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POLICE ACCOUNTABILITY: ESTABLISHING AN EARLY WARNING SYSTEM

Police misconduct is a serious problem in cities all across the country. Allegations of the use of excessive force, unjustified fatal shootings, and “racial profiling” in traffic stops have ripped the fabric of local communities. Most of the incidents in question involve racial and ethnic conflict—charges that the police department targets people of color for excessive force and/or discriminatory law enforcement. Such racially charged controversies over police misconduct threaten to undermine the positive accomplishments of community policing in building better relations between the police and the communities they serve.

Early warning systems have emerged as a popular and potentially important new tool for police managers to curb police misconduct, enhance police accountability, and improve community relations. This report describes early warning systems in terms of the problems they are designed to address, explains their potential contributions to police accountability, discusses the administrative issues related to their implementation, and assesses their effectiveness by examining the early warning systems in two different police departments.

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Police Accountability: Establishing an Early Warning System

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Early warning systems are data-driven programs designed to identify officers whose behavior appears to be problematic and to provide those officers with counseling or training to correct their problematic behavior. These systems offer an important opportunity to enhance police accountability. However, far from being easy to create and maintain, they are complex administrative tools with multiple goals, program elements, and potential impacts. They are also “high-maintenance” operations and should not be regarded as “alarm clocks” that will function automatically once they are programmed. Rather, early warning systems require careful planning, a considerable investment in personnel and information technology, and a high level of ongoing administrative attention.

This report is a synopsis of research that was done in 1998–1999 and published in 2000.¹ The research consisted of two parts: a national survey of the prevalence of early warning systems and detailed evaluations of these systems in three police departments: Miami–Dade County, Florida; Minneapolis, Minnesota; and New Orleans, Louisiana.

EARLY WARNING SYSTEMS: THE BASIC CONCEPT

The rationale behind early warning systems is that law enforcement agencies can and should use data on problematic officer performance to identify those officers who appear to be having recurring problems interacting with citizens. Such data include citizen complaints, official reports of officer use of excessive

force, officer involvement in civil litigation, and other indicators of problematic behavior. And once those officers are identified, early warning systems are designed to provide them with counseling or training to correct the performance problems in question.

Early warning systems are *early* in that they attempt to identify officers whose performance might result in such serious problems as a major excessive-force incident or a civil suit against the department. Early warning systems represent a *warning* in that they do not, in and of themselves, involve formal discipline. An officer may, however, be disciplined for one of the actions that led to his or her identification by the system.

Many early warning systems explicitly state that their purpose is to help officers improve their performance. Such help generally consists of individual counseling by a supervisor or a training class for a group of officers. In many cases, an officer’s performance problems are symptomatic of personal, off-the-job issues such as family problems. The individual counseling is designed to help the officer recognize what behaviors are causing his or her performance problems, to discuss whatever personal problems may exist, and to recommend appropriate treatment.

Generally, no record of participation in an early warning program per se is placed in an officer’s personnel file, although the incidents that originally identified the officer do remain in the file and can be considered for disciplinary action. However, a separate record of participation in the early warning system is generally maintained by the internal affairs or professional standards unit of the police department.

THE “PROBLEM” POLICE OFFICER

A growing body of empirical evidence supports the idea that in any law enforcement agency, a small percentage of officers are responsible for a disproportionate share of the incidents that create problems with

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citizens. As Thomas Frazier, director of the federal Office of Community Oriented Policing Services of the Department of Justice and former chief of the Baltimore (Maryland) police department puts it, “10 percent of your officers create 90 percent of your problems.”

The phenomenon of the “problem” officer who receives a high rate of citizen complaints and/or also uses force at a high rate was first recognized in Oakland, California, in the 1970s, when police officers with records of use-of-force incidents were counseled by peer officers. A 1981 report by the U.S. Commission on Civil Rights, *Who Is Guarding the Guardians?*, published data indicating that a small group of police officers in Houston, Texas, received extraordinarily high numbers of citizen complaints.²

“10 percent of your officers create 90 percent of your problems.”

