the administration of the PPEP, due in large part to the retirement or departure of key individuals. Consequently, the findings reported in Chapter Four of this report may not reflect current practices in the PPEP program of the NOPD.

(a) Selection Criteria

Officers are selected by PID commanders for the PPEP program on the basis of three general categories of performance indicators. They include, (1) "Incidents involving conflict in arrest situations (e.g., use of force reports, resisting arrest incidents, firearms discharges and citizen or rank-initiated "abuse" complaints); (2) "conflict in non-arrest situations (e.g., one or

3.25

more sustained "abuse" complaints, with a pattern of three or more "abuse" complaints in the past 24 months; a pattern of three or more "abuse" complaints in the past 12 months); and, (3) "Referrals from employee's Supervisor."[150]

Selection for PPEP intervention is not automatic. That is, unlike many other EW systems, an officer is not automatically subject to intervention on the basis of certain performance indicators. PID commanders review performance records and exercise discretion in selecting officers. As noted above, one of the criteria is "supervisor's referral," which is itself a discretionary category. Part of the reason for discretionary selection is that the intervention (see below) involves a class of several officers. This requires waiting until a sufficient number of officers are deemed eligible before a class can be scheduled. At the same time, PID commanders attempt to keep PPEP classes small (5-6 officers). The first class was very large, and PID commanders believe this large size weakened its effectiveness. Finally, PPEP classes are held at the NOPD training facility, and scheduling must be coordinated with the needs of the training unit.

The initial review of an officer's record leads to a recommendation to the Superintendent by PID for one of five official responses. These include: (1) "No Specific Monitoring," in cases where "there is sufficient reason to believe [the] noteworthy activities have ceased ...." (2) Early Intervention Monitoring [see below]; (3) retraining; (4) psychological counseling; or, (5) reassignment.[151]

Because the intervention involves a four day training class which requires subject officers to be absent from their normal assignment, selection for PPEP is not an entirely confidential matter. Officers' absences are noted by colleagues and the reason for this absence generally

3.26

becomes known.

(b) Intervention

The intervention component of the PPEP program involves a training class. The class is conducted by members of PID, with the assistance of experts as needed. The initial PPEP class was a two-day (16 hour) event. The curriculum has been revised several times, and the class now consists of four days (32 hours) with an expanded and revised curriculum. PID officials regard the program as a "work in progress" and fully expect that the curriculum will continue to evolve.

The curriculum of the PPEP class consists of several different components. These include an overview and explanation of the PPEP program and units on human behavior, stress management, conflict management (including communication skills, managing anger, negotiating skills and strategies), complaint avoidance, verbal judo and sensitivity training, "extraneous contributors to conflict" (substance abuse, department resources, supervision, etc.), and techniques and assessment (which includes training related to specific police activities that often give rise to citizen complaints, such as tactical stops, arrests, suspect assessment, situation assessment, handcuffing, and custodial security).

Each class also consists of a private counseling session between the principal instructor and each officer where the officer's record is reviewed and the reasons for being selected for the program are explained. The section on stress management is conducted by a psychologist employed by the NOPD.

At the end of each PPEP class officers are afforded an opportunity to complete an

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anonymous Critique of the class. The Critique form allows officers to give the class a numerical rating, on a scale of 1 to 10, and to offer narrative comments on the strengths and weaknesses of the class.

(c) Post-Intervention Monitoring

The PPEP program includes an elaborate process for monitoring officers following intervention. Each officer subject to the PPEP class is required to be monitored by his or her immediate supervisor for a period of six months. During that period, the supervisor is required to observe the officer on duty, interacting with citizens, and to complete an evaluation of the officer's performance every two weeks. The evaluation form requires the supervisor to rate the officer's performance on a 1 to 5 scale in a total of 26 different categories. These categories include "Control of Conflict;" "Interaction. Ethnic groups other than own;" "Attitude," "Acceptance of feedback;" among others.[152] Ideally, there should be a total of 12 supervisor's evaluations for each officer (6 months x 2 evaluations per month).

PID officials believe that the monitoring component of the PPEP program is important not just because of the impact on the individuals subject to PPEP classes but also because of the impact on supervisors. At one level the monitoring and evaluation requirements are designed to ensure close supervision of subject officers. At another level they are designed to control the behavior of supervisors, forcing them to act in ways they would not otherwise act. Finally, the requirements communicate a message to both subject officers and supervisors that the department takes the PPEP program very seriously and also takes standards of performance very

3.28

seriously.

3. Research Methodology

The nature of the PPEP program in New Orleans creates opportunities for evaluation that are not available in the other two sites. First, because the intervention consists of a class with a group of officers it was possible to directly observe the intervention and to assess both the content of the intervention and the response of the officers. Permission was obtained to observe one of the PPEP classes. Second, officers in each of the PPEP classes are asked to complete a formal and anonymous Critique of the class. The form includes both a numerical rating of the class, on a 1 to 10 scale, and a series of open-ended questions asking officers to comment on what they feel are the positive and negative aspects of the class. The officer Critiques afford a unique set of data on officer perceptions of the early warning system. Third, the post-intervention monitoring involves bi-weekly evaluations of each officer subject to PPEP class for a period of six months. The evaluation forms provide an opportunity to assess supervisor activity as well as the evaluation of the PPEP officers.

(a) Qualitative Assessment of the PPEP Program

A qualitative assessment of the PPEP program was conducted through a review of official documents and interviews with key stakeholders. The official documents included the files on all individuals selected for the program, including their Critiques of the PPEP class and the bi-

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weekly evaluations by their supervisors during the post-intervention monitoring period. Official

documents also included reports and follow-up data on the performance of PPEP officers that are

generated by PID officials. The key stakeholders interviewed included the commander of the

PID, the PID officer with primary responsibility for the PPEP classes, other PID officials

including the civilian employee responsible for data analysis, the (now deceased) Director of the

Office of Municipal Investigations (OMI), the external oversight agency responsible for handling

complaints against NOPD officers, the director of the local ACLU affiliate, and attorneys in

private practice who specialize in police misconduct cases.

The qualitative research was designed to determine the perceived viability of the PPEP

program and its place in the larger structure and processes of accountability in the NOPD.

Specifically, interviews were designed to investigate the level of awareness of the PPEP

program, knowledge about the details of the program, the apparent level of commitment to the

program on the part of officials responsible for it, perceptions of the program's effectiveness, and

perceptions of the structure and processes of accountability within the NOPD

(b) Direct Observation of P.P.E.P. Class

The group nature of intervention in the NOPD's P.P.E.P. program permitted direct

observation of the content and process of the intervention. An equivalent set of data were not

available in the other two sites. Permission was obtained to observe two days of one P.P.E.P.

class (16 hours total).

The observer took detailed notes on the PPEP class curriculum, officer reactions to

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different components of the curriculum, interactions between instructors and the officers in each component, and particularly relevant comments made by officers. The notes were subsequently subject to content analysis for the purpose of identifying the dominant themes. Particular attention was given to officer attitudes toward the PPEP class, as indicated by either explicit statements or non-verbal body language, and those components of the curriculum which appeared to engage the interest of the officers or to not engage their interests.

It was understood that the members of the class observed cannot be regarded as a systematic sample of EW subject officers in the NOPD, much less EW subject officers in other police departments. Nonetheless, the observations are regarded as a potentially rich source of impressionistic data that can provide guidance for more systematic investigation in future studies.

(c) Officer Critiques of the PPEP Classes

The PPEP program offers officers subject to intervention an opportunity to complete an anonymous Critique of the PPEP class. Officers are asked to rate the class on a scale of 1 to 10 (10 = highest), and to offer narrative comments on what they regarded as the positive and negative features of the class. Officers are also asked to offer suggestions for improving the class.

A total of 26 completed Critiques were found in the files of the PID. The average rating of the class was computed. The officers' narrative comments were subsequently subject to content analysis. Positive comments were coded in terms of issues related to police work, to the PPEP program, and to personal matters. Negative comments were coded in similar term, as were

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suggestions for improvement.

(c) Post-intervention Monitoring Evaluations

In the PPEP program officers subject to intervention are monitored for a period of six months following intervention. Supervisors are required to directly observe PPEP officers under their command and to completed a signed evaluation of their performance every two weeks. The evaluation form requires supervisors to give a numerical rating of each officer's performance in a variety of behavior categories. Consequently, there should be a total of 12 completed evaluation forms for each PPEP officer. The evaluation form also affords supervisors an opportunity to make narrative comments about each officer's performance. Finally, each evaluation form indicates the name of the supervisor, making it possible to correlate changes in ratings or comments with changes in supervisors.

Completed evaluation forms for 78 officers were located in the PID files. Due to resignations, terminations, absence due to sick leave, or other unknown factors a complete set of 12 evaluation forms (biweekly x 6 months) do not exist for all of these officers. percent of the total. The analysis of the 78 officers' evaluation forms consisted of two parts. First, data were collected on the frequency of narrative comments and the substantive content of comments (e.g., positive, negative, specific aspects of an officer's performance). The underlying assumption of this approach was that narrative comments would indicate the commitment of supervisors to their monitoring responsibilities in the PPEP program. Thus, a high number of narrative comments, regardless of substantive content, would be at least one indicator (although not a definitive one)

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of a high level of commitment. Also, comments reflecting changes in officer attitude or performance would indicate a high level of engagement by supervisors in the program as well as actual changes in performance by PPEP officers. Second, data were collected on supervisors' ratings in the category of "Quality of Interaction with Citizens" for all officers. These ratings were then used to compute an overall average for the monitoring period and separate averages for the first half and second half of the monitoring period. This approach rested on the hypothesis that officers would respond positively to the intervention and the close monitoring and that this would be reflected in higher ratings toward the second half of the monitoring period.

(d) Impact of the EW System on Officer Performance

The impact of the EW system on police officer performance was evaluated through an analysis of citizen complaints received by those officers who had been subject to EW intervention. The data involved citizen complaints received in the 24-month period prior to intervention and 24-month period following intervention. These data were available in the files of the PID. A total of 74 officers had been subject to EW intervention by the time of this study. The analysis was limited to the 33 officers who had been subject to intervention two years or more prior to the study and for whom a full 48-month period of data were available.

One of the issues related to the impact of EW systems is whether intervention deters desirable performance in the form of arrests, traffic citations issued, and officer-initiated contacts with citizens. The records of the NOPD are not organized in a way that permits a systematic analysis of activity levels of officers subject to the PPEP program and a control group of officers.

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As a partial and admittedly imperfect response to this problem, PID officials were able to provide selected data on activity levels of officers in certain units. The PID managed to obtain from the Traffic Unit a list of all traffic citations written by officers assigned to the NOPD that unit, with the number of citations written by each officer. PID officials were able to indicate which traffic officers had been subject to the PPEP program at some point in the past. These data provided an impressionistic measure of whether PPEP subject officers were relatively more or less productive than non-PPEP officers (although admittedly, these data provide not indication of whether traffic citation activity had declined following PPEP intervention. Finally, monthly activity reports for one Task Force enforcement unit for one twelve month period were obtained by PID and provided for this study. These activity reports include data on arrests, officer initiated contacts with citizens, and other activities. These reports included one officer whom PID officials had been subject to PPEP intervention. These reports were used primarily to confirm the extraordinarily high activity levels of task force and patrol units that were asserted by officers in the observed PPEP class (see above).

IV. CONCLUSION

The methodology for this national evaluation of EW systems consists of two components. First, a national survey of local law enforcement agencies will be conducted to determine the prevalence, growth trends, and nature of EW systems. Second, the EW systems in three police departments are investigated in detail. In each of the three sites, the investigation consists of both qualitative and quantitative components. The qualitative research is designed to determine the

3.34

nature of the EW system and its perceived effectiveness. The quantitative research is designed to

determine the impact of EW intervention on officers who are subject to the system.

130. But see Victor Kappeler, Richard Sluder, and Geoffrey Alpert, <u>Forces of Deviance: Understanding the Dark Side of Policing</u> (Prospect Heights, IL: Waveland Press, 1998).

113. Bureau of Justice Statistics, <u>Law Enforcement Management and Administrative Statistics, 1997</u> (Washington: Government Printing Office, 1999), Table 2a.

114. "Officer Linked to Killing, Shocking a Jaded City," <u>The New York Times</u>, December 19, 1994.

115. "New Orleans is Hopeful About Police Overhaul," <u>The New York Times</u>, January 29, 1995.

116. Bruce D. Porter, <u>The Miami Riot of 1980</u> (Lexington, MA: Lexington Books, 1984). Daryl B. Harris, <u>The Logic of Black Urban Rebellions</u> (Westport, CT: Praeger, 1999). U. S. Civil Rights Commission, <u>Confronting Racial Isolation in Miami</u> (Washington: Government Printing Office, 1982).

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118. Lawrence W. Sherman, <u>The Minneapolis Domestic Violence Experiment</u> (Washington: The Police Foundation, 1984). Lawrence W. Sherman, <u>Policing Domestic Violence</u> (New York: The Free Press, 1992).

119. "Police Departments' Styles Have Roots in Cities Past," <u>Minneapolis Star-Tribune</u>, (July 28, 1994).

120. "Screening the Thumpers," <u>City Pages</u> (June 21, 1995).

121. "The MPD's Ten Most Expensive Cops, Blow by Blow," <u>City Pages</u> (August 17, 1994).

140. Samuel Walker and Eileen Luna, <u>A Report on the Oversight Mechanisms of the Albuquerque Police Department</u> (Albuquerque: City Council, 1997), pp. 104-115.

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124. "Civilian Panel, Laux differ on Discipline," <u>Minneapolis Star Tribune</u> (March 26, 1994).

125. "Officer Linked to Killing, Shocking a Jaded City," <u>The New York Times</u>, December 19, 1994.

126. "New Orleans in Hopeful About Police Overhaul," The New York Times, January 29, 1995. Paul Keegan, "The Thinnest Blue Line," The New York Times Magazine, March 31, 1996, pp. 32ff.

145. New Orleans Police Department, Public Integrity Division, 1996 Annual Report, May 9, 1997.

146. New Orleans Police Department, Public Integrity Division, Memorandum, Staffing, October 1997.

147. New Orleans Police Department, Report, "Disciplinary Action Breakdown," February 9, 1999.

130. Interview, PID official.

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132. NOPD, PID, "Criteria for Personnel Selection, Professional Performance Enhancement Porgram (PPEP) (nd.).

151. NOPD, Professional Performance Enhancement Program, Revised October 23, 1995.

152. NOPD, PPEP Monitoring Form.

PART IV

DETAILED FINDINGS

I. NATIONAL SURVEY OF EW SYSTEMS

The Police Executive Research Forum (PERF) surveyed 832 municipal and county police departments as well as sheriff's departments serving populations of 50,000 people or more. Usable responses were received from 571 agencies, for a response rate of 69% percent. The response rate was significantly higher for municipal agencies compared to sheriff's departments.

A. The Prevalence and Distribution of EW Systems

The national survey found that EW systems are a significant and growing aspect of American law enforcement. Approximately a quarter (27%) of local law enforcement agencies serving populations of 50,000 or more people currently have an EW system. Another 11.5 percent indicate that one is being planned (Figure 4-1).

EW systems are more prevalent among municipal law enforcement agencies than county Sheriffs' Departments. Of those agencies responding to the survey, one-third (32.9%) of the municipal agencies currently have an EW system, compared with 15.8% of the Sheriffs' departments. Another 11.1% of the municipal agencies indicate they are planning a system, compared with 10.8% of the Sheriffs departments. These systems are slightly more prevalent

4.1

Figure 4-1

PREVALENCE OF EW SYSTEMS, 1998
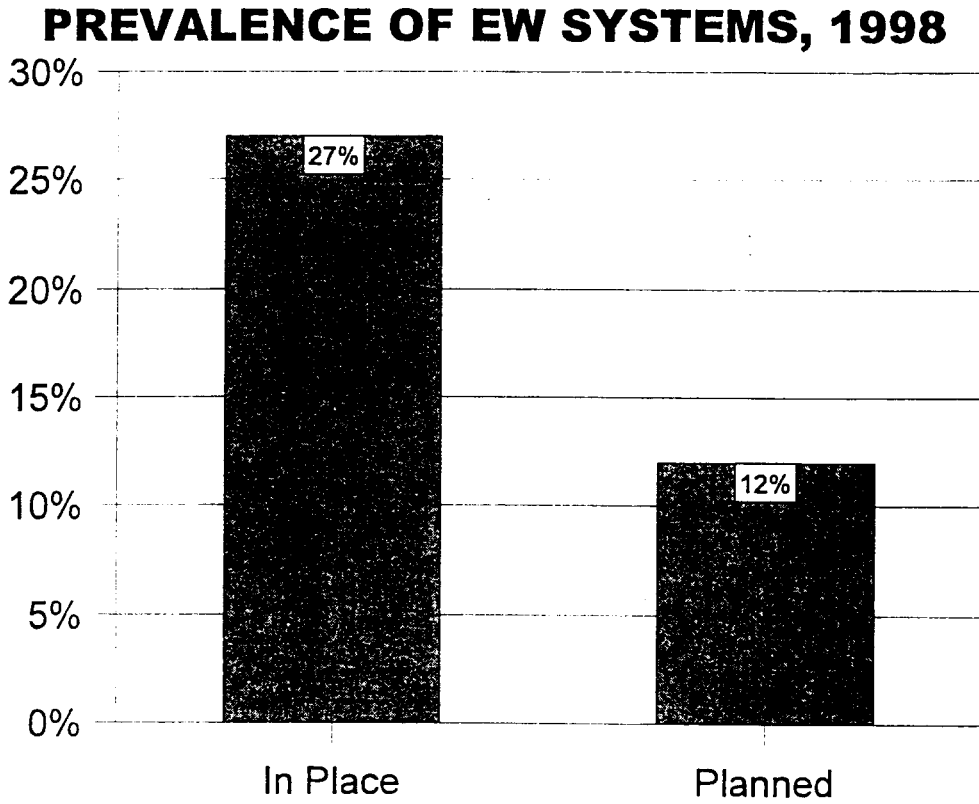
among the small number (n=25) of county police departments responding to the survey. Thirty-six percent indicated that they currently have an EW system, and another 20 percent are planning one.

EW systems are most prevalent among the largest law enforcement agencies. Among those agencies with 1,000 or more sworn officers, 62% currently have an EW system, and another 12% are planning one. Among those agencies with 500 to 999 sworn officers, 36% have a system, and another 20% are planning one. Thirty-one percent of the agencies with 300 to 499 sworn officers, and 20% of those with 299 or fewer sworn officers have an EW system.

The existence of a collective bargaining agreement with sworn officers is no barrier to the maintenance of an EW system. Twenty-nine percent of those agencies with collective bargaining agreements have an EW system, compared with 23.6% of those without collective bargaining agreements.

Law enforcement accreditation status is not correlated with the existence of an EW system. Thirty percent of those agencies that are accredited have a system, compared with 28% of those that are not accredited.

B. Growth Trends

One-half of the existing EW systems have been created in the past five years (since 1994). Slightly more than a third of all EW systems have been created in the last three years. These data, combined with the number of agencies indicating that an system is currently being

4.3

planned, suggest that EW systems can be expected to spread rapidly in the next few years.

C. Program Elements

1. Selection Criteria

The majority of EW systems are managed by the law enforcement agency's internal affairs unit. A number of different performance indicators are used to identify officers for the system. Very few (n = 8) systems rely only on citizen complaints. The most prevalent approach involves a combination of indicators, including use of force reports and citizen complaints. About one-half use high speed pursuit reports and citizen complaints. About one-third use officer involvement in civil litigation and citizen complaints. About one-third also use vehicle damage and citizen complaints.

With respect to citizen complaints, most (67.8%) EW systems identify an officer on the basis of three complaints. Another 11% use two complaints. One system identifies officers on the basis on only one complaint. About one-third of systems identify officers on the basis of four or more complaints. About three-quarters (76%) of systems utilize a 12-month time frame for counting the number of complaints. This is, most systems identify officers on the basis of three complaints within a 12-month period. Approximately, three quarters (72.9%) of the agencies use three use of force reports as the eligibility criterion. Most (76.6%) use a 12-month time frame when counting these reports. About one third of all systems select officers on the basis of an "informal" performance review, with no formal criteria.

4.4

2. Intervention

In most EW systems (62%) the initial intervention consists of a review by the officer's immediate supervisor. Almost half of responding agencies (45%), however, also indicate that counseling by other command officers is also part of the initial intervention. It is apparent that in some agencies, the initial intervention involves a combined effort with officers from different ranks. About half of all systems (45%) require identified officers to attend a specialized training class as part of the intervention.

3. Post-Intervention Monitoring

Nearly all (90%) of EW systems monitor the performance of officers following the initial intervention. About 40 percent monitor officers' performance for 12 months following the intervention. Slightly less than half (46.9%) monitor performance for 36 months. Half of the systems indicate that they have no formal follow-up time period but monitor performance either continuously or on a case-by-case basis.