The most influential support for early warning systems came from the 1991 report of the Christopher Commission following the highly publicized beating of Rodney King in Los Angeles. The commission identified forty-four “problem officers” in the Los Angeles police department (LAPD) with extremely high rates of citizen complaints and commented that these officers were “readily identifiable” on the basis of existing LAPD records. Yet the commission found that none of these officers received any significant discipline, and in fact, some were given very favorable performance reviews.³

Investigative journalists have found the problem officer phenomenon in other police departments as well. A 1991 article in the *New York Times* reported that in the Kansas City police department, 2 percent of all the sworn officers were responsible for 50 percent of all citizen complaints.⁴ A *Boston Globe* article the following year found that 11 percent of all sworn officers were responsible for 61.5 percent of all complaints filed against Boston police.⁵ And a 1998 series of stories by the *Washington Post* discovered that a small number of officers were responsible for a large proportion of multiple discharge of firearms.⁶

RESPONDING TO THE PROBLEM OFFICER

Traditional police personnel evaluation systems have generally failed to deal effectively with problem officers. This failure is particularly notable because those officers are well known to their supervisors, the top administrators, their peers, and the residents of the areas in which they work. As William Westley noted many years ago in the first scholarly study of the police, police departments have been punishment oriented, with little organizational attention given to officers with recurring performance problems and few formal programs in place for helping individual officers improve their performance.⁷ Insofar as law enforcement agencies took

any kind of action, anecdotal evidence suggests that they “dumped” problem officers on racial minority neighborhoods. Whatever standard in-service training programs exist today are generally directed at all sworn officers and not at officers with special performance problems. Employee assistance programs (EAPs), meanwhile, are generally voluntary and directed toward officers with marital, psychological, or substance abuse problems and not necessarily toward officers with on-the-street performance problems. Thus, for example, an overly aggressive officer who receives a high rate of citizen complaints but has no off-the-job personal problems would fall outside the scope of standard EAP programs.

Problem officers are well known to their supervisors, the top administrators, their peers, and the residents of the areas in which they work.

A review of police personnel evaluation systems nearly twenty-five years ago found that they had serious deficiencies.⁸ In particular, the formal categories for performance assessment were vague and global (e.g., “initiative,” “dependability”). A more recent report by the Police Executive Research Forum, reflecting the concerns of community policing, rendered an equally critical assessment: the authors concluded that “most performance evaluations currently used by police agencies do not reflect the work officers do.”⁹ In particular, these evaluations fail to address the most critical aspects of police work: 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 in the community.

The advent of community policing has dramatized the historic inadequacies of traditional police personnel evaluation systems and has created the need for systems that are even more comprehensive and sophisticated. Under community policing, police departments need to develop performance measures that identify and reward exemplary service to the community and the reduction or diffusion of violence—actions that have been essentially ignored by traditional performance evaluation systems. 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.

The “Two File Cabinet” Problem

Part of the failure of traditional police personnel evaluation systems might be characterized as the “two file cabinet” problem. That is to say, in many police depart-

ments, information about citizen complaints or officer involvement in civil litigation is found in one file cabinet while personnel evaluations exist in a different cabinet. No effort is made to integrate the two data sets to produce a comprehensive and meaningful performance evaluation. The Christopher Commission, for example, found that some of the forty-four problem officers had received highly favorable performance reviews.¹⁰

The “two file cabinet” problem highlights the need for a comprehensive and up-to-date data system in a law enforcement agency. To be effective, such a system has to integrate all the relevant data about officer performance. A 1997 federal suit involving the failure of the Pittsburgh police department to discipline officers who used excessive force exposed the fact that the department did not have a centralized file of all reports on officer performance.¹¹ And until two years ago, the LAPD did not have a centralized file of all citizen complaints filed against its officers.

However, creating a centralized personnel data system involves more than merely purchasing a software package. It requires a careful assessment of what performance data are currently being collected, where the data files are stored, and whether the agency has the technological infrastructure and administrative capacity for maintaining such a system. The development of an early warning system, consequently, may be very expensive for police departments that have not kept pace with modern data systems technology.

Learning from the Private Sector

In responding to potential problem employees, police managers have much to learn from the private sector. Employers recruit, select, and train employees to effectively serve the goals and objectives of the organization. Identifying problematic employees is thus a legitimate management goal as organizations seek to enhance the quality of the service they deliver and maintain positive relations with clients and customers. Effective personnel management assumes that the organization collects employee performance data so that employee performance can be assessed and evaluated on a regular basis. It also assumes that, on an informal basis, each employee’s immediate supervisor is familiar with the quantity and quality of the subordinate’s performance. Presumably, systematic performance evaluations and supervisors’ firsthand knowledge of employees are sufficient to identify those employees whose performance does not meet the organization’s standards.

This kind of oversight is particularly important in human service organizations such as the police that routinely engage in a high level of interaction with citizen-clients. The goals of community policing require police departments to develop personnel evaluation systems that reward officers who avoid using force without justification—and, by implication, that identify and properly discipline those who use excessive force.

PREDICTING VS. MONITORING POLICE OFFICER BEHAVIOR

Over the years, there has been considerable research invested in attempting to develop predictive systems that could be used at the time of recruitment to screen out the “bad” police officers. The logic of predictive systems is seductively simple: use the right psychological tests or preemployment interviews to successfully identify those persons unsuited for police work before they are hired, and save the city enormous problems later on in terms of community conflict and civil litigation expenses. Unfortunately, the logic of such an approach does not work out in practice. To date, no one has developed a successful predictive device for screening applicants for jobs as police officers.

To be sure, predictive devices do exist, but they are simply too crude. They screen out only those applicants with the most serious psychological problems or unacceptable social attitudes and fail to identify those potentially problematic individuals who have good test scores and/or who appear to have positive attitudes at the time of application. In addition, existing screening devices fail to take into account the effects of police work or personal issues on attitudes and behavior. It is a truism among police experts that the attitudes of many new officers change in response to the corrosive impact of dealing with serious crime and other social problems. Most officers learn to adapt and maintain a healthy perspective on people and their work. Others, however, succumb to the pressure and allow it to affect their work. And in many cases, an officer’s work is affected by purely personal problems related to family, alcohol abuse, financial pressures, and so on.

As noted above, the basic purpose of early warning systems is to catch problem officers *early*: to identify them when they begin to show symptoms of unacceptable performance, and to provide them with the help they need to improve their behavior. The underlying assumption is that while it may not be possible to spot potential problem officers before they join the force, it is definitely possible to spot them on the basis of their performance histories once they begin to manifest problems. In this respect, early warning systems are retrospective and performance-based, and as such, they are an alternative to efforts to predict officer performance on the basis of officer background characteristics.

THE GOALS OF EARLY WARNING SYSTEMS

Early warning systems are widely understood to be directed toward problem officers, with the goal of reducing on-the-street police misconduct. The national evaluation of early warning systems on which this report was based, however, found that these systems have—or at least can have—an impact on supervisors and the department as a whole.¹² With that in mind,

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early warning systems should be understood as having three different targets.

Individual Officers

Early warning systems are directed in part toward individual rank-and-file officers. The anticipated impact of these systems on individual officers involves learning theory, deterrence theory, or some combination of the two.

Many early warning systems are officially conceptualized as a means of helping officers. The New Orleans system, for example, is known as the Professional Performance Enhancement Program (PPEP) and explicitly states that it is designed to help and not punish officers. The intervention phase (described on page 6) includes a stress reduction component and a training session that teaches officers how to handle potentially volatile situations without incurring citizen complaints. In this respect, the anticipated impact of an early warning system on officers may be characterized in terms of a *learning effect*.

At the same time, an implicit assumption of an early warning system is that it will *deter future misconduct*. That is, the intervention phase will communicate to subject officers the threat of punishment in the future if their present behavior continues. There is also an implicit assumption that an early warning system will have some general deterrent effect on officers not subject to the system as it theoretically communicates the threat of punishment should their performance ever warrant placement in the system.

One potential danger is that an early warning system will have an unwanted labeling effect. In one instance known to the authors of this report, officers were observed to refer to themselves as “bad boys” and to the program as “bad boys school” and “politeness school.” Through such a labeling process, an early warning system may inadvertently reinforce undesirable attitudes (and perhaps undesirable performance) among subject officers.

Deterrence theorists point out that deterrence is a communication system and that research to date has not adequately explored the extent to which a threat of punishment is perceived by its intended audience. The same problem applies to early warning systems, whether conceptualized in terms of deterrence, learning, or labeling. Thus, it is possible that some officers will be readily deterred by an early warning system, some will learn from the counseling or training they receive, and some will not be affected by either process. By the same token, some officers may embrace the label of “bad boy” while others do not.

Supervisors

Early warning systems also have some impact on supervisors. Since virtually all officers identified by these systems will be rank-and-file officers assigned to street duty, the supervisors in question here are field sergeants.

The goal of shaping the behavior of sergeants was explicitly acknowledged in two of the sites studied in the national evaluation (New Orleans, Miami-Dade County), although in different ways. The New Orleans PPEP requires a subject officer’s supervisor to monitor the officer for six months and to file performance evaluations every two weeks. This amounts to a formal mechanism for holding supervisors accountable for their supervisory behavior. New Orleans officials responsible for PPEP expressed their belief that some supervisors would aggressively urge subject officers to improve their performance because further indicators of poor performance would reflect badly on them (the supervisors).¹³

In Miami-Dade, several officials associated with the early warning system explained that it “keeps things from slipping through the cracks.”¹⁴ That is to say, the formal requirements of an early warning system help ensure that a supervisor will pay closer attention to an officer who is having performance problems. Without such a safeguard, the necessary attention may be lost in the rush of normal day-to-day work.