4. Cautionary Observations

The responses from the national survey should be viewed with some caution. There is persuasive evidence that some police departments claim to have EW systems but do not in fact have functioning systems. The investigators are personally aware of police departments that do

4.5

not have functioning EW systems despite public assertions that they do. Additionally, published reports indicate that some departments that were once alleged to have EW systems either did not maintain those systems or never had a genuine system in the first instance. A 1981 report by the U.S. Civil Rights Commission, for example, cited EW systems in Oakland, New York City, and Kansas City.[153] Yet, a 1991 news media account of an EW system in Kansas City presented it as a significant innovation in that department, with no reference to an earlier system.[154] The 1994 Mollen Commission report on corruption and violence in the New York City Police Department meanwhile, gave no evidence of an EW system in that department.[155] Finally, at least one study has uncovered reporting errors related to the prevalence of special units in local police departments, indicating a tendency to claim the existence of units on mail surveys when in fact no such units exist.[156]

Similar caution should be used in interpreting the responses on the administrative details of EW systems. The data indicate that in most systems the intervention consists of an informal counseling session between the officer and his or her immediate supervisor. Because these sessions are informal, with no documentation as to their substance, there is no way of verifying that the content of the intervention is delivered in a manner consistent with program goals.

By the same token, the responses with respect to the post-intervention follow-up should be viewed with some caution. Proper early warning systems involve an elaborate process of documented supervision and data collection. Follow-up also requires a considerable investment of time and resources. As is explained below, a fully-functional EW system is an expensive, high maintenance process, requiring considerable investment of continuing administrative attention. There are agencies that claim to monitor officers but, based on personal knowledge of the

4.6

investigators do not in fact do so.

II. CASE STUDIES

A. MIAMI-DADE

1. Qualitative Assessment of the EIS System

The review of official documents and interviews with key stakeholders indicate that the

EIS system in the Miami-Dade Police Department is well-established, fully supported by officials

at all levels, and well-integrated into the larger structure and processes of accountability in the

department.

One of the most significant findings was the strong consensus of opinion among

stakeholders representing different official positions with respect to issues of accountability.

Directly or indirectly, all informants indicated that the department has a strong commitment to

high standards of performance. It was particularly notable that no differences in opinions were

found such diverse informants as the Director of the MDPD and officials with the Police

Benevolent Association, the union representing rank and file officers. The EIS system is

regarded as one part of the larger commitment to accountability.

With respect to the EIS system, some informants had more and detailed memories and

personal experiences than others. Nonetheless, all indicated that the EIS system can be an

effective tool for ensuring accountability. All subjects interviewed reported that the EIS system

4.7

works effectively in the sense that it does what it is designed to do: identify officers who meet specified criteria because they are aggressive or have specific assignments that explain high levels of activity. Informants believe that the EIS system is designed to help and not to punish officers. No informants stated that they or others view the system as punishment. The only expressed qualifications to this general view were comments to the effect that the system needs to be used properly (with the implication that abuse was possible) and that the selection criteria must be proper.

Informants discussed the utility of having an EW system and how it effects the operations of the department. Several noted that it is important to track complaints and use of force reports as their cumulative nature can identify officers who may be suffering stress or other on-the-job or off-the-job problems. Many informants pointed out that there is a high level of overlap between the various selection criteria. That is to say, officers who receive many citizen complaints are also likely to be involved in use of force incidents.

Many informants also stressed the role of the EIS system with regard to supervisors. Several point out that it represents a system for controlling potentially problem officers and does not therefore rely on individual first-line supervisors. Several noted that sergeants should be able to identify officers with potential problems without an EIS, but that some sergeants perform this task much better than others. Thus, the system helps ensure uniformity of supervision throughout the department Several of the informants suggested that the EIS system enhances a first line supervisor's capacity to act in some instances. The structure of the EIS provides the sergeant with the authority to recommend various interventions, including a referral to the departmental psychologist, which might otherwise be difficult to recommend.

4.8

Many informants also agreed that the EIS system allows supervisors' actions to be tracked. Most stated that sergeants take the EIS seriously as they know their response to an EIS officer will be reviewed. Some sergeants acknowledged that because the EIS does not discriminate between frivolous and serious complaints or justified or excessive force, any use of the data must be done with caution. They pointed out that there are is an important difference between actual problem officers and potential problem officers, but that the formal aspects of the EIS system does not discriminate between them. Consequently, supervisors must exercise some discretion in the handling of interventions.

One individual very close to the operations of EIS reported that the "remedial" interventions appear to work effectively. This informant believes that many officers on EIS who are referred to counseling or defensive tactics courses or other remedial measures do not show up again on the EIS. One stated that, "apparently, something positive is happening!" Another respondent noted the extensive administrative requirements but stated, "For what you get out of the EIS, the time and energy put into it are worth it. Sergeants learn a great deal."

As the EIS is explained in pre-service academy training and reinforced by field and in-service training, most officers are familiar with the concept if not the specifics of the program. When asked if the officers thought the EIS was positive or a negative, sergeants who were interviewed had different opinions. Some sergeants reported that the officers would probably think of the EIS as a way to control them. However, most reported that officers would probably think it was a good program that monitored their effort. The EIS was also mentioned by some sergeants as functioning as a deterrent for officers.

Although there are three reports, the monthly report is reported by the sergeants to be the

4.9

most useful because it includes all criteria, not just those cases (e.g., citizen complaints) that are closed. Therefore, the issues that qualify an officer are closer in time than when an officer is identified on the quarterly report. The monthly report gives supervisors the ability to see how officers are doing and to check officers' records when they are on the list. Sergeants can request an officer's profile which includes all of his or her activities. These profiles can be reviewed in conjunction with an EIS report to see a more complete picture of the officer's work and environment. The sergeant can look at the officer's assignment and activity report together.

There have been discussions over the years concerning the criteria used by MDPD and whether they should be modified. Some EW systems use such criteria as traffic accidents or reprimands, but MDPD has not adopted those measures because they want to avoid behavior that is related to disciplinary actions.

The one potential danger that was mentioned was the possible improper use of the list of names on EIS. The concerns mentioned most often included community groups and the media misuse of information on particular officers. Under Florida law, virtually all police department documents are considered public records and available to anyone upon request. There were fears that disclosure of names on the EIS system might expose particular officers to unwarranted negative publicity or even harassment. Officials interviewed expressed some concern about this problem. Interestingly, there was some disagreement among officials interviewed as to whether or not an actual "list" of all EW officers exists. Despite fears of public disclosure and misuse of the "list," no requests for any such list had been received from members of the public. The issue of public disclosure is not likely to be as great a concern in most other states where public records statutes are not as broad in their coverage.

4.10

2. Impact on Officers' Performance

The following information represents the data discovered in the Miami-Dade Police Department files concerning those individuals who became sworn officers during the years 1990 – 1992. Although there are missing data, what is reported here represents the best efforts to locate information. The Tables provide descriptive information, including the number of cases (N), column percentages (C%) and row percentages (R%).

a. The Cohort

EIS and Non-EIS Officers

Table 4-1

OFFICERS	N	%
ON EIS	28	10
NOT ON EIS	267	90
TOTAL	295	100

The 28 officers recognized by the Early Identification System (EIS) represent 10 percent of the total number of officers (295) involved in the cohort under study.

Basic Law Enforcement (BLE) Class Number

4.11

Table 4-2

BLE	ON EIS			NOT ON EIS			TOTAL
	N	C%	R%	N	C%	R%	
130	6	22.2	17.6	28	11.0	82.4	34
133	6	22.2	16.6	30	11.8	83.4	36
135	4	14.8	11.4	31	12.2	88.6	35
136	1	3.7	2.9	34	13.4	97.1	35
137	4	14.8	10.8	33	13.0	89.2	37
139	3	11.1	9.1	30	11.8	90.9	33
140	2	7.4	5.6	34	13.4	94.4	36
143	1	3.7	2.9	34	13.4	97.1	35
TOTA	27	100		254	100		281

Representation of officers from BLE classes on EIS is relatively normal. The percentage of each class identified by the EIS system is highest for the first three BLE classes and lowest for the final three. This could reflect improvements in recruitment standards and training or the fact that the last three classes have had slightly less time on the job.

Gender

Table 4-3

GENDER	ON EIS			NOT ON EIS		
	N	C%	R%	N	C%	R%
FEMALE	4	14.3	5.2	73	30.2	94.8
MALE	24	85.7	12.4	169	69.8	87.6
TOTAL	28	100	10.4	242	100	89.6

4.12

Females are under-represented on the EIS system and males are over-represented. Males comprise 86% of the EIS population while they are 70% of the total cohort.

Race and Ethnicity

Table 4-4

RACE/ETHNICITY	ON EIS			NOT ON EIS		
	N	C%	R%	N	C%	R%
AFRICAN-	5	17.9	10.4	43	18.8	89.6
ASIAN-AMERICAN	0	0	0	1	.4	100
HISPANIC	15	53.6	11.6	114	49.8	88.4
ANGLO	8	28.5	10.1	71	31.0	89.9
TOTAL	28	100	10.9	229	257	89.1

There are no significant differences in representation on the EIS system by race and ethnicity. Hispanics comprise 54% of the officers on the EIS and 50% of those not on EIS. Minorities as a group consist of 72% of the officers on the EIS and 69% of those not identified by the EIS criteria.

Age

Table 4-5

YEARS	ON EIS	NOT ON EIS	AVERAGE
MEAN	35.3	35.1	35

4.13

	SD	5.7	5.1	5.7

The average age for officers in both groups is approximately 35.

Education

Table 4-6

EDUCATION LEVEL	ON EIS			NOT ON EIS		
	N	C%	R%	N	C%	R%
HS OR	12	42.9	7.2	154	67.5	92.8
SOME COLLEGE	14	50.0	21.9	50	21.9	78.1
BA OR MORE	2	7.1	7.7	24	10.5	92.3
TOTAL	28	100	12.3	228	256	87.7

Officers with some college education but without an undergraduate degree are over-represented on the EIS system. Officers with only a high school diploma and those with a college degree or more are under-represented.

4.14

Commendations

Table 4-7

COMMENDATIONS	ON EIS			NOT ON EIS		
	N	C%	R%	N	C%	R%
YES	28	100	10.9	255	95.9	89.1
NO	0	0	0	11	4.1	100
TOTAL	28	100	10.5	266	100	89.5

All of the officers on the EIS received some form of official commendation. Only 11 officers in the entire cohort, (all not on the EIS), have not received some form of official commendation.

Annual Commendation Rate

Table 4-8

RATE	ON EIS	NOT ON EIS
MEAN	.52	.53
SD	.13	.16

4.15

On the average, officers on or not on the EIS received one commendation every two years.

Number of Use of Force Reports

Table 4-9

Number of Reports	ON EIS			NOT ON EIS		
	N	C%	R%	N	C%	R%
1 – 3	3	10.7	3.6	80	40.8	96.4
2 – 6	11	39.3	14.7	64	32.7	85.3
7 – 9	3	10.7	12.0	22	11.2	88.0
10+	11	39.3	26.8	30	15.3	73.2
TOTAL	28	100	14.3	196	100	85.7

Officers on the EIS system are more likely to have multiple use of force reports, while officers not on the EIS system are more likely to have few use of force reports. That is, 41% of those not on EIS and 11% of those on EIS had 1-3 use of force reports. Meanwhile, 39% of those on EIS had 10 or more reports, compared with only 15% of those not on EIS.

Annual Use of Force Report Rate

Table 4-10

	ON EIS	NOT ON EIS
MEAN	.96	.40

4.16

SD	.61	.42

Officers on the EIS system have twice the annual average number of use of force reports. On the average, officers on the EIS had approximately 1 use of force report annually, while those officers in the cohort but not on the EIS had an average of less than 1 report every two years.

1st Use of Force Report — Months From Hire

Table 4-11

	ON EIS			NOT ON EIS		
	N	**C%**	**R%**	**N**	**C%**	**R%**
1 – 12	4	14.3	23.5	13	4.9	76.5
13 – 24	5	17.9	20.0	20	7.5	80.0
25 – 36	6	21.4	24.0	19	7.1	76.0
37 – 48	3	10.7	13.0	20	7.5	87.0
49+	10	35.7	4.9	195	73.0	95.1
TOTAL	28	100	9.5	267	100	90.5

4.17

Officers on the EIS were far more likely to acquire their first use of force repot earlier in their career than non-EIS officers. Thus, 14.3% of the EIS officers acquired their first force report in their first year of employment, while only 4.9% of the non-EIS officers acquired their first report in that time period. About two-thirds (64%) of the EIS officers acquired their first use of force report after four years on the job, compared with 27% of the non-EIS officers. However, many of the officers (35.7) on the EIS still did not have a use of force report until after four full years of experience. An officer not on the EIS was almost three times less likely to have use of force report during his or her first full year of experience.

2ND Use of Force – Months From Hire

Table 4-12

	ON EIS			NOT ON EIS		
	N	**C%**	**R%**	**N**	**C%**	**R%**
1 – 12	1	3.6	33.3	2	.7	66.7
13 – 24	3	10.7	27.3	8	3.0	72.7
25 – 36	4	14.3	36.4	7	2.6	63.6
37 – 48	2	7.1	25.0	6	2.2	75.0
49+	18	64.3	6.9	244	91.4	93.1
TOTAL	28	100	9.5	267	100	90.5

4.18

An overwhelming majority (91%) of the officers in the cohort not on the EIS did not have their second use of force report until at least their fourth year. Comparatively, 64% of the officers on the EIS completed their second use of force report after four years of experience. Those officers on the EIS were more likely to complete their second use of force report in a shorter time frame than those officers not on the EIS.

Citizen Complaints

Table 4-13

	ON EIS			NOT ON EIS		
	N	C%	R%	N	C%	R%
YES	28	100	13.3	182	68.2	86.7
NO	0	0	0	85.	31.8	100
TOTAL	28	100	9.5	267	100	90.5

All of the 28 officers on the EIS had at least one citizen complaint on their record compared with 68% of the officers in the cohort who were not on the EIS.

Number of Citizen Complaints

Table 4-14

	ON EIS			NOT ON EIS		
	N	C%	R%	N	C%	R%
1 – 3	6	27.3	4.2	137	64.0	95.8
4 – 6	9	40.9	20.0	36	16.8	80.0

4.19

7 – 9	1	4.5	50.0	1	.5	50.0
10+	6	27.3	13.0	40	18.7	87.0
	22	100	9.3	214	100	90.7

·Officers on the EIS were more likely to have multiple-citizen complaints than non-EIS officers. About three-quarters of the EIS officers (72.7%) had four or more citizen complaints compared with only 36% of the non-EIS officers.

Annual Complaint Rate

Table 4-15

GROUP	MEAN	SD
ON EIS	.72	.38
NOT ON EIS	.24	.23

The annual average complaint rate for EIS officers was three times higher than the rate for non-EIS officers.

Sustained Citizen Complaints

Table 4-16

	ON EIS			NOT ON EIS		
	N	**C%**	**R%**	**N**	**C%**	**R%**
1 – 3	21	91.3	24.1	66	61.7	75.9
4 – HIGHEST	2	8.7	4.7	41	38.3	95.3

4.20

TOTAL	23	100	17.7	107	100	82.3

A majority (82.1%) of the officers on the EIS who had complaints filed against them had

at least one of those complaints sustained (23/28). Only 50% of the non-EIS officers who had a

complaint filed against them had one or more sustained. REVISE between one and three of the

complaints sustained. Comparatively, 66 out of the 107 officers (62%) not on the EIS who had

complaints filed against them had between one and three of them sustained. The number of

officers with complaints had who had four or more sustained citizen complaints (38%) is higher

for the officers not on the EIS than for the those officers identified by the EIS criteria (9%).

Use of Force Complaints

Table 4-17

	ON EIS			NOT ON EIS		
	N	C%	R%	N	C%	R%
YES	21	75.0	16.7	105	39.3	83.3
NO	7	25.0	4.1	162	60.7	95.9
TOTAL	28	100	9.5	267	100	90.5

Three-fourths of the officers on the EIS had a use of force complaint filed against them.

Comparatively, 39% of the officers not on the EIS had a use of force complaint.

4.21

Six or More Use of Force Complaints

Table 4-18

	ON EIS			NOT ON EIS		
	N	**C%**	**R%**	**N**	**C%**	**R%**
YES	5	17.9	71.4	2	.7	28.6
NO	23	82.1	7.9	265	99.3	92.1
TOTAL	28	100	9.5	267	100	90.5

Less than 1 percent (2/267) of the non-EIS officers had 6 or more use of force complaints filed against them, compared with 18% of the EIS officers (5/28).

1ST Complaint for Use of Force Sustained

Table 4-19

	ON EIS			NOT ON EIS		
	N	**C%**	**R%**	**N**	**C%**	**R%**
YES	2	10	20.0	8	8.5	80.0
NO	18	90	17.3	86	91.5	82.7
TOTAL	20	100	17.5	94	100	82.5

Ten percent of the officers on the EIS who had complaints for use of force had their 1st complaint for use of force sustained. Similarly, 9% of the officers not on the EIS had their 1st complaint for use of force sustained.

2ND Use of Force Complaint Sustained

4.22

Table 4-20

	ON EIS			NOT ON EIS		
	N	**C%**	**R%**	**N**	**C%**	**R%**
YES	1	5.6	25.0	3	7.3	75.0
NO	17	94.4	30.9	38	92.7	69.1
TOTAL	18	100	30.5	41	100	69.5

Only 5.6% of the EIS officers with a second use of force complaint had a second use of force complaint sustained, compared with 7.3% of the non-EIS officers.

3RD Use of Force Complaint Sustained

Table 4-21

	ON EIS			NOT ON EIS		
	N	**C%**	**R%**	**N**	**C%**	**R%**
YES	1	10	25.0	3	13.6	75.0
NO	9	90	32.1	19	86.4	67.9
TOTAL	10	100	31.3	22	100	68.7

Ten percent of the EIS officers with a third use of force complaint sustained had one of those complaints sustained, compared with 14% of the non-EIS officers.

1ST Other Complaint Sustained

Table 4-22

	ON EIS	NOT ON EIS

4.23

	N	C%	R%	N	C%	R%
YES	10	35.7	21.3	37	25.5	78.7
NO	18	64.3	14.3	108	74.5	85.7
TOTAL	28	100	16.2	145	100	83.8

Thirty-six percent of the EIS officers had a first other-than-force complaint sustained, compared with 25.5% of the non-EIS officers.

2ND Other Complaint Sustained

Table 4-23

	ON EIS			NOT ON EIS		
	N	C%	R%	N	C%	R%
YES	11	45.8	39.3	17	28.3	60.7
NO	13	54.2	23.2	43	71.7	76.8
TOTAL	24	100	28.6	60	100	71.4

Forty-six percent of the EIS officers had a second other-than-force complaint sustained, compared with 28.3% of the non-EIS officers.

3RD Other Complaint Sustained

Table 4-24

	ON EIS			NOT ON EIS		
	N	C%	R%	N	C%	R%
YES	3	13.6	27.3	8	34.8	72.7
NO	19	86.4	55.9	15	65.2	44.1

4.24

TOTAL	22	100	48.9	23	100	51.1

Fourteen percent of the officers on EIS had a third other-than-force complaint sustained while 35% of the officers not on EIS had their third other-than-force complaint sustained.

4$^{\text{TH}}$ Other Complaint Sustained

Table 4-25

	ON EIS			NOT ON EIS		
	N	**C%**	**R%**	**N**	**C%**	**R%**
YES	6	50	75.0	2	20	25.0
NO	6	50	42.9	8	80	57.1
TOTAL	12	100	54.5	10	100	45.5

Exactly half of the officers on EIS had a fourth other complaint sustained. Eighty percent of those not on EIS did not have a fourth other complaint sustained.

5$^{\text{TH}}$ Other Complaint Sustained

Table 4-26

	ON EIS			NOT ON EIS		
	N	**C%**	**R%**	**N**	**C%**	**R%**
YES	2	28.6	40.0	3	100	60.0
NO	5	71.4	100	0	0	0
TOTAL	7	100	70.0	3	100	30.0

4.25

Twenty-nine percent of officers on the EIS had a fifth other complaint sustained, while all of those officers who were not on the EIS who had a fifth other complaint had that complaint sustained.

Ever Counseled

Table 4-27

	ON EIS			NOT ON EIS		
	N	C%	R%	N	C%	R%
YES	19	67.9	100	0	0	0
NO	9	32.1	3.3	267	100	96.7
TOTAL	28	100	9.5	267	100	90.5

Almost 68% of the officers on the EIS have been counseled by the department, compared to none of the non-EIS officers.

Number of Complaints For Which Officer Was Counseled

Table 4-28

	ON EIS	NOT ON EIS

4.26

	N	C%	R%	N	C%	R%
0	0	32.1	0	0	0	0
1	5	17.9	100	0	0	0
2	3	10.7	100	0	0	0
3	2	7.1	100	0	0	0
4	9	32.1	100	0	0	0
TOTAL	19	100	6.9	158	0	93.1

A majority (64%) of the officers on the EIS was counseled for either one to four

complaints. As for the officers in the cohort but not on the EIS, none was counseled .

Written Reprimands

Table 4-29

	ON EIS			NOT ON EIS		
	N	C%	R%	N	C%	R%
YES	19	67.9	16.9	93	34.8	83.1
NO	9	32.1	4.9	174	65.2	95.1
TOTAL	28	100	9.5	267	100	90.5

About 68% of the officers on EIS had a written reprimand, compared with 35% of the

non-EIS officers. Of the 19 EIS officers with written reprimands, 7 or 37% had three or more

reprimands, compared with 9% (8 of 93) non-EIS officers.

4.27

Ever Suspended

Table 4-30

	ON EIS			NOT ON EIS		
	N	C%	R%	N	C%	R%
YES	11	39.3	22.4	38	14.2	77.6
NO	17	60.7	6.9	229	85.8	93.1
TOTAL	28	100	9.5	267	100	90.5

Thirty-nine percent (11/28) of the EIS officers have been suspended, compared with 14% (38/267) of the non-EIS officers.

Number of Suspensions

Table 4-31

SUSPENSIONS	ON EIS			NOT ON EIS		
	N	C%	R%	N	C%	R%
1	11	55.0	22.4	38	63.3	77.6
2	6	30.0	31.6	13	21.7	68.4
3	2	10.0	22.2	7	11.7	77.8
4	1	5.0	33.3	2	3.3	66.7
TOTAL	20	100	25.0	60	100	75.0

The eleven EIS officers who were ever suspended had a combined total of 20 suspension.

4.28

Forty-five percent of those officers were suspended two or more times. By comparison, 36.7% of

the non-EIS officers who were ever suspended were suspended two or more times.

Ever Promoted

Table 4-32

PROMOTED	ON EIS			NOT ON EIS		
	N	C%	R%	N	C%	R%
YES	4	14.8	20.0	16	6.2	80.0
NO	23	85.2	8.7	241	93.8	91.3
TOTAL	27	100	9.5	257	100	90.5

Fifteen percent of the officers on the EIS have been promoted, compared with 6% of the

non-EIS officers.

Separated From the Department

Table 4-33

STATUS	ON EIS			NOT ON EIS		
	N	C%	R%	N	C%	R%
EMPLOYED	27	96.4	10.1	241	93.4	89.9
SEPARATED	1	3.6	5.6	17	6.6	94.4
TOTAL	28	100	10.9	258	100	89.1

4.29

*Sig.<.05

A strong majority (96%) of the officers on the EIS is still employed with the department.

Only one out of the 28 officers on the EIS is not currently employed with the department. As for

the officers in the cohort that are not on the EIS, 17 or approximately 7% are not currently

employed.

b. Impact of EIS Intervention

Number of Use of Force Reports of EIS Cohort

Table 4-34

	N	%
PRE-EIS	27	98
POST-EIS	14	50

Prior to EIS intervention, 27 of the 28 EIS officers (98%) had a use of force report.

Following intervention, only 14 (50%) of the EIS officers had a use of force report.

Number of Use of Force Reports Pre-EIS

Table 4-35

	N	%
0	1	3.6
1 – 3	7	25.0

4.30

4 – 6	11	39.3
7 – 9	3	10.7
10 – 16	6	21.4
TOTAL	28	100

Number of Use of Force Reports Post-EIS

Table 4-36

	N	%
0	14	50.0
1 – 3	7	25.0
4 – 6	3	10.8
7 – 9	2	7.1
10 – 16	2	7.1
TOTAL	28	100

Prior to EIS intervention 14 of the EIS officers had four or more use of force reports.

Following intervention only 7 had four or more use of force reports. The number of EIS officers

with ten or more use of force reports declined from 6 to 2.

Citizen Complaints Before and After EIS

Table 4-37

4.31

COMPLAINTS	N	%
PRE EIS	122	79
POST EIS	32	21
TOTAL	154	100

Prior to EIS intervention, the EIS officers acquired a total of 122 citizen complaints.

Following intervention the EIS officers acquired only 32 total complaints.

4.32

1ST Written Reprimand of EIS Cohort

Table 4-38

REPRIMAND	N	%
PRE-EIS	16	84.2
POST-EIS	3	15.8
TOTAL	19	100

f

Sixteen members of the EIS cohort had a first reprimand prior to EIS intervention.

Following intervention, only 3 members of the EIS cohort had a first reprimand.

2ND Written Reprimand of EIS Cohort

Table 4-39

REPRIMAND	N	%
PRE EIS	13	93
POST EIS	1	7.1
TOTAL	14	100

Thirteen members of the EIS subcohort had a second reprimand prior to EIS intervention.

Following intervention only 1 member of the subcohort had a second reprimand.

4.33

3RD Written Reprimand of EIS Cohort

Table 4-40

REPRIMAND	N	%
PRE EIS	6	85.7
POST EIS	1	14.3
TOTAL	7	100

Six members of the EIS subcohort had a third reprimand prior to EIS intervention.

Following intervention only 1 member of the subcohort had a third reprimand.

3. Summary

The data indicate that officers selected by the EIS system are slightly different than non-EIS officers in terms of background characteristics. Males and officers with some college education are slightly over-represented. Race and ethnicity was not a significant factor, however.

EIS officers had more serious disciplinary records than non-EIS officers. EIS officers were more likely to be involved in use of force incidents, and to be involved in their first use of force incident earlier in their career. EIS officers were more likely to receive citizen complaints and to have four or more complaints. Non-EIS officers, however, were more likely to have multiple sustained complaints. EIS officers were more likely to have been counseled, to have received a written reprimand, and to have been suspended by the department. The data also

4.34

indicate that EIS intervention is effective in reducing the number of use of force reports filed and citizen complaints received by officers subject to the EIS system.

B. MINNEAPOLIS

1. Qualitative Assessment of the EW System

The review of documents and interviews with key stakeholders indicate that the EW system in the Minneapolis Police Department has had an extremely uneven administrative history. First, the selection criteria for the system have changed over time. Second, at one point the commander of the Internal Affairs Unit abolished the requirement that supervisors document intervention counseling sessions through a memorandum. Third, at one point for a period of slightly more than one year the EW system ceased to function altogether. This disruption was related to a series of larger administrative changes within the MPD resulting from the appointment of a new police chief.

The uneven administrative history of the EW system was confirmed by interviews with key stakeholders. The staff of the Civilian Review Authority, upon which the MPD is dependent for data on citizen complaints, described the changing selection criteria. At the time the study commenced, the commander of the IA unit was newly appointed to that position and not familiar with the operational details of the program. Interviews with sergeants currently assigned to patrol or other street-level units found very mixed levels of awareness of the program. One sergeant was completely unaware of the program. Another veteran sergeant with more than 20 years

4.35

experience with the MPD claimed that he regularly counseled officers under his command about real or potential problems. It was not clear from the interview, however, whether this sergeant's actions reflected the EW system or simply that individual's traditional approach to the job.

Despite the uneven history of the EW system per se, informants inside and outside the MPD universally agreed that standards of accountability within the department had risen significantly since the appointment of the current chief in 1995. Staff and board members with the external Civilian Review Authority (CRA) stated that officers are more likely to be disciplined for a sustained citizen complaint or internally investigated misconduct under the current chief than previous chiefs. The views of CRA informants are regarded as particularly significant since they are intimately familiar with complaints against officers and by virtue of their association with an independent agency have no reason to offer an unduly laudatory view of the chief. Several informants within the MPD openly stated that several previous chiefs did not effectively discipline officer misconduct. These observations are supported by articles published in local newspapers.

2. Impact on Officers' Performance

a. The Cohort

Demographic and performance data were collected on all officers hired by the MPD in 1991 and 1992. Recruits dismissed during or immediately after pre-service academy training were excluded from the cohort. The analysis is based on a cohort of 107 officers. The cohort was

then divided into an EW subcohort consisting of all officers who had ever been subject to the

4.37

Table 4 -41

Comparison of EW and Non-EW Officers

Minneapolis Police Department

	ALL		EW		Non-EW	
	N	%	N	%	N	%
TOTAL	107	100%	29	27%	78	73%
GENDER						
Male	91	85.0%	26	89.7%	65	83.3%
Female	16	15.0%	3	10.3%	13	16.7%
RACE/ETHNICITY						
African-Am	16	15.0%	5	17.2%	11	14.1%
Asian-Am	2	1.9%	0	0.0%	2	2.6%
Hispanic	5	4.7%	1	3.4%	4	5.1%
White	78	72.9%	22	75.9%	56	71.8%
Native-Am	6	5.6%	1	3.4%	5	6.4%

4.38

	ALL		EW		Non-EW	
	N	%	N	%	N	%
TOTAL	107	100%	29	27%	78	73%
ENTRY			18	62.1%	46	59.0%
Cadet	64	59.8%	11	37.9%	32	41.0%
Recruit	43	40.2%				
DISCIPLINE HISTORY						
Any Complaint						
Yes	89	83.2%	29	100%	60	77.9%
No	17	15.9%	0	0.0%	17	22.1%
Sustained Complaint						
Yes	29	32.6%	10	34.4%	19	32.0%
No	60	67.4%	19	65.5%	41	68.0%
Average # Complaints		5.09		7.72		3.82

ALL		EW		Non-EW	
Number of Complaints					
Complaints	Ofcs.	Complaints	Ofcs.	Complaints	Ofcs.

4.39

1	9	1	1	1	8
2	17	2	2	2	15
3	10	3	1	3	9
4	8	4	1	4	7
5	9	5	4	5	5
6	16	6	6	6	10
7	4	7	1	7	3
8	1	8	1		
9	5	9	4	9	1
10	2	10	1	10	1
11	2	11	1	11	1
12	2	12	2		
14	3	14	3		
18	1	18	1		

	N	%	N	%	N	%
1-2 Complaints	26	29.2%	3	10.3%	23	38.3%
3-5 Complaints	27	30.3%	6	20.6%	21	35.0%
6+	36	40.4%	20	68.9%	16	26.6%

4.40

*32.6% of ofcs. with any complaint	<u>Ofcs.</u>	<u>Ofcs.</u>
	10*	19*
**17.2% of ofcs. with sustained complaints	3**	2**
	*34.5% of ofcs. with any complaint	*31.7% of ofcs. with any complaint
	**30% of ofcs. with sustained complaints	**10.5% of ofcs. with sustained complaints

Complaints by Gender						
Male	80	90.0%	26	90.0%	54	90.0%
Female	9	10.0%	3	10.0%	6	10.0%
Complaints by Race/Ethnicity						
African-Am	13	14.6%	5	17.2%	8	13.3%
Asian-Am	1	1.1%	0	0.0%	1	1.7%
Hispanic	5	5.6%	1	3.4%	4	6.7%
White	65	73.0%	22	76.0%	43	71.6%

4.41

Complaints by Gender						
Male	80	90.0%	26	90.0%	54	90.0%
Female	9	10.0%	3	10.0%	6	10.0%
Native-Am	5	5.6%	1	3.4%	4	6.7%

	ALL		EW		Non-EW	
	N	%	N	%	N	%
Any Commendation						
Yes	81	75.7%	20	69.0%	61	78.2%
No	26	24.3%	9	31.0%	17	21.8%
Ever Reprimanded						
Yes	13	12.1%	4	13.8%	9	11.5%
No	94	87.9%	25	86.2%	69	88.5%
Ever Suspended						
Yes	10	9.3%	5	17.2%	5	6.4%
No	97	90.7%	24	82.8%	73	93.6%
Separated from Department						

4.42

	ALL		EW		Non-EW	
	N	%	N	%	N	%
Any Commendation						
Yes	81	75.7%	20	69.0%	61	78.2%
No	26	24.3%	9	31.0%	17	21.8%
Yes	9	8.4%	2	6.9%	7	9.0%
No	98	91.6%	27	93.1%	71	91.0%
Involuntary Separation						
	3	6.6%	2	6.9%	1	1.3%
Performance Evaluation (Avgs.)						
Evaluation 1 = 92.81			Evaluation 1 = 91.86		Evaluation 1 = 93.19	
Evaluation 2 = 92.02			Evaluation 2 = 90.86		Evaluation 2 = 92.48	
Evaluation 3 = 91.12			Evaluation 3 = 90.89		Evaluation 3 = 91.20	
Ever Promoted						
Yes	27	25.2%	9	31.0%	18	23.1%
No	80	74.8%	20	69.0%	60	76.9%

4.43

EW system, and the non-EW subcohort, consisting of all officers who not been subject to the Ew system.

EW/Non-EW Subcohorts

Twenty-nine, or 27% of the original cohort, were subject to the EW system.

Gender, Race and Ethnicity

Males are over-represented and females under-represented among EW officers. Whites and African Americans are slightly over-represented in the EW subcohort, while other racial minority groups are slightly under-represented. The differences by race and ethnicity are not significant, however.

Entry into the Department

Cadets and recruits were about equally represented in the EW and non-EW subcohorts.

Discipline History

EW officers had more serious disciplinary histories in most but not all categories. EW officers were more likely to have received a citizen complaint than non-EW officers (100% vs. 77.9%), and received a average of twice as many complaints (7.72 vs. 3.82) as their non-EW colleagues. More EW officers received six or more complaints (68.9% of those receiving any

4.44

complaints vs. 26.6% of the non-EW officers). If they had any sustained were more likely to have

three or more sustained complaints (30% of officers with any sustained complaints vs. 10.5%),

slightly less likely to have received a commendation (69% vs 78.2%). Finally, the EW officers

were more likely to have ever been suspended by the department that non-EW officers (17.2%

vs. 6.4%).

At the same time, however, the EW officers were no more likely to have received any

citizen complaint, and about equally likely to have been reprimanded. Surprisingly, the EW

officers were more likely to have been promoted than the non-EW officers.

Performance Evaluations

The departmental performance evaluations were all within a very narrow range (90-94)

and yield no meaningful distinctions between EW and non-EW officers.

Involuntary Separations

The number of officers involuntarily separated from the department is too small to yield

any meaningful distinctions.

b. Impact of EW Intervention

An overwhelming majority of the EW officers received fewer complaints following

intervention than beforehand. Among those officers subject to EW intervention, 80% received

fewer complaints in the post-intervention period compared with before intervention. About 17%

4.45

(16.6%) received more complaints than before intervention, while 3.3% received the same number of complaints. These data are suggestive at best, since for those officers only recently subject to the EW system the reduction in the number of complaints could be due to the shorter post-intervention period compared with the pre-intervention period.

To evaluate the impact of EW intervention, annual average complaint rates before and after intervention were computed. The analysis controlled for assignment and reflect annual rates for time assigned to patrol duty. EW officers received an annual average of 1.95 complaints prior to EW intervention and an average of 0.65 complaints per year following intervention (see Figure 4-2). Thus, EW intervention reduced citizen complaints by about two-thirds for officers subject to it. Non-EW officers, by comparison, received an annual average of 0.45 complaints over the course of their careers. Thus, EW officers experienced a substantial reduction in complaints following intervention but were still receiving complaints at a slightly higher rate than non-EW officers.

Because all informants reported that the MPD had been in the midst of a significant effort to raise standards of accountability since the appointment of the current chief in 1995, the possibility exists that the decline in complaints received by the EW officers is the result of a general decline in complaints. Consequently, a comparison was done of the number of complaints received by the non-EW cohort before and after1995. The date coincided with the appointment of the new chief and resulted in equal periods of roughly 3+ years for all officers. The non-EW officers received more complaints in the 1995-present period (n = 123) than in the pre-1995 period (n = 106). Thus, the decline in the number of complaints received by the EW officers is not due to an overall reduction in citizen complaints filed against MPD officers.

4.46

4.47

Figure 4-2

AVERAGE ANNUAL COMPLAINTS
MINNEAPOLILS/BEFORE-AFTER INTERVENTION
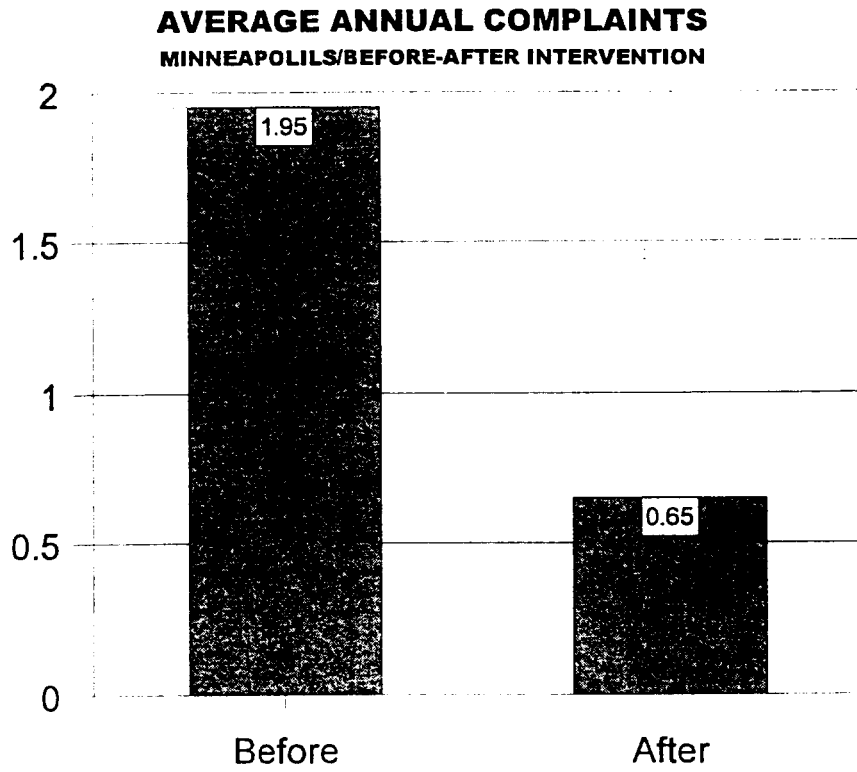
Summary

Officers subject to the EW system in the MPD were more likely to be male, but otherwise did not differ significantly in terms of background characteristics from non-EW officers. EW officers had more serious disciplinary records: were more likely to have received a citizen complaint, received a higher average number of complaints, were more likely to have received six or more complaints, and to have been suspended by the department. Despite the uneven history of the EW system, officers subject to EW intervention received one-third as many complaints per year on average following intervention as beforehand. The reduction in the number of complaints received by the EW officers, moreover, was not associated with an overall decline in complaints received by the cohort.

C. NEW ORLEANS

1. Qualitative Assessment of the EW System

The review of official documents and interviews with key stakeholders indicate that the PPEP program in the New Orleans Police Department (NOPD) is very tightly managed, staffed by officials who have a high level of commitment to the program, and enjoys strong support from the Superintendent of the NOPD. The PPEP program involves a considerable investment of staff and resources.

4.49

There has been strong continuity of leadership of the program. The staff person responsible for the training classes has been responsible for that function since its inception. All staff members of the Public Integrity Division (PID) were extremely knowledgeable about the PPEP program and have a deep personal commitment to it. All were very proud of their work and eager to explain it and provide information about it to outsiders. All PID staff members were very conscious of the reputation of the NOPD, appeared embarrassed about it, and appeared to be personally committed to reducing misconduct and improving the department.

The staff of the PID included one full-time civilian staff person whose responsibilities are focused entirely on data management. (Data entry is handled by a number of different individuals).

Officers observed in the intervention phase of the program indicated, explicitly and implicitly, that they believed the NOPD was serious about the PPEP program and about disciplining misconduct. Several, for example, made comments indicating that they were worried about their future in the department as a result of having been selected by the PPEP program.

The only critical comment about the PPEP program was expressed by a community activist who argued that few people file complaints against NOPD officers, because of a combination of fear and fatalism, and therefore that a complaints-based EW system would fail to identify many officers who were guilty of abusing citizens.

The post-intervention monitoring phase of the PPEP program is more elaborate, involving far greater investment of departmental resources, than is the case in either of the other two sites. The six-months post-intervention monitoring requires supervisors (who in all but a few cases are Sergeants) to complete detailed evaluations of EW subject officers under their command. The

4.50

monitoring requirement, in turn, requires PID officials to oversee the paperwork involved in the process (ensuring that reports are completed; reviewing reports, etc.). This process, in short, requires a considerable investment of time and resources on the part of the NOPD. A review of the monitoring reports (see below) indicate that supervisors comply with the reporting requirement, at least in a formal sense of completing the required evaluations. (See below for a detailed analysis of the evaluation reports.)