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The potential impact of early warning systems addresses an important issue in police management. Mark Moore of the Kennedy School of Government, Harvard University, and Darrel Stephens, currently chief of the Charlotte-Mecklenburg (North Carolina) police department, argue that a troubling deficiency of traditional police management has been the lack of systems for monitoring the performance of supervisors.¹⁵ Early warning systems offer a potential remedy for that deficiency by defining specific activities related to holding supervisors accountable for officers under their command.

Departments

Early warning systems also affect the organizations in which they function. Although organizational development is seen as one of the key goals of human resource management, the national evaluation found that this was the least well-articulated aspect of early warning systems. In theory, to the extent that it effects improvements in the behavior of individual officers, an early warning system improves the overall quality of police service. At the same time, to the extent that it changes the behavior of supervisors, an early warning system has some broader impact on the department. Finally, to an unknown extent, the existence of such a system communicates a general message about a department’s values, indicating that misconduct will

not be tolerated. From this perspective, an early warning system can be conceptualized as one means of controlling police officer use of authority in the service of a comprehensive strategic management of police departments.

An early warning system is most likely to be effective in a department that has high standards of accountability and accordingly has in place a personnel data system that captures the relevant information on police officer performance. In one of the sites in the national evaluation (Miami-Dade), the early warning system was found to be simply one part of a larger personnel data system that, in turn, is part of a broader commitment to accountability. In this context, the early warning system functions as a management tool that converts the data into a usable form.

However, an early warning system is not likely to be effective in a police department that has no serious commitment to accountability and integrity and does not punish serious forms of misconduct. In this context, the early warning system may well become little more than a formal bureaucratic procedure, empty of meaningful content, with its potential contributions to the department simply overwhelmed by the failure of the department to investigate alleged misconduct and discipline officers appropriately. Even worse, a poorly managed early warning system may generate hostility and cynicism among officers to the extent that it harms the larger organizational environment. This has occurred in at least one police department known to the authors of this report.

The vast majority of police departments undoubtedly fall somewhere in the middle of these two extremes. In many of those instances, an early warning system has the potential for helping to change the organizational culture and raising standards of accountability.

THE COMPONENTS OF EARLY WARNING SYSTEMS

Early warning systems consist of three basic components: selection criteria, intervention, and post-intervention monitoring. However, the national evaluation found considerable variation in each of these components, and there is not even a consensus today among law enforcement specialists as to the ideal way to define or implement any one of them.

Selection Criteria

Early warning systems use a set of formal criteria for identifying problem officers and selecting them for intervention. As noted, however, these criteria vary considerably among different jurisdictions.

Some early warning systems (e.g., Minneapolis) rely solely on citizen complaints while others (e.g., Miami-Dade, New Orleans) rely on a broad range of performance indicators, including official use-of-force

reports, resisting-arrest charges filed by officers, involvement in civil litigation, and violations of administrative rules (e.g., neglect of duty). Early warning systems typically identify officers on the basis of a specified number of incidents within a given time period (e.g., three citizen complaints within a twelve-month period). Some systems use resisting-arrest charges because it is widely believed that officers who use force improperly often file such charges to cover their own behavior.

The use of multiple performance indicators provides a broader base of information about an officer's performance than does reliance on citizen complaints alone. Citizen complaints are a highly underreported phenomenon. Research has found that most people who have an unpleasant experience with a police officer (whether discourtesy or use of force) do not bother to file a formal complaint with the department. Citizen complaints, therefore, will not necessarily identify all the officers whose behavior legitimately requires intervention. Moreover, in a number of jurisdictions, citizen complaints are received by an independent citizen oversight agency, so the law enforcement agency may not receive timely or complete reports on all complaints filed. Multiple indicators are more likely to identify those officers whose performance is genuinely problematic and in need of some official intervention.

Multiple performance indicators provide a broader base of information about an officer's performance than does reliance on citizen complaints alone.

The necessary data already exist in most professionally managed police departments. Citizen complaint data should be available from either the department's own internal affairs unit or, where one exists, the external citizen oversight agency. Virtually all police departments today require officers to file official reports when they use physical or deadly force. Information on officer involvement in civil litigation

Selection Criteria for Early Warning Systems

- Citizen complaints
- Use-of-force reports
- Resisting-arrest charges
- Civil litigation involvement
- Reprimands, neglect of duty, damage to property, etc.
- Supervisor's discretion

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can be obtained from the city's legal office; however, many departments do not routinely request such information, much less use it to identify problem officers.