2. Impact of Officers' Performance

The Public Integrity Division (PID) of the New Orleans Police Department compiles data on citizen complaints received by officers who have been selected for the Professional Performance Enhancement Program (PPEP). PID analysts collect and publish data on the number of complaints received by officers in the 24 months prior to the PPEP class and 24 months following the PPEP class.

A total of 78 officers have been selected for PPEP during the life of the program. A full set of 48 month data (24 months pre-intervention; 24 months post-intervention) on 31 officers subject to PPEP program intervention. The 31 officers for whom data are available were members of two separate PPEP classes. The first class consisted of 25 officers, and the second included six officers. Four officers selected for the first class are excluded from the analysis because either their PPEP training was deferred or they were dismissed or resigned from the department. Thus, the analysis is based on 27 officers for whom complaint data are available for 24 months before and 24 months after PPEP training.

4.51

It is important to note that the post-intervention performance indicators used by PID do

not conform directly to the criteria used to select officers for PPEP intervention. The PPEP

selection criteria include citizen complaints, use of force reports, involvement in resisting arrest

cases, shooting incidents, several other incident-based situations, as well as a discretionary

supervisor's referral category. The post-intervention performance data, however, involves only

citizen complaints. Thus, it is possible that a particular officer was selected for PPEP on the basis

of indicators other than citizen complaints. Since no data are collected on these aspects of

performance, however, there is no way to determine whether the officer's performance has

changed as a result of PPEP intervention. It is entirely possible that the problematic performance

has continued following PPEP intervention.

The data indicate that PPEP intervention has a significant and positive impact on officers'

performance as indicated by citizen complaints. The 27 officers in this analysis received a

combined total of 100 complaints in the 24 months prior to PPEP class and 34 complaint in the

24 months following PPEP (Figure 4-3). This represents a reduction of 62 percent in the total

number of complaints. The average number of complaints received by each officer declined from

an annual average rate of 1.66 to 0.63. Virtually all of the officers experienced reductions in

complaints. Only one officer received more complaints in the post-intervention phase and one

received that same number of complaints.

Figure 4-3

AVERAGE ANNUAL COMPLAINTS
NEW ORLEANS/BEFORE-AFTER INTERVENTION

4.53
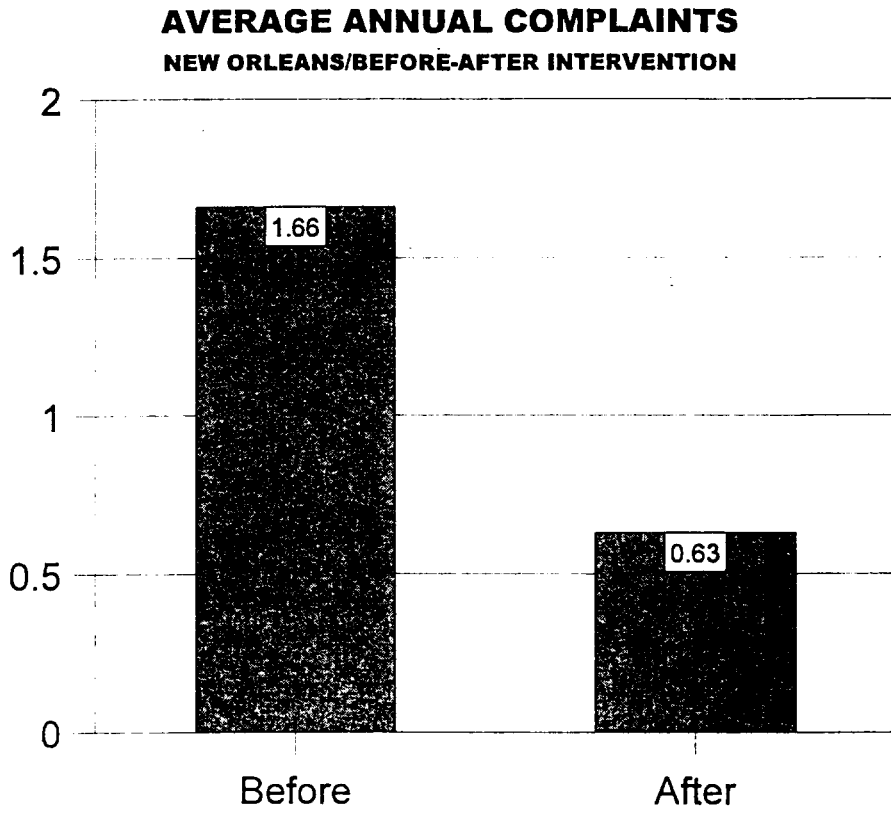
Each of the three PPEP classes were analyzed separately for two reasons. First, the size of the first class (21 officers) was substantially larger than subsequent classes (6 in the second class). PID officials themselves expressed concern that the large size of the class could have impaired the impact of the intervention (and for that reason have subsequently conducted smaller classes). material. Second, the curriculum of the PPEP class has evolved over time. The leaders of PID freely describe the PPEP program as a "work in progress" that is being refined on a continuing basis. The first PPEP class consisted of two full days of training (16 hours), while more recent classes have been expanded to four days (32 hours). The content of the class has also been revised considerably. It is reasonable, therefore, to assume that subsequent classes are more effective than the initial class. Third, there is reason to hypothesize that recent classes might be more effective as a result of officers' perceptions of the PPEP class. It is possible, for example, that officers selected for the initial class did not take it seriously, perceiving it to be a symbolic gesture by the department that would involve no serious The data indicate no substantial differences between the impacts of the three PPEP classes and give no indication that the first class was less effective than the subsequent two classes. The total number of complaints received by officers declined 62 percent for officers in both of the first two classes.

It was not possible to measure possible negative impacts of the PPEP program in terms of officer activity levels. Data were not available that would permit systematic analysis of officer activities such as arrests, officer-initiated contacts with citizens, and traffic citations for extended periods before and after PPEP intervention. Two admittedly imperfect substitute measures were used in an effort to gain an impression of officer activity levels.

4.54

First, the post-intervention monitoring evaluations all officers who have been subject to PPEP class were analyzed, both quantitatively and qualitatively (see below). These documents provide no evidence of a significant decline in officer activity levels. None of the evaluation forms contain narrative comments from supervisors expressing criticism of officer activity levels in the six months post-intervention period. Nor do the numerical ratings given by supervisors indicate any pattern of disapproval for low levels of activity.

The post-intervention monitoring evaluations cannot, however, be regarded as reliable. It is likely that the generally satisfactory ratings given most of the officers reflect the norms of the police officer subculture in the New Orleans Police Department. It is possible that these norms include the understanding that supervisors will not criticize the performance of officers under their command in any public or documented fashion.

Second, after considerable effort, PID staff were able to obtain selected activity reports from certain units of the NOPD. Particularly valuable was a report of traffic citations issued by officers in the Traffic Unit for the year 1998. The report also indicated which officers had been subject to the PPEP program at some point in their careers. First, the traffic citation data indicate extreme variations in activity levels. The two highest ranked officers each issued more than 11,000 citations each in 1998, while about one-third of the officers issued fewer than one thousand and a number issued fewer than 500 for the year. Second, five of the six officers with the highest activity levels had been subject to the PPEP class at some point. Only one former PPEP officer issued fewer than 1,000 citations.

These data suggest that traffic unit officers who are subject to PPEP intervention continue to have very high levels of law enforcement activity following intervention. Because the data are

4.55

selective, this conclusion must be regarded as impressionistic at best.

2. Observation of the PPEP Class

Permission was obtained to observe a PPEP class. The class observed consisted of five officers who had been selected by PID. It is understood that the observations reported here are at best suggestive of officer responses to EW intervention. Additionally, as already noted, in most programs the interventions involve private counseling sessions with immediate supervisors. The group setting of the PPEP intervention introduces a different set of dynamics, the effect of which can be imagined but not empirically confirmed. Nonetheless, with these caveats in mind, it is believed that the findings from the observed PPEP class are indicative of important general themes related to the attitudes of officers subject to EW systems and their responses to EW intervention.

The observation involved two full days (16 hours) of classes. For reasons of confidentiality, the observation did not include the component of the class that involved a private counseling session between the instructor and each officer. Each of these sessions lasted approximately 10 to 15 minutes.

The class began with an introduction to the PPEP program. The instructor emphasized the idea of "enhancement" and stated that the goal was improvement of performance and not punishment. The instructor further stated that, contrary to rumor, it was a "myth" that PPEP leads to reassignment. Only 3 out of 70 officers had ever been reassigned after going through the PPEP program. The instructor gave a long overview of his career with the NOPD (30 years) with

4.56

a particular emphasis on retirement planning. This appeared to be an effort to get the officers to think in terms of a career and long-term goals.

Statements by different officers in the class indicated different levels of understanding about why they were in the PPEP class. One acknowledged that he had "problems" and wanted "to straighten them out." One other officer, with only 2 years experience, however, stated that he did not understand why he is having problems. A third officer, close to retirement, saw PPEP as just another episode in a long history of bad treatment by the administration. Several officers were fatalistic about their futures with the department. One officer stated that he did not "expect to retire from NOPD" because of "the way things are going." He said that he "understands that he is in trouble." This officer had a serious disciplinary record and this was the second time he had been through the PPEP class." Another officer, a 24 year veteran; hopes to retire in 4 years "if they let me."

Comments by officers and responses to particular components of the class over the course of two days can be organized around four general themes. First, officers expressed extreme hostility to the program, believed they were being punished for being hard-working police officers, and offered sophisticated rationales for their behavior. Second, officers became actively engaged in those components of the class that related to what they believed to be real police work. Despite their expressed hostility to the program during other components, the officers appeared to appreciate these components and to learn from them. Third, officers were clearly not engaged in those components of the class that involved lectures about general aspects of human behavior and police work. Fourth, the component of the class devoted to a discussion of the nature of their involvement in their jobs appeared to uncover important issues and have a

4.57

powerful impact on their thinking.

Hostility/Rationalizations. All of the officers enrolled in the class expressed great

hostility to the PPEP program. Officers were very aggressive in challenging the nature of the

program and in justifying their own behavior. They offered a number of different rationales to

deflect responsibility from themselves and to place the blame on other persons or institutions.

The officers expressed very strong resentment over their feeling that they were being

punished for working hard and doing effective police work. All expressed great pride in their

work as police officers, asserted that citizen complaints were an inevitable part of active police

work. As one officer put it, "I'm putting 150% into this job."One officer, for example, stated

that he thinks the PPEP program singles out "the 5% [of the officers] who are doing their job."

His personal goal was "to be left alone and do my job." One officer said he was more worried

about PPEP than about being hurt on the street

Substantial evidence supported the officers' claims that they are in fact extremely active

officers. All were currently assigned to either narcotics task forces or traffic units. One officer

claimed to make an average of 5-10 arrests and between 30 and 40 citizen stops per night. No

one, including the instructor, challenged these claims. Independent review of officer weekly

activity reports for several units confirmed the fact that such levels of activity are common in the

task force and traffic units. The task force officers saw themselves performing a noble public

service in fighting dangerous drugs and violent crime. The officers repeatedly asserted that they

often had to use aggressive tactics in dealing with citizens. They pointed out that they regularly

dealt with people who were "not nice." One argued that citizens often kept talking, arguing with

them, and interfering with their work. As a result, "you've got to make them be quiet;" and

4.58

"some times you have to raise your voice."

The officers expressed particular resentment over the fact that the department singled them out but did nothing about other officers who, in their view, do no real police work at all, One stated that "PID should investigate them;" Another alleged that community policing officers "shoot basketballs" all day and don't do any real police work. Another alleged that it was "not unusual" for patrol officers to spend four hours out of each shift sitting in restaurants.

Several of the officers repeatedly said that they would no longer work as hard because of the PPEP program. One claimed that another officer who had previously been through the program subsequently "refused to do police work" and that as a result "no one would ride with him" any more. Another officer said "I'm going to stop working," and explained that "If I hear a shooting, I'm going to head in the other direction." "I'm not going to be the same officer I was"

Related to their high levels of activity, several officers expressed a sophisticated understanding of complaint rates and risk factors. One pointed out on more than one occasion that an officer who makes only 10 stops and gets 2 complaints would not qualify for PPEP but was a more serious problem than an officer who makes 150 stops and gets 3 complaints.

The officers tended to blame citizens, the department, and private attorneys for the complaints they receive. Several claimed that many complaints were unreasonable and without merit. One gave the example of a discourtesy complaint that resulted from his smiling while writing a traffic ticket; he subsequently received a complaint for scowling while writing a ticket. One officer argued that citizens in domestic disturbance incidents want the police to "do something" when officers cannot do anything under the law; and then file complaints for lack of police action. One particularly hostile officer alleged that criminals used the citizen complaint

4.59

process to get active officers out of their area. In support of this view he claimed that publicly released FBI wiretaps contained evidence of a conspiracy by drug dealers to encourage people to file many complaints against officers making high rates of arrest.

The officers stated that PID should explain the law and police work to citizens who call to file complaints in order to discourage frivolous complaints. They also felt that PID complaint intake officials should inquire about citizen's behavior: that is, drinking or resisting officer behavior that, in the officers's view, would invalidate the complaint. Officers also blamed private attorneys who they believe promote complaints days after the event. They cited the fact that some complaints were not filed until two or three days after the event. One officer also accused PID investigators of encouraging complaints by asking potential complainants leading questions and helping them to frame complaints in terms that the department could then investigate..

The officers' criticisms of PID with respect to the handling of complaints were closely related to a broader criticism of the department for not supporting its officers. One officer said he would like the Superintendent to go on TV to back them up "just once." Another officer referred to PID as the "Police Intimidation Division." Officers were extremely cynical about the PPEP program. Both in class and during breaks they referred to it as "politeness school," designed to teach them to be "kinder, gentler" police officers. The officers expressed a strong persecution complex and felt they were being harassed by the department. As one put it, "we're like the black people of the 1960s."

In sum, virtually all of the comments made by the officers were designed to justify their own actions and to relieve themselves of any responsibility for citizen complaints or any other alleged performance problems. The strongest theme was that they were dedicated, hard working

4.60

officers, and that complaints are an inevitable result of active police work.

On only one or two occasions the officers acknowledged that the PPEP class had some value. Two stated that it should be mandatory for all officers.

Engagement in Perceived Relevant Components of the Class. Despite the hostility and cynicism expressed during most components of the class, the officers were actively engaged in those components that, in their view, provided practical advice about what they perceived to be real-world policing situations.

The most effective component was the one entitled "techniques and assessment." This component involved the presentation of synopses (on overhead projectors) of actual incidents from PID files, many of which had led to citizen complaints against the officers involved. In some instances, in fact, the officers in the class claimed to know the facts of the case and the officers involved. Following the presentation of a case officers were asked to comment on it and to critique the officer's performance. This procedure clearly engaged the officers' interests. All of the officers offered detailed and (in the observer's view) practical suggestions related to how the officer could have maintained control of the situation and avoided the problem that resulted. It should be noted that the deficiencies identified involved techniques (e.g., the procedure for conducting a frisk) and not attitudes or even demeanor.

The apparent success of this component of the class was due to the teaching technique that allowed them to draw upon their expertise as police officers, and to do so at the expense of another officer who had demonstrated some deficiency. In most of the cases covered, the officers critique handling of situations; point that many complaints arise from offices not following procedure (e.g., handcuffing), then losing control of situation; good session: involved officers;

4.61

allowed them to demonstrate expertise, critique other officers; good questions, analyses of situations.

The teaching strategy appeared to be based on the assumption that the process of allowing the officers to draw upon their own expertise helps the officers to internalize the "lessons" they drew from the cases. The assumptions underlying this strategy merit investigation. At least one officer clearly seemed to learn something from this component of the class. Not only did me make comments during the discussion that appeared to indicate this response but at the end of the day he approached the instructor and made a comment that expressed appreciation for the experience.

Only one aspect of the complaint reduction component of the class appeared to successfully challenge the officers' rationale that complaints were an inevitable consequence of active police work. During the complaint reduction component the instructor replied that traffic unit officers average 17 citizen contacts per day and that 97% of those officers receive no citizen complaints. This particular point seemed to have some impact on the officers, although the effect was limited by the absence of any systematic data.

Disengagement from Ineffective Components of the Class. Officers were clearly disengaged from those components of the class that involved lectures about general aspects of human behavior, social problems, and occupational stress. The lack of engagement was clearly observable. Officers appeared to be bored and asked few questions or made few comments that related directly to the material being presented. It appeared that the officers did not feel that these components of the class related to their personal experiences or to real-world police work.

The component on occupational stress was conducted by a psychologist employed by the

4.62

NOPD. This component also did not appear to engage the officers, primarily because the issue was framed in very general terms and did not appear to be closely connected to what the officers saw as the reality of their day-to-day jobs..

The human behavior segment involved a general discussion of alcohol-related social problems. This component appeared to be almost counter-productive, as the officers challenged the argument that alcohol was a more serious problem than drugs. Officers were somewhat defensive about their own alcohol consumption, with one arguing "you don't know what we're up against."

Involvement in the Job. The most powerful, and possibly effective component of the class was a session devoted to the extent of the officers' involvement with their jobs. The discussion had a observable impact on the officers and appeared to tap into issues underlying their performance problems.

The instructor opened the discussion with the question, "How much of your identity is involved with being a police officer?" The question was met with immediate silence and evident nervousness on the part of the officers. The atmosphere in the room was highly charged. The ensuing discussion made it clear that the officers were almost totally involved in their jobs and had no distance from them. As one put it, "you work and you sleep." Probing questions about their personal lives determined that none of officers were actively involved in sports, none were involved in any other clubs or activities, none was currently attending church on a regular basis, none were currently married, and those with children had only minimal involvement with those children. One officer blamed the city for his inability to take a long three or four day weekend, claiming that court scheduling procedures required him always to be "on call" for testimony on

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short notice.

The evident over involvement in work was consistent with their self-reported levels of activity. Nearly all of the officers were currently assigned to either narcotics or traffic units (a point that they made in their own defense). As already noted, they were all extremely proud of their high levels of activity (e.g., claiming to average between 5-10 arrests per night, or to write a high volume of traffic tickets). In a subsequent debriefing, the sergeant stated that while the members of this particular class were far more over-involved that most officers who had been subject to PPEP, the phenomenon of over-involvement was a common problem.

The sergeant conducting the discussion did not belabor the point but simply suggested they think about developing other interests and putting some distance between selves and job.

3. Officer Critiques of PPEP Classes

Officers subject to PPEP classes are afforded an opportunity to complete an anonymous critique or evaluation of the class. Analogous to student evaluations of college and university courses, the evaluation allows officers to (1) give a numerical rating of the class on a scale of 1 to 10, and (2) offer their narrative comments on positive and negative features of the class and to offer suggestions for improvement.

The PPEP files in the Public Integrity Division contain a total of 26 completed officer critiques of PPEP classes, representing 35% of the officers who have been selected for PPEP program. The missing critiques are explained by the fact that some classes were not offered critiques, some officers resigned or were terminated from the NOPD before the class, and some

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critiques were either lost or not properly filed.

Each officer's numerical rating of the class on the 1-10 scale (1 = unfavorable, 10 = favorable) was recorded. The PPEP critique instrument was changed over time, and some critiques used a 1-5 rating scale. Those critiques were converted to a 1-10 scale to make them comparable to the other critiques. Thus, a rating of 3 on the 1-5 scale became a rating of 6 for purposes of this analysis. Twenty-four critiques had usable numerical ratings.

The officers' narrative critiques were coded according to the following classification system. Positive comments were divided into three general categories: (1) those related to on-the-street policing issues (e.g., conflict management, complaint avoidance); (2) those related to personal issues (e.g., self-awareness, stress management); and (3) those related to the quality of instruction in the PPEP class. Negative comments were divided into three general categories: (1) those related to on-the-street policing issues; (2) those related to the nature of the PPEP program (e.g., selection criteria); (3) and those related to the quality of instruction in the PPEP class. Suggestions for improvement were divided into three general categories: (1) those related on-the-street policing; (2) those related to the PPEP program (3) those related to personal issues.

Numerical Rating of the PPEP Class. The overall assessment of the PPEP class by officers who experienced the class was surprisingly high. Officers (n = 24) gave the class an average rating of 6.92, which may be rounded up to a rating of 7.0 for purposes of discussion. Given the fact that the officers had been selected for retraining on the basis of problematic behavior, and the fact that the officers in the one observed class expressed considerable hostility to the program and perceived themselves to be singled out and punished, an average rating of 7 on a scale of 10 is remarkably high.

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Four of the 26 officers gave the class a rating of 1, the lowest possible rating. These officers represented a distinct group of angry and hostile officers. No other officer gave the class a rating lower than 6, and almost two-thirds of all officers (15 out of 24) gave the class a rating of either 8 or 10. When these four officers are removed from the analysis, the remaining officers gave the PPEP class an average rating of 8.10.

The numerical ratings suggest that the majority of the officers subject to the PPEP class completed the class with a very positive attitude toward it, while a small subgroup gave it the lowest possible rating. Two aspects of these relatively high ratings deserve comment. First, the numerical ratings are supported by the many favorable comments provided by the officers in the other section of the critiques. Second, these relatively high ratings are not consistent with the hostile comments about the class, and the absence of favorable comments, in the PPEP class that was directly observed. This suggests that privately the officers have a far more favorable view of the PPEP class than they are willing to express publicly in the presence of peers or supervisors.

Positive Comments on the PPEP Class. Officers offered many positive comments on the PPEP class. All (n = 26) officers completing critiques made at least one positive comment. The most frequently mentioned comments involved aspects of the class related to on-the-street policing. Ten officers (38.5% of the total) commented favorably on the verbal judo component. Ten commented favorably on the conflict resolution component. (Several officers commented on more than one positive aspect of the class). Four commented favorably on the complaint reduction component. One commented that the class helped him/her to deal with different kinds of people. Few officers offered extended narrative comments on this section of the critique. Most simply wrote "conflict management" or "verbal judo." These responses suggest that the class

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contained material that a number of officers felt helped them deal with the realities of police work.

Several officers also commented favorably on aspects of the PPEP class that related to personal issues. Three commented favorably on the stress management component. Three commented that the class helped increase their self-awareness. One stated that the class "helped me to think," and on another section of the form said that it helped him think about himself. Another said that "the entire course was a refreshery [sic] for me." One commented on the financial planning aspects of the program. (For a discussion of the significance of this aspect of the program, see the section on the direct observation of the class.)

Four officers commented that the class was well-taught.

Negative Comments on the PPEP Class. Twenty of the officers (77% of the total) offered negative comments about the class or the PPEP program on their critiques. Significantly, the most frequent negative comments related to the nature of the PPEP program per se rather than to the specific content of the class.

Five officers commented that the class offered no practical help in reducing citizen complaints. Three officers commented that the class did not relate to the realities of police work. The negative comments in this category, however, are substantially fewer in number than the favorable comments on aspects of the class that relate to on-the-street police work.

Several officers were very critical of the PPEP program (as opposed to the class itself). Eight criticized the selection criteria used by the program. Six officers commented that the program punishes hard working officers. One specifically suggested that the department should go after "lazy police officers" instead of them. The sense of being punished for good police work

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was a major issue in the observed PPEP class (see below). One officer argued that a high number of citizen complaints do not necessarily mean an officer is a "bad" police officer, but only that he or she happened to get a lot of complaints. Another officer suggested that officers should be selected on the basis of a ratio of complaints to contacts with citizens. Two officers made critical comments about how the Public Integrity Division investigates citizen complaints.

Several officers were critical of the quality of the teaching in the PPEP class. Seven officers criticized how the class was taught. One, for example, argued that the class should be taught be a "street officer." Another commented that supervisors and street officers should not be assigned to the same PPEP class (at least one sergeant was selected for the PPEP program).

Suggestions for Improving PPEP. Several officers offered suggestions for improving the PPEP class. Five suggested more material on stress management. Two suggested more material related to on-the-street police techniques. Two officers suggested that the PPEP class be given either to all officers or to all supervisors and Field Training Officers (FTOs). One officer, for example, wrote that the class "should be given to all!!!" (with three exclamation marks). Another suggested that it should be a five day class. These comments are significant in that they indicate that the two officers found something of value in the class and that it would be valuable for other officers as well. It should be noted that the NOPD is currently in the process of offering the complaint reduction component to recruits and to field officers. Commanders in at least two field units had requested the class for their officers.

(4) Post-Intervention Monitoring Evaluations

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Post-intervention monitoring evaluation forms were located for 78 officers. Because of resignations, terminations, reassignments, sick leaves, and other unknown factors, not all of these officers were subject to a complete set of 12 evaluations (bi-weekly x 6 months). Discussion with PID officials revealed that many supervisors did not complete the evaluation forms correctly. Supervisors are expected to indicate the number of times they directly observed the subject officer. The completed forms, however, seem to indicate that many supervisors reported an estimate of the number of times the subject officer interacted with a citizen.

The evaluation forms were analyzed in terms of written narrative comment by supervisors. Only 12 evaluation forms contained any written comment; three of those comments were negative and 9 were positive. Most of the comments were brief and not specific (e.g., "good solid work ethic:' "good employee," etc.). The numerical ratings in the category of "Quality of Interactions with Citizens" yielded little data of interest. Generally, most officer's ratings were consistent throughout the entire evaluation period and did not vary by more than 1 point in either direction. That is, it appears that most sergeants determined a rating score at the outset and did not vary the rating thereafter. There were a total of only 66 occasions when an officers's rating changed by more than one point from one evaluation period to another. This represented less than 10 percent of all rating periods. Additionally, 40% of those changes were associated with a change in supervisor conducting the evaluation. Each officer's rating period was divided in half, and an average rating for each period was computed. The average rating for the first period was 3.o124, and the average rating for the second period was 2.773.

III. SUMMARY OF FINDINGS

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The findings of the national evaluation of EW systems may be summarized as follows:

(1) EW systems are a growing aspect of American law enforcement, and can be expected to grow further in the immediate future;

(2) officers selected by EW systems do not differ significantly in terms of background characteristics from their colleagues in the same recruit classes;

(3) officers selected by EW systems have significantly more serious disciplinary records than their colleagues in the same recruit classes;

(4) EW systems significantly reduce citizen complaints and/or other problematic forms of behavior in officers subject to intervention; however, because of changes over time in the administration of the EW systems studied there is no assurance that the content of the intervention was consistent throughout the period studied; consequently, the findings on this point should be viewed with some caution;

(5) many officers subject to EW intervention are willing to express privately positive responses to the experience; but not do so publicly;

(6) officers subject to EW intervention respond positively to training or counseling that they perceive to be related to practical aspects of police work; they do not respond positively to those aspects of EW intervention that they perceive to be abstract and/or moralistic.

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153. U.S., Commission on Civil Rights, <u>Who is Guarding the Guardians?</u> (Washington: Government Printing Office, 1981), pp. 18-86.

154. "Kansas City Police Go After Their 'Bad Boys'," <u>The New York Times</u> (September 10, 1991).

155. Mollen Commission, <u>Report of the Commission</u> (New York: Mollen Commission, 1994).

156. Samuel Walker and Charles M. Katz, "Less Than Meets the Eye: Police Department Bias Crimes Units," <u>American Journal of Police</u>, XIV (No. 1, 1995): 29-48.

ANALYSIS AND DISCUSSION

I. INTRODUCTION

The data reported in Part IV indicate that early warning (EW) systems are an increasingly popular management tool in American law enforcement and that they are effective in reducing problematic behavior on the part of problem police officers. EW systems have been growing rapidly in the past five years and are likely to continue growing in the immediate future. The data from the three case studies indicate that officers subject to EW intervention received about one-third as many citizen complaints per year following intervention as they received before intervention. Additionally, data from the one site where it was possible to investigate officer perceptions of EW intervention indicate that many, and perhaps even most officers subject to EW express positive feelings about the experience.

Some care should be exercised in interpreting these findings, however, because of problems related to the available official data and unanticipated problems with the original research design. These issues are discussed below.

II. THE ADMINISTRATION OF EW SYSTEMS

A. The Growth of EW Systems

Early warning (EW) systems are an increasingly popular management tool for responding to problem police officers. Even in the absence of any empirical evidence regarding their effectiveness, an increasing number of law enforcement agencies have chosen to adopt an EW system. By late 1998, twenty-seven percent of local law enforcement agencies currently have EW systems in place, and another 12% are planning to develop an EW system. Most of the existing EW systems have been created since 1994. Additionally, EW systems have been endorsed by the U.S. Justice Department,[157] the U.S. Civil Rights Commission,[158] the International Association of Chiefs of Police (IACP),[159] and other authorities.

For all these reasons, EW systems can be expected to grow rapidly in the near future.

B. Cautions and Concerns

A number of questions remain about the nature of EW systems reported in the national survey. First, historical evidence indicates that a number of law enforcement agencies have in the past claimed to have EW systems in place but that such programs either did not survive or had only marginal existence in the first place.[160] Second, the authors of this report are personally familiar with law enforcement agencies that have claimed to have EW systems in place when, on the basis of other reliable evidence, they know that these systems did not or do not exist. In short, the reported data on existing and planned EW systems cannot be taken at face value.

This study has found that EW systems are complex administrative procedures requiring a considerable investment of administrative time and departmental resources. There is considerable danger that without the proper leadership an EW system could degenerate into a bureaucratic

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formality, devoid of substantive content or impact.

a. The Fad Syndrome in Law Enforcement

A major part of the problem in this regard is the so-called "fad" syndrome related to innovations in law enforcement. Typically, an innovative program is developed by one or more departments and, for one reason or another, receives publicity in the national news media. Responding to the publicity and to pressure to appear to be up-to-date and innovative, other departments announce that they have also adopted this innovation. Within a few years, however, the new program loses is status as an innovation, and in some cases disappears from the scene completely. The police-community relations units created in the 1960s[161] and team policing[162] in the early 1970s are two examples of this phenomenon.

In many cases creating the appearance of innovation is a strategy for maintaining institutional legitimacy in the eyes of external institutions.[163] In many cases, however, implementation never goes beyond the talking stage. In some cases, existing procedures are simply re-labeled, without meaningful change. In other instances, the details of the program are imperfectly understood and not implemented properly.[164] In still others, genuine innovation does occur but the new program is allowed to lapse because of management neglect. This was the fate, for example, of most of the police-community relations programs created in the 1960s.[165] Changes related to the enforcement of laws on domestic violence, on the other hand, appear to have become institutionalized in police departments.[166]

There is a very real danger that EW systems could become simply the latest in a long

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history of fads that gain sudden popularity and then gradually fade away. Police departments are

subject to continuous pressures from many different directions: financial constraints, political

pressure related to crime control and/or accountability, employee demands and the constraints of

collective bargaining, and costs resulting from new laws or court decisions. These represent

pressures to divert both human and financial resources from one area to another, as well as to

divert management attention from programs once deemed priorities. EW systems could easily

fall victim to such pressures. /

In short, the projected growth of EW systems is not assured. Nor is it certain that systems

which are formally established will continue to operate in a meaningful way.

b. The Administrative Demands of EW Systems.

Concern about the viability of individual EW systems over time is heightened by the

qualitative data from this study. Observations and interviews in the three sites found that EW

systems require a sustained commitment of administrative attention and departmental resources.

The Miami-Dade EIS system has been in operation for nearly twenty years as the time this report

is written. The evidence indicates that there has been no diminution of departmental commitment

to the program. Interviews and observations also indicate that the EIS system in Miami-Dade is

and has been an integral part of a larger departmental commitment to accountability. The EIS

data system, for example, is closely related to the department's Employee Profile System (EPS)

which maintains readily-retrievable performance data on all sworn officers in the department.

The PPEP program in the New Orleans Police Department also represents a substantial

commitment of administrative attention and departmental resources. At the time the research was conducted for this study, the NOPD's department's Public Integrity Division had at least one sergeant who devotes most, if not almost all of his or her time to the PPEP program. Other officers assigned to PID devote some of their time to the PPEP program. In addition, there is one non-sworn data analyst along with time commitments from other staff members of the PID. The post-intervention monitoring component of the program, requires supervisors to file bi-weekly monitoring reports of PPEP-subject officers for six months, imposes additional work demands on those supervisors and considerable monitoring by PID officials to ensure that the required reports are in fact filed. Observations and interviews found that, as is the case in Miami-Dade, that the EW system is part of a larger departmental commitment to accountability.

However, since data collection for this project ended, the Principal Investigator has received information to the effect that the administration of the PPEP program had begun to deteriorate. Key staff members were planning to retire or had already retired. In addition, there were unconfirmed reports that some data related to officer performance may not have reached the PID office as should have been the case. Consequently, this report cannot conclude with certainty that the PPEP program is currently functioning as effectively as was observed to be the case during the period of data collection.

At the time of this study, the Minneapolis EW system was somewhat of an administrative anomaly. The administrative history of the program was uneven, and at one point had even ceased functioning for over a year. Compared with the other two sites in this study, the commitment of administrative resources to the EW system in Minneapolis is rather slight. No personnel were specifically dedicated to the program, as was the case in New Orleans, nor was

the program integrated into a larger officer performance data system as is the case in Miami-Dade. Nonetheless, the performance data on officers subject to the system found that it is as effective as the EW systems in the other two sites. This fact dramatizes the problem, discussed earlier in this report, of disentangling the impact of an EW system from a larger commitment to accountability within the organization that may affect officer performance. As is the case with the other two sites, the Minneapolis Police Department was at the time of this study in the midst of a significant effort to raise standards of accountability. This effort was documented through interviews with persons outside the MPD, including notably the Civilian Review Authority, and news media accounts. A number of persons interviewed stated that the current chief was seriously committed to accountability and that his efforts had made a noticeable difference in the quality of service delivered by Minneapolis police officers.

Following the data collection period, the Principal Investigator for this study received information to the effect that the EW system in the Minneapolis police department had been substantially strengthened. The command staff of the department, with the chief of police participating, now reviews all problematic performance data (complaints, use of force reports) every two weeks. Where potentially serious problems are identified, supervisors are expected to take some immediate action, whether formal or informal. For all practical purposes, this new system operates outside the scope of the established EW system and involves a more comprehensive and more timely review of officer conduct.

In short, the EW system in the Minneapolis police department, as observed during this study, does not reflect current practices related to accountability.

Perhaps the most important finding of this study, as already mentioned, is that EW

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systems require on-going administrative attention, and are capable of either being strengthened or weakened. The impact and implications of the administrative aspects of EW systems are discussed further in other sections of this chapter. Additional research is needed on the factors that correlate with a sustained commitment to accountability on the part of a law enforcement agency. The possible range of factors are outside the scope of this study and include: the role of the chief executive; leadership from responsible elected officials; the role of elected officials leadership and/or pressure from civic groups.

III. THE IMPACT OF EW SYSTEMS ON OFFICER BEHAVIOR

A. Findings

In all three sites officers subject to EW intervention experienced significant reductions in the indicators of problematic behavior following intervention. The findings from the three sites are strikingly similar in terms of the profile of EW officers and the impact of EW intervention.

1. Background Characteristics of EW Officers

The data from both Miami-Dade and Minneapolis indicate that officers identified by their respective EW systems do not differ from their non-EW counterparts in terms of race and ethnicity. These data do not support the widespread stereotype that problem officers, defined as those with extensive records of citizen complaints and involvement in use of force incidents, are

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exclusively white officers. The data here support official data on citizen complaints for other

jurisdictions indicating that with respect to race and ethnicity officers receive complaints at rates

roughly equal to their representation in their departments.[167]

In both Miami-Dade and Minneapolis, male officers are over-represented and females

under-represented. On the one hand these data do not support the stereotype that problem officers

are exclusively male officers.[168] At the same time, however, they do not support the view that

female officers are completely immune from problematic behavior.

2. Performance Histories of EW Officers

With respect to performance histories, the data indicate that officers subject to EW had

substantially more serious disciplinary records than did their non-EW colleagues in their

respective recruit class cohorts. These findings support the basic premise of EW systems: that, in

any police department, there is a small group of officers whose disciplinary records are

substantially worse than the colleagues.

At the same time, these findings also address the regression to the mean problem cited in

Part II of this report and discussed in more detail below. That is to say, officers selected by EW

systems do not have average performance histories and are selected only because of an atypical

sequence of events (and with the result that their "improved" performance following intervention

is a return to their previously normal level of performance).

At the same time, however, in both Miami-Dade and Minneapolis EW officers were more

likely to be promoted than officers in their respective control groups, despite their more serious

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disciplinary records. This may suggest that aggressive on-the-street behavior which is likely to generate citizen complaints and use of force reports is, has been rewarded by these departments through promotion to higher rank. Additional research is needed on the extent to which active police work correlates with problematic behavior and promotion.

3. Impact of Intervention

In all three departments, officers subject to intervention experienced significant reductions in problematic behavior in the period following intervention. In Miami-Dade, 20 of the 28 EIS officers had four or more use of force reports prior to intervention; following intervention only 9 of the 28 had four or more use of force reports. Prior to intervention, 13 of the 28 EIS officers received a second reprimand; following intervention only 1 received a second reprimand. In Minneapolis, officers subject to EW intervention received an annual average of 1.95 citizen complaints per year prior to intervention; following intervention, they received an average of 0.65 citizen complaints per year. In New Orleans, officers subject to intervention through the PPEP program received an average of 2.21 citizen complaints per year prior to intervention and 0.68 per year following intervention.

As already noted, the similarity in the findings in all three sites is particularly interesting in light of the different structures and administrative histories of the three EW systems. As explained in Section III, the Miami-Dade EIS system has a relatively long history (17 years at the time of data collection) and strong continuity in administration. The Minneapolis EW system, on the other hand, has had an inconsistent and interrupted history. The New Orleans PPEP program,

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meanwhile, has a far more elaborate post-intervention monitoring component than either of the other two systems.

The findings from this study <u>do not permit any conclusions regarding the relative effectiveness of different types of EW systems</u>. That is to say, this study yields no data indicating that one set of selection criteria or one form of intervention is more effective than other approaches. This issue is further discussed below.

Several factors might explain the similarity in outcomes in the three sites despite the differences in the nature of their EW systems. The discussion that follows is largely speculative and the observations need to be investigated by further research.

It is possible that most (although not necessarily all) so-called "problem" officers respond positively to EW intervention. That is to say, they take cognizance of the fact that the department brings their performance problems to their attention and warns them about the potential consequences of continued performance problems. They respond positively, rather than defensively, and accept whatever advice, guidance, or training they are offered on how to avoid such problems in the future. The findings from the New Orleans PPEP program lend support to this interpretation. First, the officers subject to the PPEP program gave it surprisingly high ratings in their anonymous Critiques: an average of 7 on a 1 to 10 scale, and an average of over 8 when four "outliers" who gave the program the lowest possible rating are removed. (It is possible that a selection bias could be operating, and that those officers with the most negative feelings about the program did not complete an evaluation.) The ratings are particularly surprising in light of the overt and sustained hostility to the program expressed by officers in the observed PPEP classes. Second, officers in the observed PPEP class were actively engaged in those components

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of the class that they perceived to be related to practical aspects of policing. They were able to identify mistakes made by other officers in scenarios presented to them and to indicate the correct police procedure.

The contrast between the observed overt hostility to the New Orleans PPEP program and the high ratings in the anonymous Critiques suggests that officers feel constrained to express hostility to the program in the presence of their peers, even though they may recognize its value privately. The literature on the police subculture suggests that officers are unwilling to publicly acknowledge weakness or personal needs with respect to job performance. Thus, the anonymous Critiques are a more reliable guide to officer reactions to EW intervention than the observed public statements.

The officer Critiques of the New Orleans PPEP program further supports this interpretation. The 33 Critiques included four "outliers" who gave the program the lowest possible rating and were clearly out of step with the other officers. The principal implication of this interpretation is that it may be useful to conceptualize the role of an EW system in terms of having a positive impact on only some of all officers subject to it.

In this regard it might be useful to think in terms of triage. That is, some officers will respond readily and immediately to intervention. All they need, in effect, is a warning. Some other officers, however, will respond positively but will require more investment of effort on the part of the department. They may require, for example, specific training on certain performance areas (e.g., arrest techniques) and/or personal counseling related to attitudes and private behavior (e.g., substance abuse counseling). Finally, a third group of officers may not be "salvageable" at all through the EW system or any other form of official intervention. That is to say, they may

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have developed attitudes and behavior patterns that are so deeply ingrained as to be beyond correction. Or, they may have been inappropriate individuals for law enforcement careers in the first place.

Further research is needed on the questions raised in the preceding discussion. Further research is needed on officer attitudes toward EW systems, and in particular the extent to which intervention is perceived as help and is appreciated. Further research is needed on the differential impact of EW intervention, and in particular on the utility of a triage approach. Further research is needed on the impact of different forms of intervention, and in particular whether certain forms are more effective than others, and more effective with certain kinds of officers.

Several considerations dictate extreme caution with regard to the findings reported on the impact of intervention on subject officers. First, the administrative histories of the three EW systems indicate change over the period under study. The changes were greatest in Minneapolis, moderate in New Orleans, and least significant in Miami-Dade. Consequently, it cannot be assumed that the content of the intervention was consistent throughout the period under study. Second, because the intervention is informal in two of the sites (Miami-Dade and Minneapolis), and with minimal documentation, there is no assurance that the content of the intervention was delivered in a consistent fashion to all subject officers. It is even possible, although not known for certain, that some supervisors delivered intervention content that undermined the goals of the EW program. Third, because this study was a retrospective study of officer performance, the investigators had to rely on official data related to citizen complaints, use of force reports, and other indicators of officer performance. Consequently, the authors of this report cannot state with absolute certainty that all relevant data was available for study. For all of these reasons, the

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authors advise extreme caution in interpreting the findings related to the impact of EW intervention.