Intervention

The intervention phase of an early warning system may consist of either an informal counseling session between the officer and his or her immediate supervisor or a training class involving a group of officers. The New Orleans PPEP, for example, requires officers who have been identified by the system to attend a mandatory four-day training class. The class covers such topics as stress management, balancing job and personal life, and techniques for handling difficult law enforcement situations and avoiding citizen complaints.

With respect to individual counseling sessions, there are a number of issues related to the delivery and content of the counseling. If supervisors are inadequately trained and/or if counseling sessions are not properly documented, there is no guarantee that the sessions will in fact occur, that they will be consistent across supervisors, or that supervisors will deliver the appropriate message. Some supervisors may simply tell their officers "not to worry about it," which would undermine the goals of the system. Some early warning systems involve higher-ranking command officers (e.g., the commander of the professional standards or internal affairs unit) in the counseling sessions, thereby ensuring consistency and guarding against the delivery of inappropriate messages.

Group training sessions, such as the PPEP classes in New Orleans, have the advantage of ensuring consistency of content. At the same time, however, a group approach inhibits delivery of the appropriate message to officers with very different performance problems and may not be able to ensure that the special problems of each officer are adequately addressed. It also runs the risk of creating solidarity among officers in the class, causing them to embrace the "bad boys" label and reinforcing inappropriate attitudes. Group training sessions, moreover, are often difficult to schedule, given the normal duties of both supervisors and employees.

Participants in the New Orleans program complete an anonymous evaluation of the early warning class. An analysis of some submitted evaluations showed that the officers gave the class an extremely high rating (an average of 7 on a scale of 1–10), and nearly all of them made favorable comments about it. Most of the negative comments related to the department and its leadership rather than to the class. In one set of classes, officers were observed to be actively engaged in those units that offered practical help in dealing with actual police work. They were extremely disengaged, however, from those units that involved abstract discussions of social problems or police work or were moralistic in nature. In short, many (but not necessarily all) officers

subject to the proper intervention appreciate the help they receive.

Postintervention Monitoring

Postintervention monitoring of subject officers varies greatly among early warning systems. At one extreme are highly formal systems with a considerable amount of required documentation. At the other extreme are highly informal systems with no documentation.

The New Orleans PPEP represents a highly formal system. Subject officers are monitored for six months following intervention: supervisors are required to observe them on duty and to file a signed evaluation of their performance every two weeks. As noted above, this approach has the effect of putting supervisors on notice that their behavior is being monitored as well.

Informal postintervention monitoring approaches rely solely on supervisors to monitor subject officers' performance and, in the event of further indicators of poor performance (e.g., citizen complaints), to take whatever steps they deem necessary. In the absence of documentation or close supervision by higher-ranking officers, however, there is no guarantee that the expected informal monitoring will occur.

One of the unresolved issues related to postintervention monitoring involves striking the proper balance between a formal bureaucratic approach designed to hold supervisors accountable and an informal approach designed to enhance efficiency and flexibility. Early warning systems are still relatively new, and a set of professional standards has not yet been developed. One issue that police managers and other responsible city officials will have to consider is proper training for supervisors to ensure that the goals of an early warning system are effectively implemented.

ISSUES IN THE IMPLEMENTATION OF EARLY WARNING SYSTEMS

As noted at the beginning, early warning systems are complex, high-maintenance operations that require a significant investment by the department in planning, personnel, data collection, and administrative oversight. In addition, their implementation raises questions about their acceptance by police unions and their effectiveness within police departments that lack a strong commitment to accountability.

Planning and Administration

In two of the sites (Miami-Dade and New Orleans) studied by the authors of this report in 1998 and 1999, the early warning system was established with considerable initial planning and ongoing administrative attention, while in the third site (Minneapolis), the system had received little administrative attention. More re-

cently, the chief of the Minneapolis police department has greatly strengthened the process for monitoring potential problem officers, instituting a regular bi-weekly performance review of all officers. Similarly, the New Orleans program has changed since it was created in 1995. The training class, for example, expanded from two to four days and the content of the curriculum changed accordingly. The staff also found that large classes were not effective, so they now limit classes to about five or six officers. As PPEP staff members put it, the program is “a work in progress.” These examples illustrate the extent to which early warning systems can and should be subject to continuing review and revision.

The administrative demands of an early warning system are illustrated by PPEP, the most elaborate early warning system of the three case studies in the national evaluation. The New Orleans police department’s Public Integrity Division employs one full-time (nonsworn) data analyst and uses part of the time of two other full-time employees (one of whom is sworn) for the pur-

pose of data entry. The Miami-Dade early warning system, meanwhile, is an integral part of a sophisticated data system on police officer performance that has been developed over the course of two decades. The New Orleans police department has more than fifteen hundred sworn officers, whereas Miami-Dade has about three thousand. Smaller departments, which include the vast majority of law enforcement agencies in this country, will be able to maintain an effective system with fewer staff, but the need for close administrative attention will remain nonetheless.