4. Possible Unintended Consequences

One of the major concerns raised by sceptics of EW systems is that EW intervention will deter officers from engaging in desirable behavior such as officer-initiated contacts with citizens, arrests, and traffic citations. In one possible scenario, the deterrent effect operates but with negative and undesirable results. Some officers may rationally calculate that contact with citizens, particularly in situations with potential conflict, will increase the likelihood of receiving citizen complaints and, thereby, subject them to the EW system.[169] The deterrent effect here potentially represents both special and general deterrence. That is to say, individual officers subject to EW intervention reduce their level of contacts with citizens in order to avoid the risk of a second intervention (which in some EW systems is regarded as an indicator that formal disciplinary action may be warranted). At the same time, other officers will be deterred from initiating contact with citizens out of fear of being identified by the EW system.

This study was not able to fully address the question of possible unintended and undesirable consequences, in particular the extent to which EW intervention might deter police officers from engaging in desired police activities such as officer-initiated stops, arrests, and traffic citations. The basic impediment is that police departments do not collect and preserve performance data on arrests and other positive performance indicators in a form that is readily retrievable and able to be with other performance indicators. Indeed, the EW systems

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investigated for this study, along with other systems familiar to the investigators, do not themselves attempt to collect data on positive police performance about the officers subject to their intervention.

For this reason, many of the questions surrounding the impact of EW systems can be only be investigated through prospective studies that permit the systematic collection of all the relevant data related to officers's performance.

In this regard, it should be noted that the announced plans of a number of law enforcement agencies to collect data on traffic stops could be incorporated into EW systems. The traffic stop data collection is intended to address the specific question of alleged racial profiling (stops based only on the race or ethnicity of the driver; this phenomenon has been labeled "driving while black"). Racial profiling by itself is a performance problem that warrants intervention by a law enforcement agency. The data base on traffic stops could be readily expanded to include all contacts with citizens and be used to identify other potential problems, such as unacceptably low levels of activity, or disproportionate stops of female drivers.[170]

This study was able to collect some data from New Orleans related to positive police officer performance. These data, however, unsystematic and impressionistic, suggest that EW intervention did not reduce the law enforcement productivity of subject officers. Officers assigned to traffic enforcement who had been subject to EW intervention remained among the most productive members of the unit in terms of the number of traffic citations issued. Officers assigned to routine patrol duty or to task force units who had been subject to EW intervention remained highly productive in terms of felony arrests and persons stopped for questioning relative to other officers in the same unit.[171]

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5. The Regression to the Mean Problem

The data from all three sites indicate that officers subject to EW intervention experienced substantial reductions in problematic behavior, as indicated by either citizen complaints or use of force reports. following intervention. These reductions are dramatic and consistent across all three sites. One interpretation of these findings might be that EW intervention is highly effective in correcting the behavior of problem police officers. Caution, however, suggests consideration of other possible interpretations.

As discussed in Part II of this report, it is possible that the findings reported here are the result of the regression to the mean phenomenon. That is to say, it is possible that the EW systems selected officers at points of abnormally high levels of problematic behavior and that their subsequent return to lower levels of such behavior was normal and predictable and not related to intervention by the EW system.

The data on the subcohorts of officers subject to the EW systems in both Minneapolis and Miami-Dade, however, suggest that regression to the mean cannot explain all of the results found in this study. The data clearly indicate that these officers had more serious discipline histories than non-EW officers. EW officers were more likely have ever received a citizen complaint, to have high numbers of complaints, to have sustained complaints, and to have been reprimanded by their departments. These disciplinary records, moreover, were acquired over periods of several years and cannot, therefore, be dismissed as the result of temporary or random occurances.

In short, the data in this study suggest that officers selected by EW systems are indeed "problem" officers with substantially more serious discipline histories, and that their post-

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intervention performance records represent a genuine improvement and not a return to previous "normal" level of behavior.

Rather than a regression to the mean phenomenon, it is perhaps more likely that the observed improvement in the disciplinary histories of the EW officers is due to the increasing commitment to accountability in all three of the police departments studied. That is to say, "problem" officers corrected their behavior in response to a series of changes within their respective departments, changes that included but were not limited to the EW system. Given the original design of this study, however, it is not possible to disentangle the impact of the EW system and other accountability-related changes. Future research on EW systems needs to address this problem.

6. Impact on Officers' Attitudes

One of the potential unintended and undesirable consequences of EW systems involves negative impact on officers' attitudes. It is possible, for example, that officers subject to intervention will feel punished, despite departmental claims that the system is not designed as a system of punishment and is designed to help officers. There are several possible consequences of perceptions of punishment. First, officers may resist those aspects of the program designed to help officers improve their performance. Second, the process may serve to label officers with the result that it reinforces the very behavior it is designed to correct. Third, officers may provide highly negative stories about the program to other officers in the department, with the result that the effectiveness of the program is undermined.

5.16

Officers in the observed PPEP class in New Orleans did in fact openly express great hostility to the program, indicating that they felt punished for good police work. Other evidence from New Orleans, however, suggests a contrary interpretation. The high ratings given the PPEP class in the officer Critiques, along with the positive narrative comments, suggest that most officers respond favorably to the EW intervention. More officers made positive comments than made negative comments. A few officers explicitly stated that it helped them gain perspective on themselves and their work.

The data from the Critiques are supported by the direct observation of the one set of PPEP classes. Although officers voiced strong hostility to the program and were clearly disengaged in certain components of the curriculum, they were also clearly engaged by those components of the program that they perceived to be relevant to their work as police officers. This was especially true of the Techniques and Assessment component in which the officers in the class were given the opportunity to criticize mistakes made by other officers. These officers could readily identify those mistakes and clearly knew the proper procedures for handling potentially volatile situations. The nature of the Techniques and Assessment component drew upon these officers' pride in law enforcement and their mastery of effective techniques.

Whether this particular teaching technique causes these officers to relate the "lessons" they perceived from the cases studied to their own behavior is not known. Nonetheless, it is an extremely important issue meriting further research.

The observations of the New Orleans PPEP class suggest that officers selected by EW systems will have already developed elaborate and sophisticated rationales for their behavior. The New Orleans officers argued strenuously that they were being punished for working hard and

that citizen complaints were an inevitable part of engaging in aggressive law enforcement. They expressed great pride in their work and were particularly resentful that the department was punishing them and not other officers who, in their view do no meaningful police work most of the time. The officers also had developed rationalizations that shifted responsibility for their performance problems from themselves to citizen complainants, the nature of the complaints process, the chief executive of the department, and other aspects of the department.

These observations suggest that <u>effective intervention needs to address these officers' rationalizations directly</u>. Intervention strategies that consist of lecturing or moralizing about proper conduct would appear to be unlikely to penetrate the elaborate shield of rationalizations these officers have constructed. This conclusion is supported by the fact that the officers in the class were observed to be disengaged from those components of the class that were couched in abstract terms but were very engaged in those aspects that were perceived to be relevant to the practical aspects of police work

7. Impact on Supervisors

One of the unexpected but important findings of this study involves the impact of EW systems on supervisors. The findings on this point emerged in interviews with officials in both Miami-Dade and New Orleans.

A number of officials in Miami-Dade stated that the EIS system "keeps things from falling through the cracks." In context, these comments meant that it prevented supervisors from failing to address problem police officers because of the normal rush of day-to-day

5.18

responsibilities and crises caused them to postpone dealing with potential as opposed to immediate problems. Persons interviewed made it clear that under the prevailing norms in the department a supervisor "would already know about" a problem officer even without a formal EW system. In short, supervisors are generally cognizant of officer behavior that suggests personal problems or minor on-the-street performance problems. These informants also indicated that supervisors often put off dealing with these officers because of other more pressing emergencies. In short, the formal EIS system operated as a fail-safe mechanism to ensure attention to problem officers.

In New Orleans, the post-intervention monitoring component of the PPEP program requires supervisors to alter their behavior through a standard bureaucratic procedure. In interviews, officials in the Public Integrity Division made it clear that the program is directed toward supervisors (who in all but a few cases are sergeants supervising officers on the street) as much as it is the behavior of the officers who are subject to the EW system. As the data in Part IV indicate, little of value is to be learned from the content of the evaluation forms themselves. Supervisors made few narrative comments and generally did not vary from their initial ratings. There is also some evidence that many supervisors completed the form incorrectly (reporting an estimate of the number of the subject officer's interactions with citizens instead of the number of times the supervisor directly observed the subject officer). Nonetheless, even though the content of the evaluation forms yielded little of value, there is good reason to believe that the evaluation process had some impact. Supervisors did complete the evaluation forms, and there is reason to believe that this requirement helped to communicate to supervisors the department's new standards of accountability.

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Interviews that PID officials anticipate, or at least hope that the changes in supervisors'

behavior that is mandated by the PPEP program will spill over onto other supervisory activities,

particularly the supervision of non-EW officers. In this respect, the change in supervisors

behavior may have a general transformative effect on the department as a whole (see below).

This study was not designed to investigate broad changes in the attitudes and activities of

supervisors. The research was confined to awareness of and attitudes toward the EW systems in

the three sites. Because of the potential importance to the larger structure and process of

accountability in a police department, further research is needed on the indirect impacts of EW

systems. Questions for research include the extent to which an EW system prompts general

changes in supervisor behavior and in the process alters the climate of accountability within the

organization.

8. Impact on Departments

The qualitative research on the three departments raise important questions about the

place of an EW system in the larger structure and process of accountability within a police

department. This study was not designed to evaluate the impact of EW systems on police

departments as a whole. Nonetheless, a number of important questions are worthy of discussion.

At the time this study was conducted all three departments were in the midst of concerted

efforts to raise standards of accountability. In all three cases, the EW systems are currently a part

of that process, although with different roles given the respective histories of the three

departments.

The Miami-Dade EIS system is the oldest of the three EW systems (17 years at the time of data collection) and is seen by officials as one part of the larger effort to raise standards of accountability that began nearly 20 years ago. In short, it is a part, but only one part of a larger system of accountability. The investigators for this study gained a strong sense that norms of high standards of accountability have permeated the department to a great degree.

The EW system in the Minneapolis Police Department is nearly a decade old, but has had an uneven and interrupted history. The MPD began a major effort to raise standards of accountability with the appointment of a new chief in 1995. The investigators for this study gained a strong sense that this effort has begun to show results. The EW system itself, however, does not appear to have been a principal instrument of this accountability effort. While it has continued to operate, it has not had as prominent a role as in the other two sites.

The PPEP program in the New Orleans is a central part of a major effort to raise standards of accountability within the department. While the Public Integrity Division operates a number of different programs (e.g., sting operations to detect officer corruption), the PPEP program is clearly the center piece of the accountability effort. The NOPD has had the most troubled recent history of the three departments in this study, receiving considerable damaging negative publicity in the mid-1990s. The PPEP program became operational with the appointment of a new Superintendent in 1995 and is seen as a major part of that chief executive's attempt to raise standards in the department.

In sum, the three EW systems represent different models of the place of an EW system in the larger structure and process of accountability. In Miami-Dade it is well-integrated into an established accountability system. In Minneapolis it is only loosely integrated into a relatively

5.21

new accountability effort. In New Orleans it is one the central instruments in a major

accountability effort.

It is interesting that, despite the comparatively uneven administrative history of the EW

system in the Minneapolis Police Department, the data indicate that it was equally effective in

reducing problematic police officer behavior as the systems in the other two departments.

B. Problems and Concerns

The discussion in the preceding section raises a number of concerns. The regression to the

mean problem is discussed in that section, as are a number of issues needing further research.

The following section covers additional problems and concerns.

1. Selection Criteria vs. Outcome Measures

As previously discussed in Section II of this report, evaluation of the impact of EW

systems is hampered a lack of consistency between the selection criteria and the outcome

measures. In some departments it is an inherent problem with the EW system itself. In others it is

a problem related to the design of this study.

This is not a problem in Minneapolis where officers are selected on the basis of citizen

complaints only and citizen complaints were used as outcome measures in this study. In the New

Orleans PPEP program, however, officers are selected on the basis of three general categories of

performance indicators. Not only is one of those criteria discretionary -- referral by a supervisor--

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but selection for PPEP intervention is discretionary. As previously noted, an officer may not be selected for intervention even though he or she has, for example, a high number of citizen complaints or use of force incidents. Yet, even for its own purposes, the PPEP program uses only citizen complaints as the measure of officers' performance following intervention. Thus, it is entirely possible that an officer was selected on the basis of use of force reports and/or involvement in resisting arrest situations, although with no resulting citizen complaints, and that this behavior continues following intervention. The post-intervention complaint data will not reflect this continuing problem, although presumably the subsequent use of force reports will bring this officer to the attention of the EW system.

2. Problems With Citizen Complaint Data

All EW systems use citizen complaint data as a selection criterion, and some use that as the only criterion. As noted in Section II, there are a number of problems associated with official data on citizen complaints. Citizen complaints are a highly under-reported phenomenon. The reporting rate may well be far below even the 37% rate for criminal victimization.[172] The reasons for not reporting, moreover, have not been thoroughly investigated. Thus, we must assume a arbitrariness in the receipt of complaints by an officer. (Although as noted above, EW systems rest on the assumption that the problem of low complaint rates and consequent arbitrariness apply to all officers, and that a high number of complaints over time for a particular officer is a valid indicator of a potential problem that the department should at least inquire about.) Moreover, citizen complaint rates have been found to be heavily influenced by citizen perception

5.23

of the complaints process, and are not therefore a reliable indicator of the quality of police officer performance.[173]

III. CONCLUSIONS

This study has found that EW systems are a new and rapidly growing aspect of American law enforcement. Historical data, however, also indicates that many of the initial early warning systems created in the 1970s were allowed to lapse and disappear. At the same time, the Miami-Dade EIS system, investigated as a part of this study, has maintained continuous operation for 18 years. More research is needed on the factors that are necessary for the sustained operation of an EW system.

The data in this study indicate that EW systems are effective in reducing citizen complaints and other forms of problematic police officer behavior. This study, however, raises a number of unanswered questions related to the effectiveness of EW systems.

First, it is possible that factors not identified by this study are related to the reduction in citizen complaints and other forms of problematic behavior.

Second, although the three EW systems investigated as part of this study are very different in terms of their formal procedures and administrative histories, this study yields no data indicating that one type of EW system is more effective than others.

Third, the three case studies involved police departments that are in the midst of serious efforts to raise standards of accountability. This study does not permit any conclusions regarding the extent to which the reduction in citizen complaints and/or use of force incidents is a product

5.24

of the EW system per se or is a function of accountability efforts that are independent of the EW system.

Fourth, as is explained above, there are good reasons for skepticism regarding the findings related to the impact of EW intervention on subject officers. The authors of this report cannot state with certainty that (a) interventions in the three sites were delivered consistently throughout the period under study; (b) that interventions were in all cases consistent with the goals of EW systems; and (c) that all of the relevant data related to officer performance were available for analysis.

Fifth, for the reasons stated above, further research –and ideally prospective research– is needed before definitive conclusions can be drawn with regard to the impact of EW systems on subject officers. Further research is also needed on the impact of EW systems on supervisors and departments.

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158. U.S. Commission on Civil Rights, <u>Who is Guarding the Guardians?</u> (Washington: Government Printing Office, 1981).

159. International Association of Chiefs of Police, <u>Building Integrity and Reducing Drug Corruption in Police Departments</u> (Washington: U. S. Government Printing Office, 1989).

160. Catherine H. Milton, Jeanane Wahl Halleck, James Lardner, and Gary L. Albrecht, <u>Police Use of Deadly Force</u> (Washington: The Police Foundation, 1977).

161. U.S. Department of Justice, <u>Improving Police/Community Relations</u> (Washington, DC: Government Printing Office, 1973).

162. Lawrence W. Sherman, Catherine H. Milton, and Thomas V. Kelly, <u>Team Policing: Seven Case Studies</u> (Washington, DC: The Police Foundation, 1973).

163. John P Crank and Robert Langworthy, "An Institutional Perspective on Policing," <u>Journal of Criminal Law and Criminology</u>, 83 (No. 2, 1992): 338-363.

164. Samuel Walker and Charles M. Katz, "Less than Meets the Eye: Police Department Bias Crimes Units" <u>American Journal of Police</u>, XIV (No. 1, 1995): 29-48.

165. Fred A. Klyman and Joanna Kruckenberg, "A Naitonal Survey of Police-Community Relations Units," Journal of Police Science and Administration, 7 (Marhc 1979): 74.

166. Lawrence W. Sherman, <u>Policing Domestic Violence</u>.(New York: The Free Press, 1992).

167. New York City, Civilian Complaint Review Board, <u>Semiannual Status Report</u> (January-December 1997), p. 7.

168. See for example, Catherine H. Milton, <u>Women in Policing</u> (Washington: The Police Foundation, 1970), p. 37. "There is evidence .... that women tend to defuse volatile situations and provoke less hostility than men."

169. <u>Ibid</u>.

170. Samuel Walker, Traffic Stop Data Collection: An Early Warning System Approach, unpublished manuscript.

171. New Orleans Police Department, Memorandum, Traffic Unit Productivity, 1998.

172. Bureau of Justice Statistics, <u>Criminal Victimization in the United States, 1994</u> (Washington: Government Printing Office, 1997).

173. Samuel Walker, <u>Police Accountability: The Role of Citizen Oversight</u> (Belmont: Wadsworth, forthcoming 2000).

PART VI

CONCLUSIONS AND IMPLICATIONS

I. INTRODUCTION

This study has a number of important implications related to EW systems and police accountability. EW systems have emerged as a popular tool to enhance accountability and there are a number of unresolved issues regarding the administration and impact of these systems.

II. CONCLUSIONS AND IMPLICATIONS

A. THE CURRENT AND FUTURE STATUS OF EW SYSTEMS

This study has found that EW systems are a popular and growing aspect of American law enforcement. EW systems have been endorsed by the U.S. Civil Rights Commission, the U.S. Justice Department, and a number of other organizations and experts in the field of law enforcement. Given these endorsements and the data from this study on growth trends, EW systems can be expected to spread among law enforcement agencies in the immediate future.

B. THE IMPACT OF EW SYSTEMS

6.1

This study has found that EW systems have multiple potential impacts. Although the concept of EW was originally developed with a focus on so-called "problem officers," this study has found that EW systems have, or at least can have three distinct impacts: (1) changing the behavior of individual officers; (2) changing the behavior of supervisors; and (3) changing the standards of accountability within an organization as a whole.

The various goals of EW systems are not always fully articulated by officials involved in the development and administration of EW systems. This study has found that in some departments all three potential goals of the EW system are consciously and clearly articulated. In other systems only the first goal is clearly articulated. This study suggests that when considering the adoption of an EW system, a law enforcement agency should carefully consider all the potential impacts and develop specific procedures appropriate to each goal.

C. PROGRAM ELEMENTS OF EW SYSTEMS

This study has found that EW systems vary considerably in terms of their program elements. The basic components include (1) selection criteria; (2) intervention; and (3) post-intervention monitoring. This study, however, yields no data indicating that any one particular type of is more effective than others in achieving the underlying goals of EW systems.

With respect to selection criteria, a broad range of performance indicators are likely to be more consistent with the goals of EW systems than a narrow range. Relying only on citizen complaints as selection criteria is problematic because of problems related to official data on citizen complaints and the fact that, at best, they do not necessarily capture all aspects of police

6.2

officer behavior that might warrant departmental attention.

With respect to intervention, a number of different alternatives exist. This study did not produce findings indicating that one form is more effective than others. More research is needed on this subject.

With respect to post-intervention monitoring, this study found that a number of different procedures exist. This study did not, however, find that one form is more effective than others. More research is needed on this subject.

In sum, little attention has been given to the different program elements of EW systems. More discussion among law enforcement professionals and other experts is needed regarding the best program elements. More research is needed to investigate which program elements are more effective than others in achieving the goals of EW systems.

D. THE EFFECTIVENESS OF EW SYSTEMS

Impact on Individual Officers. This study has found that EW systems are effective in reducing citizen complaints and officer involvement in use of force incidents. In all three sites, complaints or use of force reports declined by about two-thirds for those officers who were subject to EW intervention.

A number of questions remain regarding the impact of EW systems on individual officers, however. The three EW systems under investigation are different in terms of program elements and administrative histories. The data from this study do not permit any conclusions regarding the relative effectiveness of different kinds of EW systems. Because systematic

6.3

longitudinal data were not available on officer activity levels (arrests, traffic citations, officer-initiated citizen contacts), no conclusions can be drawn about possible adverse effects of EW systems in this regard. Nor is it possible to distinguish between the positive effect of an EW system per se and the larger commitment to accountability in a law enforcement agency where the EW system is a part of that effort. More research is needed to address these problems and to better determine the impact of EW systems on subject officers.