And as mentioned earlier, the effective implementation of an early warning system requires special efforts to ensure that supervisors carry out their responsibilities with respect to both individual counseling and postintervention monitoring. Special attention needs to be given to this issue.

Early Warning Systems and Police Unions

Initially, some officers may voice objections that the

Proposed CALEA Standard on Early Warning Systems

The following is the draft for a new standard proposed by the Commission on Accreditation for Law Enforcement Agencies (CALEA) in July 2000. Because the proposed standard has proved controversial among law enforcement administrators, CALEA is currently soliciting further discussion.

A written directive establishes an early warning system to identify agency employees who may require agency intervention efforts. The system should include procedures for

1. Collecting information from agency performance evaluations, citizen complaints, disciplinary actions, use of force incidents, internal affairs, supervisory and employee reports
2. Central collection and security of material
3. Provisions to initiate review based on current patterns of collected material
4. Agency reporting requirements of conduct and behavior
5. Annual evaluation
6. The role of first and second level supervision
7. Remedial action
8. Some type of employee assistance.

Commentary: A comprehensive early warning system is an essential component of good discipline in a well-managed law enforcement agency. The early identification of potential problem employees and a menu of remedial actions can increase agency accountability and offer employees a better opportunity to meet the agency’s values and mission statement.

The agency early warning review system should be initiated when certain types of incidents occur and there should be an annual evaluation of collected material. The agency should not be faced with investigating an employee for a serious case of misconduct only to find there was an escalating pattern of less serious misconduct, which could have been abated through intervention. The failure of the agency to develop a comprehensive early warning system can lead to the erosion of public confidence in the agency’s ability to investigate itself, while putting the public and agency employees in greater risk of danger.

An early warning system should include options and reviews available through use of force reporting, the disciplinary system, employee assistance program, and Internal Affairs.

The first and second levels of supervision are crucial elements to a successful early warning system and should be emphasized in the agency’s procedures.

Source: Commission on Accreditation for Law Enforcement Agencies.

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early warning system exists only to “get” police officers. However, the existence of a police union with collective bargaining status is no barrier to the creation and maintenance of an early warning system, and the authors of this report are not aware of any early warning system that has been successfully challenged by a collective bargaining unit. In an increasing number of cities and counties across the country, early warning systems and police unions coexist harmoniously.

The first reason for this harmony may be that early warning systems represent nothing more than a systematic approach to the collection of data about officer performance that law enforcement agencies have collected for many years. For the past thirty years, agencies have increasingly collected more detailed data on officer use of force (both deadly and physical), high-speed pursuits, and other actions. At the same time, both citizen oversight agencies and police internal affairs units have collected data on citizen complaints. The collection of such data on employee performance is a legitimate management prerogative. Early warning systems simply represent a more systematic collection and use of such data.

The second reason for harmony is that early warning systems are designed to help officers recognize the problems they are having on the job and improve their performance. The national evaluation found persuasive evidence that many officers appreciate the help and the fact that someone brought their problems to their attention. Thus, through careful planning and administration it is possible to allay the fears of rank-and-file officers and preclude any fierce opposition to the program.

Early Warning Systems in the Larger Context of Accountability

An early warning system can be effective only in the context of a broader commitment to accountability on the part of the department. That is to say, an early warning system cannot “save” a department that tolerates misconduct on the street. It can function effectively only where the chief executive has taken a strong stand regarding the quality of service delivered to the public, where officers are held accountable through a system of reports and evaluations, and where officers who are found to have violated department rules are in fact disciplined. In such a context, an early warning system can strengthen the department’s commitment to accountability, but it needs this supportive environment to function effectively.

Several examples illustrate how a police chief can make a strong commitment to accountability. The early warning system in New Orleans is only one part of a larger integrity-building program by Superintendent Richard Pennington; the department’s Public Integrity Division has the assistance of two FBI agents and, among other things, conducts integrity “stings” de-

signed to identify corrupt officers. In Minneapolis, where the police department had a bad record of lax discipline, Chief Robert Olson began imposing meaningful discipline on officers found guilty of misconduct and, in early 2000, instituted a program of reviewing the behavior of all problematic officers every two weeks.

TWO EARLY WARNING SYSTEMS WITH A TRACK RECORD

The first early warning programs were developed independently in the late 1970s in a number of different departments. They were ad hoc and experimental, without the guidance of recommended or model programs. In Oakland, for example, records of individual officers were examined to determine if any showed early signs of problematic performance, and an experimental peer counseling program was developed for officers with recurring performance problems. In New York City, 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 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. The Kansas City police department, meanwhile, cross-referenced officers with their supervisors on the theory that particular supervisory officers might be tolerating abusive behavior. The department also participated in a Police Foundation experiment in peer counseling designed to improve the performance of officers with recurring problems. The results of these experimental programs were mixed, and the programs were not converted into continuing administrative procedures.

The first early warning systems known to have been maintained from their inception to the present were created in the Miami police department and the Miami-Dade police department in the late 1970s.

Miami Police Department

In 1979, in response to a major police–community relations crisis, the city of Miami’s police department became concerned with the behavior of some officers that generated citizen complaints. The events that precipitated that crisis in race relations were no different from those of the 1960s, in which there was recurring controversy over police officers’ use of force against minorities. This time, however, the response of the Miami police department was very different.

John R. Ross, commander of the internal security unit, suggested an early warning system based on the principle of organizational development. That is, the development of the organization’s capacity to provide better service to the public and to reduce both citizen

complaints and the perception of poor service required that attention be directed to those officers and/or department practices that created real or perceived problems with the public. To demonstrate his idea, Commander Ross identified a list of officers, by assignment, who had two or more citizen complaints during a two-year period (1976–1978). He also compiled a list of officers who had received five or more civilian complaints during that period. Armed with these data and the unit's monthly activity reports, Ross found that 5 percent of the officers accounted for 25 percent of all complaints. He noted that "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."¹⁶

Commander Ross suggested that commanders and supervisors should be systematically provided with information that would identify problem officers. He also noted that off-duty employment, including rock concerts, wrestling matches, and football games, generate a high number of citizen complaints, and he reasoned that fatigue may "heighten an officer's opportunity to react in an aggressive manner."¹⁷ He suggested that the department should respond to problem 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. Ross astutely warned that "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 complaints against police officers."¹⁸

The Miami early warning system has evolved into one of the more comprehensive approaches to monitoring police officers in the United States. Most importantly, it currently uses a broader range of performance indicators than other early warning systems, many of which rely solely on citizen complaints as performance indicators. As officers are identified by the system, their supervisors are notified by official memorandum. The supervisor is then responsible for meeting with the officer and determining if he or she needs any assistance, counseling, training, or other intervention.

The Miami early warning system uses four categories of behavior as selection criteria for identifying officers. These categories, for which data are routinely collected by the department and entered into a department-wide database, include

1. Complaints: A list of all officers with five or more complaints, with a finding of sustained or inconclusive, for the previous two years
2. Control of persons (use of force): A list of all officers involved as principals in five or more

control-of-person incidents for the previous two years

3. Reprimands: A list of all employees with five or more reprimands for the past two years
4. Discharge of firearms: A list of all officers with three or more discharge-of-firearms reports within the past five years

Officers who are identified by the early warning system are subject to a performance review by their supervisors. The internal affairs unit provides the supervisor with a report of each incident that caused the officer to be placed in the system. The supervisor evaluates these reports to determine whether the officer's behavior (e.g., use of force) was consistent with professional standards (e.g., was justified by the circumstances) or whether there are behavioral problems (e.g., unjustified use of force) that require attention. In this respect, the early warning system is discretionary and not mandatory. Not all officers identified by the performance indicators are referred for intervention.

In the case of officers requiring formal intervention, the supervisor then writes a memorandum recommending one of the following:

1. Reassignment
2. Retraining
3. Transfer
4. Referral to an employee assistance program
5. Fitness for duty evaluation
6. Dismissal pursuant to civil service rules and regulations.

The supervisor's memorandum goes to the commander of internal affairs through the chain of command. Each reviewing supervisor must agree or disagree with the recommendation. It is important to note that in Miami's early warning system, unlike some other systems, several supervisors are involved in decisions related to potential problem officers, so these decisions represent a consensus of opinion.

Miami-Dade Police Department

Several events took place in the Miami area during the late 1970s that created problems for police officers in the Miami-Dade police department (formerly, the Metro-Dade police department). The beating of an African-American schoolteacher and the beating death of another African American (insurance agent Arthur McDuffie) by Miami-Dade officers aggravated existing 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. When the verdict became known, three days of rioting ensued, resulting in civilian deaths and millions of dollars in property damage.