Impact on Supervisors. The qualitative data from some of the sites indicate that EW systems have, or at least can have a significant impact on the behavior of supervisors, in the direction of closer supervision of officers under their command. Because this study was not designed to investigate this aspect of EW systems in detail, no firm conclusions can be drawn. Further research on this question is warranted.

Impact on Organizations. EW systems potentially have an impact on standards of accountability with law enforcement organizations. The three EW systems investigated in this study are part of larger accountability efforts in each of the departments studied. Moreover, this study was not designed to investigate the larger impact of EW systems on organizations. Additionally, there are a number of serious problems in any attempt to measure long-term changes in the quality of police services delivered by a particular law enforcement agency, as measured by citizen complaints, public opinion surveys, and other measures. Further research on this question is warranted.

E. THE ADMINISTRATION OF EW SYSTEMS

6.4

This study has found that EW systems are complex management tools requiring a significant investment in administrative attention and departmental resources. The historical record indicates that many of the first experiments in EW systems were allowed to languish and eventually disappear. The Miami-Dade Early Identification System (EIS), which was a part of this study, has been in continuous operation for 18 years with only relatively minor modification. This record of continuity is due to the fact that an early warning system is only one part of a larger commitment to accountability on the part of the department. The authors of this report, however, have become aware of significant changes in the EW systems in the other two sites following the conclusion of the data collection period. These changes reinforce the conclusion that EW systems are subject to constant change as a consequence of changes in the administrative environment in which they operate.

EW systems should not be conceptualized as "alarm clocks," mechanical devices that function automatically after they are initially programmed. Rather, EW systems are complex administrative procedures subject to human and bureaucratic factors and requiring continuing administrative attention.

F. EW SYSTEMS AND COMMUNITY POLICING

EW systems are consistent with the goals of community policing and are potentially a tool for enhancing the effectiveness of community policing. The advent of community policing has dramatized the need for new performance measures for police officers, measures that adequately address the work that police officers actually do and community policing activities in

6.5

particular. The principal goal of community policing is to develop and maintain positive relations between the police and community residents. EW systems have the potential for reducing problematic police officer behavior that inhibits the development of positive police-community relations.

G. EW SYSTEMS AND PROBLEM-ORIENTED POLICING

EW systems can be viewed in a problem-oriented policing (POP) framework. The SARA process of scanning, analysis, response, and assessment can be directed toward the problem of the small percentage of officers who receive a high rate of citizen complaints or whose records indicate other performance problems.

The assessment phase of the SARA process is particularly relevant for EW systems at this stage in their development. The concept of EW is still relatively new, most existing systems are also relatively new. This study is the first investigation of the nature and effectiveness of EW systems. Many important questions remain unanswered. Consequently, it is important for law enforcement agencies with EW systems to employ the SARA process and continually assess the operations of their systems.

H. EW SYSTEMS AND COMPSTAT PROGRAMS

EW systems are analogous to COMPSTAT and similar programs which have emerged as an important recent innovation. COMPSTAT involves the systematic collection, analysis and

6.6

utilization of data on criminal activity for purposes of holding precinct or district commanders accountable for crime in their areas. EW systems involve the systematic collection, analysis, and utilization of data on potentially problematic police officer performance for the purpose of holding individual officers accountable. Consideration needs to be given to the possibilities for merging COMPSTAT and EW systems into a comprehensive data system for the purpose of effectively correlating the impact of police officer actions on both crime and police-citizen interactions.

I. EW SYSTEMS AND TRAFFIC STOP DATA COLLECTION

The issue of racial profiling by police has recently emerged as a national controversy. Civil rights groups have alleged that police officers base traffic stops solely on the basis of the race or ethnicity of the driver. This phenomenon has come to be labeled "driving while black." In response to these allegations, a number of law enforcement agencies have begun to collect data on traffic stops with regard to race and ethnicity. Some other agencies have been ordered to do so as a result of litigation. The President of the United States ordered several federal law enforcement agencies to begin collecting such data in June, 1999.

Traffic stop data can be readily incorporated into an EW system. Conceptually, it can be argued that an officer who makes a unusually high number of traffic stops of racial or ethnic minority drivers (high relative to other officers with similar assignments) is a potential problem officer whose performance warrants attention by the department. From a practical standpoint, since a number of law enforcement agencies are already committed to collecting traffic stop data,

6.7

there is no reason why these data cannot be incorporated into an EW system. In addition to the issue of race and ethnicity, a comprehensive data base on officer contacts with citizens would permit an agency to assess general activity levels as well as other potential problems such as male officers who make a suspiciously high number of stops of female drivers.

III. RESEARCH NEEDS

As the first detailed investigation of EW systems this study has raised many questions that require further research. Further research is needed on whether some program elements are relatively more effective than others. Further research is needed on whether some types of officers are more amendable to the positive impact of EW systems than others. Further research is needed on the extent to which the positive impact of EW systems on certain officers is the result of a deterrent effect, a learning effect, or some combination of factors. Further research is needed on whether EW systems deter desirable police officer activity. Further research is needed on the impact of EW systems on supervisors. Additional research is needed on the place of EW systems in the larger context of a law enforcement agency's commitment to accountability. What kind of organizational culture and what kinds of administrative support are necessary for the operation of an effective EW system?

IV. CONCLUDING OBSERVATIONS

This study has found that EW systems are an effective management tool for responding to

6.8

problem police officers, defined as those officers who receive a high rate of citizen complaints or whose records indicate other performance problems.

The three EW systems investigated in this study are all part of a larger on-going commitment to raising standards of accountability on the part of the departments in which they operate. EW systems are not a panacea for the problem of police misconduct. It is doubtful that an EW system could operate effectively in a department that did not have a serious commitment to accountability. In short, an EW system can be an effective management tool for responding to problem police officers, but it is only one tool and requires the supportive environment of a comprehensive department-wide commitment to accountability.

Finally, EW systems are not "alarm clocks." They are not mechanical devices that operate automatically once they are initially programed. Rather, they are complex administrative procedures, subject to human and bureaucratic factors, and requiring close and continuing administrative attention.

APPENDICES

APPENDIX A

DATA COLLECTION INSTRUMENT

NATIONAL SURVEY OF EARLY WARNING SYSTEMS

POLICE EXECUTIVE RESEARCH FORUM

National Survey of Early Warning Systems & Use of Force

Code Book

December 1998

I. AGENCY INFORMATION

Agency Name: _____
> Variable=AGENCY
> *Record name of agency.*

Identification Number: _____
> Variable=ID (3)
> *Record ID Number*

Municipal, Sheriff, or County Agency: _____
> Variable=TYPE (1)
> > *1=Municipal Police Dept*
> > *2=Sheriffs Dept*
> > *3=County Police Dept*
> > *9=Missing*

State: _____
> Variable=STATE (2)
> *Record State Code*

STATE CODES:

Alabama=01	Louisiana=18	Ohio=35
Alaska=02	Maine=19	Oklahoma=36
Arizona=03	Maryland=20	Oregon=37
Arkansas=04	Massachusetts=21	Pennsylvania=38
California=05	Michigan=22	Rhode Island=39
Colorado=06	Minnesota=23	South Carolina=40
Connecticut=07	Mississippi=24	South Dakota=41
Delaware=08	Missouri=25	Tennessee=42
Florida=09	Montana=26	Texas=43
Georgia=10	Nebraska=27	Utah=44
Hawaii=11	Nevada=28	Vermont=45
Idaho=12	New Hampshire=29	Virginia=46
Illinois=13	New Jersey=30	Washington=47
Indiana=14	New Mexico=31	West Virginia=48
Iowa=15	New York=32	Wisconsin=49
Kansas=16	North Carolina=33	Wyoming=50
Kentucky=17	North Dakota=34	Washington, DC=51

Population of Jurisdiction: _____

    Variable=POP (8)

        Record Population

        99999999=Missing

Agency Size: Sworn Personnel: _____ **Civilians:** _____

Variable=SWORN (5)   Variable=CIVIL (5)

    Record Sworn Personnel   *Record Civilian Personnel*

    99999=Missing   *99999=Missing*

Are sworn personnel represented by a union or an organization authorized to bargain or negotiate labor contracts?

    Variable=UNION (1)

        1=Yes

        2=No

        9=Missing

Is your agency accredited by CALEA?

    Variable=CALEA (1)

        1=Yes

        2=In the process

        3=No

        9=Missing

Is your agency accredited by your state?

    Variable=ACCRED (1)

        1=Yes

        2=In the process

        3=No

        4=No accreditation process

        9=Missing

II. EARLY WARNING SYSTEMS

1. **Does your agency have an early warning system?**
    Variable=EWS_1 (1)
    > *1=Yes*
    > *2=Planned* (Please skip to question 9.)
    > *3=No* (If your answer is "No," please skip to section III.)
    > *9=Missing*

2. **What is the official name of your agency's early warning system?**_____
    Variable=EWS_NAME (1)
    > *Is the name of the EWS given?*
    > *1=Yes*
    > *9=Missing*
    NOTE: no coding of written text necessary at this time.

3. **What year was your early warning system established? 19____**
    Variable=EWS_YEAR (2)
    > *Record last two digits of year*
    > *99=Missing*

4. **Who manages the early warning system?** *(Check all that apply.)*

    _____ **Office of the Chief**
    > Variable=EWS_4A (1)
    > > *1=Yes*
    > > *9=Missing*

    _____ **Internal Affairs Division**
    > Variable=EWS_4B (1)
    > > *1=Yes*
    > > *9=Missing*

    _____ **Personnel Office**
    > Variable=EWS_4C (1)
    > > *1=Yes*
    > > *9=Missing*

_____ **Command Staff**
       Variable=EWS_4D (1)
              1=Yes
              9=Missing

_____ **Other (Please specify:**_____**)**
       Variable=EWS_4E (1)
              1=Yes
              9=Missing
       NOTE: no coding of written text necessary at this time.

5.   **What indicators trigger the early warning system?** *(Check all that apply.)*
       _____ **Citizen complaints _only_**
              Variable=EWS_5 (1)
                     1=Yes
                     9=Missing

              or
       Citizen complaints, and
       If marks 'citizen complaints only' remainder of question should be 9. The remainder of the question will have 1 only if EWS_5=9.

       _____ **Shootings or Discharge of Firearm**
              Variable=EWS_5A (1)
                     1=Yes
                     9=Missing

       _____ **Use of Force Reports**
              Variable=EWS_5B (1)
                     1=Yes
                     9=Missing

       _____ **High Speed Pursuits**
              Variable=EWS_5C (1)
                     1=Yes
                     9=Missing

       _____ **Injury of officer and/or arrestee**
              Variable=EWS_5D (1)
                     1=Yes
                     9=Missing

_____ **Civil Litigation**
     Variable=EWS_5E (1)
        1=Yes
        9=Missing

_____ **Vehicle Damage**
     Variable=EWS_5F (1)
        1=Yes
        9=Missing

_____ **Loss of Equipment**
     Variable=EWS_5G (1)
        1=Yes
        9=Missing

_____ **No formal criteria/informal performance review**
     Variable=EWS_5H (1)
        1=Yes
        9=Missing

_____ **Other (Please specify:_____)**
     Variable=EWS_5I (1)
        1=Yes
        9=Missing
NOTE: no coding of written text necessary at this time.

6.   **When is a police officer subject to the early warning system?** *(Check all that apply.)*
    _____ **A specified number of citizen complaints within a specific time period.**
        Variable=EWS_6A (1)
           1=Yes
           9=Missing

        Please indicate the number of complaints____
           Variable=EWS_6A1 (3)
              Record number of complaints
              999=Missing

        and the time period _____ (Please specify year or months).
           Variable=EWS_6A2 (3)
              Record time period in months
              888=Other/Continuous
              999=Missing

_____ **A specified number of incidents involving the use of force within a specific time period.**
        Variable=EWS_6B (1)
            1=Yes
            9=Missing

Please indicate the number of incidents_____
        Variable=EWS_6B1 (3)
            Record number of incidents
            999=Missing

and the time period _____(Please specify year or months).
        Variable=EWS_6B2 (3)
            Record time period in months
            888=Other/Continuous
            999=Missing

_____ **Other Performance Indicators**
        Variable=EWS_6C (1)
            1=Yes
            9=Missing

Please indicate what indicator(s) _____
Variable=EWS_6C1 (1)
            Are other performance indicators given?
            1=Yes
            9=Missing
NOTE: no coding of written text necessary at this time.

the number of indicators _____
Variable=EWS_6C2 (2)
            Record number of indicators
            99=Missing

and the time period _____ (Please specify year or months).
Variable=EWS_6C3 (3)
            Record time period in months
            888=Other/Continuous
            999=Missing

_____ **No formal criteria/informal performance review**
Should be checked only if previous questions are not checked.)
Variable=EWS_6D (1)
1=Yes
9=Missing

7. **What is the initial intervention when officers are identified by the early warning system?** *(Check all that apply.)*

_____ **Reviewed by supervisor.**
Variable=EWS_7A (1)
1=Yes
9=Missing

_____ **Receives counseling from immediate supervisor.**
Variable=EWS_7B (1)
1=Yes
9=Missing

_____ **Receives counseling from other command staff.**
Variable=EWS_7C (1)
1=Yes
9=Missing

_____ **Is required to attend *specialized* training for officers identified by the system.**
Variable=EWS_7D (1)
1=Yes

_____ **Is required to attend *general* training with officers being re-trained for other reasons.**
Variable=EWS_7E (1)
1=Yes
9=Missing

_____ **Other (Please specify:_____)**
Variable=EWS_7F (1)
1=Yes
9=Missing
NOTE: no coding of written text necessary at this time.

8.   **Is the officer's performance monitored after the initial intervention?**
     Variable=EWS_8 (1)
          1=Yes
          2=No
          9=Missing

     If yes, please indicate for how long_____ (specify years or months).
     Variable=EWS_8A (3)
          Record time period in months
          888=Continuous or case by case
          999=Missing

Please Attach a Copy of Your Written Policy or Protocol for Your Early Warning System.
Variable=EWS_POLY (1)
     Is there an attached copy of the written policy or protocol for EWS?
     1=Yes
     9=Missing

9.   **Comment (optional):** Please use the following space to provide any additional information about the early warning system in your department.

_____

_____

NOTE: no coding of written text necessary at this time.

Variable=EWS_COMM (1)
     Is a comment provided?
     1=Yes
     9=Missing

III. USE OF FORCE (Non-deadly)

NOTE: This section requests information regarding your department's use of force (non-deadly) policy.

10. **Does your agency have a *written* use of force/control of persons policy ?**
     Variable=F_10 (1)
     - *1=Yes*
     - *2=No* (If your answer is "No," please skip to question 15.)
     - *9=Missing*

Please Attach a Copy of Your Agency's Use of Force/Control of Persons Policy.
     Variable=F_10A (1)
     - *Is there an attached copy of the agency's use of force policy?*
     - *1=Yes*
     - *9=Missing*

11. **Is use of force defined in your agency's policy?**
     Variable=F_11 (1)
     - *1=Yes*
     - *2=No* (If your answer is "No," please skip to question 13.)
     - *9=Missing*

12. **How is use of force defined in your agency's policy?**

     _____

     _____

     Variable=F_12 (1)
     - *Is a definition for use of force defined?*
     - *1=Yes*
     - *9=Missing*
     NOTE: no coding of written text necessary at this time.

13. **What year was your *current* use of force/control of persons policy established? 19__**
     Variable=F_13 (2)
     - *Record two digits of year*
     - *99=Missing*

14. **Does the current policy include a use of force/control of persons continuum?**

Variable=F_14 (1)
1=Yes
2=No
9=Missing

Please Attach a Copy of Your Agency's Continuum.
Variable=F_14A (1)
Is there an attached copy of the agency's continuum?
1=Yes
9=Missing

15.   **Does your agency authorize chemical agents to be used before physical contact by the officer?**
Variable=F_15 (1)
1=Yes
2=No
9=Missing

16.   **Does your department have a written policy about the use of OC/CS/CN?**
Variable=F_16 (1)
1=Yes
2=No
9=Missing

If Yes, Please Attach a Copy of Your Agency's OC/CS/CN Policy.
Variable=F_16A (1)
Is there an attached copy of the agency's OC/CS/CN policy?
1=Yes
9=Missing

17.   **Which of the following weapons (other than a firearm) does your policy authorize?**
(Check all that apply.)

_____ **None**
Variable=F_17A (1)
1=Yes **(can only be checked if no other options are checked)**
9=Missing

_____ **Stun Gun**
Variable=F_17B (1)
1=Yes
9=Missing

_____ **Taser**
      Variable=F_17C (1)
         1=Yes
         9=Missing

_____ **PR-24, ASP or other Baton**
      Variable=F_17D (1)
         1=Yes
         9=Missing

_____ **O.C./Pepper Spray**
      Variable=F_17E (1)
         1=Yes
         9=Missing

_____ **Other Chemical Agent (Please specify:_____)**
      Variable=F_17F (1)
         1=Yes
         9=Missing
      NOTE: no coding of written text required at this time.

_____ **Other Weapons (Please specify:_____)**
      Variable=F_17G (1)
         1=Yes
         9=Missing=9
      NOTE: no coding of written text required at this time.

18. **Does the department issue these weapons?**
Variable=F_18 (1)
         1=Yes
         2=No
         3=Some
         9=Missing

19. **What type of post-arrest restraints are authorized by your policy?** *(Check all that apply.)*
_____ **Handcuffs**
Variable=F_19A (1)
         1=Yes
         9=Missing

_____ **Flex Cuffs**
  Variable=F_19B (1)
    1=Yes
    9=Missing

_____ **Seat Belts**
  Variable=F_19C (1)
    1=Yes
    9=Missing

_____ **Leg Restraints**
  Variable=F_19D (1)
    1=Yes
    9=Missing

_____ **Waist Restraints**
  Variable=F_19E (1)
    1=Yes
    9=Missing

_____ **Special Seat Restraints**
  Variable=F_19F (1)
    1=Yes
    9=Missing

_____ **I-Bolt Tie Down**
  Variable=F_19G (1)
    1=Yes
    9=Missing

_____ **Straight Jackets**
  Variable=F_19H (1)
    1=Yes
    9=Missing

_____ **Body wrap**
  Variable=F_19I (1)
    1=Yes
    9=Missing

_____ **Hog-Tie**
        Variable=F_19J (1)
            1=Yes
            9=Missing

_____ **Other (Please specify:_____)**
        Variable=F_19K (1)
            1=Yes
            9=Missing
        NOTE: no coding of written text necessary at this time.

20. **Does your policy contain a continuum for the use of these restraints?**
Variable=F_20 (1)
        1=Yes
        2=No
        9=Missing

21. **Has your agency modified the use of force/control of persons policy in the last two years (since 1996)?**
Variable=F_21 (1)
        1=Yes
        2=No (If your answer is "No," please skip to question 24.)
        3=In the process
        9=Missing

22. **Is the use of force/control of persons policy more restrictive as a result of the modification(s)?**
Variable=F_22 (1)
        1=Yes
        2=No
        9=Missing

23. **Please specify what portion of the use of force/control of persons policy the modification(s) referred to and describe the modification(s).**

_____

_____

Variable=F_23 (1)
        Is a modification referred to and described?

1=Yes
9=Missing

24. **Does your agency require a use of force/control of persons** *form or report* **to be filled out?**
Variable=F_24 (1)
    1=Yes
    2=No (If your answer is "No," please skip to question 30)
    9=Missing

Please Attach a Copy of Your Agency's Use of Force/Control of Persons Form or Report.
Variable=F_24A (1)
    Is there an attached copy of the agency's use of force report?
    1=Yes
    9=Missing

25. **Who is required to complete the use of force/control of persons form or report?**
Variable=F_25 (1)
    1=Officer
    2=Immediate Supervisor
    3=Other
    8=Both/2 or more individuals
    9=Missing
NOTE: no coding of written text necessary at this time.

26. **Under what conditions must a use of force/control of persons form or report be completed?** *(Check all that apply.)*
_____ **Any use of force**
    Variable=F_26A (1)
        1=Yes
        9=Missing

_____ **Any use of weapon (intermediate weapon)**
    Variable=F_26B (1)
        1=Yes
        9=Missing

_____ **Use of spray or chemical agent**
    Variable=F_26C (1)

1=Yes
9=Missing

_____ **Use of force likely to lead to injury**
Variable=F_26D (1)
1=Yes
9=Missing

_____ **Use of force likely to result in citizen complaint**
Variable=F_26E (1)
1=Yes
9=Missing

_____ **Other (Please specify:_____)**
Variable=F_26F (1)
1=Yes
9=Missing
NOTE: no coding of written text necessary at this time.

27. **Does your agency compile data regarding use of force/control of persons incidents for a specific purpose?**
Variable=F_27 (1)
1=Yes
2=No (If your answer is "No," please skip to question 29.)
9=Missing

28. **Please specify how the use of force/control of persons data is used.**

_____

Variable=F_28 (1)
Is information supplied on the utilization of use of force data?
1=Yes
9=Missing
NOTE: no coding of written text necessary

29. **How many use of force/control of persons reports were completed in calendar year 1996?**
_____ **# of forms**

Variable=F_29 (5)

> *Record number of forms.*
> *99999=Missing*

30. **Was your _agency_ sued for excessive force during calendar year 1996?**
Variable=F_30 (1)

> *1=Yes*
> *2=No* **(If your answer is "No," please skip to question 33.)**
> *9=Missing*

Please indicate the number of suits _____
Variable=F_30A (3)

> *Record the number of suits.*
> *999=Missing*

31. **Please indicate the _number_ of _agency_ excessive force suits (_during 1996_) that were:**
_____ **Dismissed**
Variable=F_31A (3)

> *Record the number of suits.*
> *999=Missing*

_____ **Settled**
Variable=F_31B (3)

> *Record the number of suits.*
> *999=Missing*

_____ **Sent to Trial**
Variable=F_31C (3)

> *Record the number of suits.*
> *999=Missing*

_____ **Please indicate how many excessive force suits were won by your _agency_ at trial.**
Variable=F_31D (3)

> *Record the number of suits.*
> *999=Missing*

_____ **Pending**
Variable=F_31E (3)

> *Record the number of suits.*

999=Missing

32. **If your *agency* has <u>*settled or lost*</u> any excessive force suits, what was the total dollar amount for each since the beginning of 1995?** *(Please use additional space if necessary)*

$ _____ $ _____ $ _____

$ _____ $ _____ $ _____

$ _____ $ _____ $ _____

Variable=F_32A (7)
>   *Record the amount of the settlement*
>   *0=Missing*

Variable=F_32B (7)
>   *Record the amount of the settlement*
>   *0=Missing*

Variable=F_32C (7)
>   *Record the amount of the settlement*
>   *0=Missing*

Variable=F_32D (7)
>   *Record the amount of the settlement*
>   *0=Missing*

Variable=F_32E (7)
>   *Record the amount of the settlement*
>   *0=Missing*

Variable=F_32F (7)
>   *Record the amount of the settlement*
>   *0=Missing*

Variable=F_32G (7)
>   *Record the amount of the settlement*
>   *0=Missing*

Variable=F_32H (7)
>   *Record the amount of the settlement*

0=Missing

Variable=F_32I (7)
> *Record the amount of the settlement*
> *0=Missing*

Variable=F_32K (7)
> *Record the amount of the settlement*
> *0=Missing*

Variable=F_32L (7)
> *Record the amount of the settlement*
> *0=Missing*

Variable=F_32M (7)
> *Record the amount of the settlement*
> *0=Missing*

Variable=F_32N (7)
> *Record the amount of the settlement*
> *0=Missing*

Variable=F_32O (7)
> *Record the amount of the settlement*
> *0=Missing*

Variable=F_32P (7)
> *Record the amount of the settlement*
> *0=Missing*

Variable=F_32Q (7)
> *Record the amount of the settlement*
> *0=Missing*

Variable=F_32R (7)
> *Record the amount of the settlement*
> *0=Missing*

Variable=F_32S (7)
> *Record the amount of the settlement*
> *0=Missing*

Variable=F_32T (7)
> *Record the amount of the settlement*

0=Missing

Variable=F_32U (7)
> *Record the amount of the settlement*
> *0=Missing*

Variable=F_32J (9)
> *Record the total dollar amount of suits that have been lost or settled since '95*
> *0=Missing*

33. **Were any *officers* in your agency sued for excessive force during calendar year 1996?**
Variable=F_33 (1)
> *1=Yes*
> *2=No* (If your answer is "No," please skip to question 36.)
> *9=Missing*

> **Please indicate the number of suits _____**
> > Variable=F_33A (3)
> > > *Record the number of suits.*
> > > *999=Missing*

34. **Please indicate the *number* of *officer* excessive force suits (*during 1996*) that were:**
_____ Dismissed
Variable=F_34A (3)
> *Record the number of suits.*
> *999=Missing*

_____ Settled
Variable=F_34B (3)
> *Record the number of suits.*
> *999=Missing*

_____ Sent to Trial
Variable=F_34C (3)
> *Record the number of suits.*
> *999=Missing*

> **_____ Please indicate how many excessive force suits were won by your *officer* at trial?**

Variable=F_34D (3)
>*Record the number of suits.*
>*999=Missing*

_____ Pending
Variable=F_34E (3)
>*Record the number of suits.*
>*999=Missing*

35. **If any of these *officer* excessive force suits have been _settled or lost_, what was the total dollar amount for each since the beginning of 1995?**

$ \underline{\hspace{4cm}} $ $ \underline{\hspace{4cm}} $ $ \underline{\hspace{4cm}} $

$ \underline{\hspace{4cm}} $ $ \underline{\hspace{4cm}} $ $ \underline{\hspace{4cm}} $

$ \underline{\hspace{4cm}} $ $ \underline{\hspace{4cm}} $ $ \underline{\hspace{4cm}} $

Variable=F_35A (7)
>*Record the amount of the settlement*
>*0=Missing*

Variable=F_35B (7)
>*Record the amount of the settlement*
>*0=Missing*

Variable=F_35C (7)
>*Record the amount of the settlement*
>*0=Missing*

Variable=F_35D (7)
>*Record the amount of the settlement*
>*0=Missing*

Variable=F_35E (7)
>*Record the amount of the settlement*
>*0=Missing*

Variable=F_35F (7)
>*Record the amount of the settlement*
>*0=Missing*

Variable=F_35G (7)
>*Record the amount of the settlement*

0=Missing

Variable=F_35H (7)
> *Record the amount of the settlement*
> *0=Missing*

Variable=F_35I (7)
> *Record the amount of the settlement*
> *0=Missing*

Variable=F_35K (7)
> *Record the amount of the settlement*
> *0=Missing*

Variable=F_35L (7)
> *Record the amount of the settlement*
> *0=Missing*

Variable=F_35J (9)
> *Record the total dollar amount of suits that have been lost or settled since '95*
> *0=Missing*

36. **How many hours of arrest and control and unarmed defensive tactics do new recruits receive?**

   Arrest and control tactics _____ hours.
   Variable=F_36A (3)
   > *Record the number of hours.*
   > *888=Hours are totaled for both sections/Other*
   > *999=Missing*

   Unarmed defensive tactics _____ hours.
   Variable=F_36B (3)
   > *Record the number of hours.*
   > *888=Hours are totaled for both sections/Other*
   > *999=Missing*

37. **How many in-service training hours for arrest and control and unarmed defensive tactics do officers receive annually?**

Arrest and control tactics _____ hours.
Variable=F_37A (3)
> *Record the number of hours*
> *888=Hours are totaled for both sections/Other*
> *999=Missing*

Unarmed defensive tactics _____ hours.
Variable=F_37B (3)
> *Record the number of hours*
> *888=Hours are totaled for both sections/Other*
> *999=Missing*

38. **Comment (optional):** Please use the following space to provide any additional information about the use of force/control of persons policy in your department.

_____

_____   _____

_____

Variable=F_38 (1)
> *Any additional comments included?*
> *1=Yes*
> *9=Missing*

NOTE: no coding of written text necessary at this time.

THANK YOU FOR YOUR PARTICIPATION

APPENDIX B

DATA COLLECTION INSTRUMENT

MINNEAPOLIS AND MIAMI-DADE POLICE DEPARTMENTS

Identification Number
Variable=ID
>*Record ID Number*
>Missing=999

I. BACKGROUND CHARACTERISTICS

1) Age
Variable=AGE
>*Record Age*
>Missing=999

2) Gender
Variable=GENDER

Value	Label
0	Male
1	Female
999	Missing

3) Race
Variable=RACE

Value	Label
1	African American
2	Asian American
3	Hispanic
4	White
999	Missing

4) Education
Variable=EDUCAT

Value	Label
1	High School
2	Some College
3	College Degree
4	Graduate School
999	Missing

2

5) Hire Month
Variable=HIREMO
>	*Record Month Hired*
>	Missing=999

Hire Day
Variable=HIREDAY
>	*Record Day Hired*
>	Missing=999

Hire Year
Variable=HIREYR
>	*Record Year Hired* ,
>	Missing=999

Class
Variable=CLASS
>	Missing=888,999
>	* Note: all values are missing

6) Cadet
Variable=CADET

>	| Value | Label |
>	|-------|---------|
>	| 0 | No |
>	| 1 | Yes |
>	| 888 | Missing |
>	| 999 | Missing |

Recruit
Variable=RECRUIT

>	| Value | Label |
>	|-------|---------|
>	| 0 | No |
>	| 1 | Yes |
>	| 888 | Missing |
>	| 999 | Missing |

II. COMPLAINT HISTORY

7) Any Citizen Complaints
Variable=CITICOMP

Value	Label
0	No
1	Yes
888	Missing
999	Missing

8) Any Use of Force Complaints
Variable=FORCECOM

Value	Label
0	No
1	Yes
888	Missing
999	Missing

9) Total Number of Citizen Complaints
Variable=NOCITIZN
Record Number of Citizen Complaints
Missing=888,999

10) Total Complaints Sustained
Variable=SUSTAIN
Record Number of Complaints Sustained
Missing=888,999

11) Use of Force Complaints Sustained
Variable=FORCSUST
Record Number of Force Complaints Sustained
Missing=888,999

4

III. INDIVIDUAL COMPLAINT DATA

12) 1st Complaint
Variable=DATE1
Record Year of 1st Complaint
Missing=888,999

Allegation
Variable=ALLEG1
Record Nature of Allegation (string var.)

Sustained
Variable=SUS1

Value	Label
0	No
1	Yes
888	Missing
999	Missing

13) 2nd Complaint
Variable=DATE2
Record Year of 2nd Complaint
Missing=888,999

Allegation
Variable=ALLEG2
Record Nature of Allegation (string var.)

Sustained
Variable=SUS2

Value	Label
0	No
1	Yes
888	Missing
999	Missing

14) 3rd Complaint
Variable=DATE3
Record Year of 3rd Complaint
Missing=888,999

Allegation

5

Variable=ALLEG3
     Record Nature of Allegation (string var.)

Sustained
Variable=SUS3

Value	Label
0	No
1	Yes
888	Missing
999	Missing

15) 4th Complaint

Variable=ALLEG3
> *Record Nature of Allegation* (string var.)

Sustained
Variable=SUS3

Value	Label
0	No
1	Yes
888	Missing
999	Missing

15) 4th Complaint
Variable=DATE4
> *Record Year of 4th Complaint*
> Missing=888,999

Allegation
Variable=ALLEG4
> *Record Nature of Allegation* (string var.)

Sustained
Variable=SUS4

Value	Label
0	No
1	Yes
888	Missing
999	Missing

16) 5th Complaint
Variable=DATE5
> *Record Year of 5th Complaint*
> Missing=888,999

Allegation
Variable=ALLEG5
> *Record Nature of Allegation* (string var.)

Sustained
Variable=SUS5

Value	Label
0	No
1	Yes

6

888   Missing
            999   Missing

17) 6th Complaint
Variable=DATE6
            Record Year of 6th Complaint
            Missing=888,999

Allegation
Variable=ALLEG6
            Record Nature of Allegation (string var.)

Sustained
Variable=SUS6

            Value Label
            0   No
            1   Yes
            888   Missing
            999   Missing

7th Complaint
Variable=DATE7
            Record Year of 7th Complaint
            Missing=888,999

Allegation
Variable=ALLEG7
            Record Nature of Allegation (string var.)

Sustained
Variable=SUS7

            Value Label
            0   No
            1   Yes
            888   Missing
            999   Missing

8th Complaint
Variable=DATE8
            Record Year of 8th Complaint
            Missing=888,999

7

Allegation
Variable=ALLEG8
> *Record Nature of Allegation* (string var.)

Sustained
Variable=SUS8

Value	Label
0	No
1	Yes
888	Missing
999	Missing

9th Complaint

9th Complaint
Variable=DATE9
> *Record Year of 9th Complaint*
> Missing=888,999

Allegation
Variable=ALLEG9
> *Record Nature of Allegation* (string var.)

Sustained
Variable=SUS9

Value	Label
0	No
1	Yes
888	Missing
999	Missing

10th Complaint
Variable=DATE10
> *Record Year of 10th Complaint*
> Missing=888,999

Allegation
Variable=ALLEG10
> *Record Nature of Allegation* (string var.)

Sustained
Variable=SUS10

Value Label

8

```
0       No
1       Yes
888     Missing
```

IV. EARLY WARNING HISTORY

18) Ever on EW list
Variable=EW

```
Value   Label
0       No
1       Yes
888     Missing
999     Missing
```

1st Month EW List
Variable=EW1MO
> *Record Month of 1st EW List*
> Missing=888, 999

1st Year EW List
Variable=EW1YR
> *Record Year of 1st EW List*
> Missing=888, 999

2nd Month EW List
Variable=EW2MO
> *Record Month of 2nd EW List*
> Missing=888, 999

2nd Year EW List
Variable=EW2YR
> *Record Year of 2nd EW List*
> Missing=888, 999

3rd Month EW List
Variable=EW3MO
> *Record Month of 3rd EW List*
> Missing=888, 999

3rd Year EW List
Variable=EW3YR
> *Record Year of 3rd EW List*
> Missing=888, 999

9

4th Month EW List
Variable=EW4MO
> *Record Month of 4th EW List*
> Missing=888, 999

4th Year EW List
Variable=EW4YR
> *Record Year of 4th EW List*
> Missing=888, 999

5th Month EW List
Variable=EW5MO
> *Record Month of 5th EW List*
> Missing=888, 999

5th Year EW List
Variable=EW5YR
> *Record Year of 5th EW List*
> Missing=888, 999

19) Total Complaints Pre-EW List
Variable=COMPPRE
> *Record Number of Complaints*
> Missing=888, 999

20) Total Complaints Post-EW List
Variable=COMPPOST
> *Record Number of Complaints*
> Missing=888, 999

V. DISCIPLINE HISTORY

21) Ever Reprimanded
Variable=REPRIMAN

Value	Label
0	No
1	Yes
888	Missing
999	Missing

22) Total Reprimands
Variable=NOREPRIM

10

Record Number of Reprimands
Missing=888, 999

1st Reprimand Date
Variable=REP1
> *Record month/day/year of Reprimand Date*

2nd Reprimand Date
Variable=REP2
> *Record month/day/year of Reprimand Date*

3rd Reprimand Date
Variable=REP3
> *Record month/day/year of Reprimand Date*

4 or More Reprimands
Variable=REP4
> *Note: none have 4 or more reprimands

23) Ever Suspended
Variable=SUSPEND

Value	Label
0	No
1	Yes
888	Missing
999	Missing

24) Total Number of Suspensions
Variable=NOSUSPEN
> *Record Number of Suspensions*
> Missing=888, 999

1st Suspension Date
Variable=SUSP1
> *Record month/day/year of Suspension Date*

2nd Suspension Date
Variable=SUSP2
> *Record month/day/year of Suspension Date*

3rd Suspension Date
Variable=SUSP3
> *Record month/day/year of Suspension Date*

11

25) Separated From the Department
Variable=SEPARATE

       Value Label
       0   No
       1   Yes
       888   Missing
       999   Missing

Terminated From the Department
Variable=TERM

       Value Label
       0   No
       1   Yes
       888   Missing
       999   Missing

Termination Date
Variable=TERMDT
       Record Year of Termination Date
       Missing=888,999

Resigned
Variable=RESIGN

       Value Label
       0   No
       1   Yes
       888   Missing
       999   Missing

Resignation Date
Variable=RESGNDT
       Record Year of Resignation Date
       Missing=888,999

VI. PERFORMANCE EVALUATIONS

26) Evaluation 1 Date (most recent)
Variable=EVAL1DT

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Record month/day/year of Evaluation Date
Missing=888, 999

Evaluation 1 Score
Variable=EVAL1SCR
Record Evaluation Score
Missing=888, 999

27) Evaluation 2 Date (next most recent)
Variable=EVAL2DT
Record month/day/year of Evaluation Date
Missing=888, 999

Evaluation 2 Score
Variable=EVAL2SCR
Record Evaluation Score
Missing=888, 999

28) Evaluation 3 Date (second most recent)
Variable=EVAL3DT
Record month/day/year of Evaluation Date
Missing=888, 999

Evaluation 3 Score
Variable=EVAL3SCR
Record Evaluation Score
Missing=888, 999

VI. POSITIVE PERFORMANCE INDICATORS

29) Ever Received Commendation
Variable=COMMEND

Value	Label
0	No
1	Yes
888	Missing
999	Missing

30) Number of Commendations
Variable=NOCOMMEN
Record Number of Commendations
Missing=888,999

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1st Commendation Date
Variable=COMM1
>Record month/day/year of Commendation

2nd Commendation Date
Variable=COMM2
>Record month/day/year of Commendation

3rd Commendation Date
Variable=COMM3
>Record month/day/year of Commendation

4th Commendation Date
Variable=COMM4
>Record month/day/year of Commendation

5 or More Commendations
Variable=COMM5

Value	Label
0	No
1	Yes
888	Missing
999	Missing

31) Ever Been Promoted
Variable=PROMOT1

Value	Label
0	No
1	Yes
888	Missing
999	Missing

1st Promotion Date
Variable=PROM1DT
>Record month/day/year of Promotion

32) Second Promotion
Variable=PROMOT2

Value Label

14

0	No
1	Yes
888	Missing
999	Missing

2nd Promotion Date
Variable=PROM2DT
Record month/day/year of Promotion

V. ASSIGNMENT HISTORY

33) Patrol Start Date
Variable=PATROL1
Record month/day/year of Start Date

Patrol End Date
Variable=PATROL2
Record month/day/year of End Date

Assignment 1
Variable=ASSIGN1
Record Assignment (string var.)

Assignment 1 Date
Variable=ASSGN1DT
Record month/day/year of Date

Assignment 2
Variable=ASSIGN2
Record Assignment (string var.)

Assignment 2 Date
Variable=ASSGN2DT
Record month/day/year of Date

Assignment 3
Variable=ASSGN3
Record Assignment (string var.)

Assignment 3 Date
Variable=ASSGN3DT
Record month/day/year of Date

Assignment 4
Variable=ASSIGN4

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Record Assignment (string var.)

Assignment 4 Date
Variable=ASSGN4DT
    Record month/day/year of Date

Assignment 5
Variable=ASSIGN5
    Record Assignment (string var.)

Assignment 5 Date
Variable=ASSGN5DT
    Record month/day/year of Date

Assignment 6
Variable=ASSIGN6
    Record Assignment (string var.)

Assignment 6 Date
Variable=ASSGN6DT
    Record month/day/year of Date

Assignment 7
Variable=ASSIGN7
    Record Assignment (string var.)

Assignment 7 Date
Variable=ASSGN7DT
    Record month/day/year of Date

Assignment 8
Variable=ASSIGN8
    Record Assignment (string var.)

Assignment 8 Date
Variable=ASSGN8DT
    Record month/day/year of Date

Assignment 9
Variable=ASSIGN9
    Record Assignment (string var.)

Assignment 9 Date
Variable=ASSGN9DT
    Record month/day/year of Date

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Assignment 10
Variable=ASSIGN10
>*Record Assignment* (string var.)

Assignment 10 Date
Variable=ASSGN10DT
>*Record month/day/year of Date*

34) Assigned to Non-Patrol
Variable=NOPATROL
>*Record month/day/year of Date*

Date Hired
Variable=DATEHIRE
>*Record month/day/year of Hire*

First EW Date
Variable=FIRSTEW
>*Record month/day/year of Date*

Months on Patrol From Date Hired to First EW
Variable=PATRDATE
>*Record Number of Months*

Total Complaints, Date Hired to First EW
Variable=COMPDATE
>*Record Number of Complaints*

Annual Complaint Rate, From Date Hired to First EW
Variable=COMPRAT1
>*Record Complaint Rate*

Months on Patrol, First EW to Present
Variable=PATREW
>*Record Number of Months*

Complaints, First EW to Present
Variable=PATRCOMP
Record Number of Complaints

Annual Complaint Rate, From First EW to Present
Variable=COMPRAT2
Record Complaint Rate

Months on Patrol, From Date Hired to Present
Variable=MTHPATRL
Record Number of Months

Non-EW Complaints
Variable=NONCOMPS
Record Number of Complaints

Non-EW Annual Complaint Rate
Variable=ANCOMRAT
Record Complaint Rate

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