10 Inquiry Service Report

In response, the Dade County Commission enacted local legislation that made public the internal investigations conducted by the Miami-Dade police department. In addition, the department adopted an employee profile system to formally track all complaints, use-of-force incidents, commendations, discipline, and disposition of all internal investigations. As an offshoot of the employee profile system, the police department implemented an early identification system (EIS) under the supervision of the Internal Review Bureau; the EIS was created because early signs of potential problems are often not apparent to officers and may be missed by some supervisors. It is not clear what role the city of Miami's early warning system had in the development of the system for the Metro-Dade department.

In 1981, a system of quarterly and annual EIS reports was instituted. Quarterly reports listed officers who had received two or more complaints that had been investigated and closed or who had been involved in three or more use-of-force incidents during a three-month reporting period. Annual reports listed employees who had been identified in two or more quarterly reports. The requirement that complaints had to be investigated and closed before they could be included in the quarterly report created a timing problem, however, because for many complaints, this process could take up to a year. As a result, in 1992 the department began using monthly reports, which listed employees who had received two or more complaints during the past sixty days (regardless of disposition). It is these monthly reports that identify officers with the most recent complaints or behavioral concerns.

The monthly, quarterly, and annual reports are disseminated to the listed officers' supervisors, who use the information as a resource to evaluate an officer's performance and determine whether job stress or performance problems exist. When used in conjunction with other information, these reports also provide supervisors with a comprehensive picture of that officer's performance.

The immediate supervisor of any officer identified by the system receives a report regarding that officer. The supervisor then discusses the report with the officer and determines what further action is needed. The options include no further action or referral to departmental or outside programs, 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 improved recruitment and selection procedures in the agency, and not just the EIS. Between 1981 and 1992, departmental strength increased approximately 96 percent but complaints remained at an average of approximately three hundred per year. These data suggest that the EIS system was having a positive effect on officer behavior.¹⁹

ARE EARLY WARNING SYSTEMS EFFECTIVE?

Do early warning systems achieve their stated goals of correcting police officer behavior and reducing police misconduct? There is evidence that some early warning systems are essentially symbolic gestures with little substantive content. Yet the national evaluation found that early warning intervention is effective in reducing citizen complaints and problematic behavior in officers. In both Minneapolis and New Orleans, officers subject to early warning intervention received about one-third as many citizen complaints per year following intervention as they did before intervention. In Miami-Dade, officers subject to intervention figured in a greatly reduced number of use-of-force incidents and generated significantly fewer citizen complaints.

The national evaluation found that early warning intervention is effective in reducing citizen complaints and problematic behavior in officers.

In both Minneapolis and Miami-Dade, the performance records of all officers hired in particular years were compared. In both cases, the officers identified by the early warning system had substantially worse disciplinary records and significantly more citizen complaints than their colleagues who were not identified. This suggests that the early warning systems successfully identified officers who were in fact having persistent performance problems and that officers with otherwise good performance histories were not identified on the basis of temporary or uncharacteristic events. However, the officers who were identified by the early warning system were also slightly more likely to be promoted than their colleagues. This finding raises questions about whether departments are using citizen complaints and other problematic performance data in making promotion decisions.

Officers selected by early warning systems did not differ from their non-early warning colleagues with respect to race or ethnicity. Male officers, however, were somewhat overrepresented among early warning officers compared with female officers.

In sum, the national evaluation of early warning systems found that they are effective in achieving their stated goals of reducing citizen complaints and problematic behavior in officers.

CONCLUSION

Early warning systems have emerged as a popular remedy for police misconduct and as a recognized "best practice" in police administration. They were endorsed by the U.S. Civil Rights Commission in 1981, the International Association of Chiefs of Police in 1989, the 1996

Justice Department national conference on police integrity, and private consultants on police internal investigations. An early warning system has also been incorporated into the consent decree negotiated by the Civil Rights Division of the Justice Department and the city of Pittsburgh to settle a federal suit against the Pittsburgh police department.²⁰

Early warning systems have been growing rapidly. The national evaluation found that early warning systems currently exist in slightly more than one-fourth of all municipal and county law enforcement agencies serving populations greater than 50,000 people and that another 12 percent of such agencies are planning to implement one. It also found that early warning systems vary considerably in terms of their formal program content and specifically with respect to selection criteria, the nature of the intervention, and post-intervention follow-up. There are many unresolved issues related to these program elements, however, and it is not possible at present to specify any one approach that is more effective than alternative approaches. Lastly, the evaluation found that early warning systems are expensive, complex, and high-maintenance operations that require a significant investment of administrative resources.

Early warning systems are a potentially important management tool for controlling police officer misconduct and promoting standards of accountability within a law enforcement agency. However, an early warning system should be seen as one part of a system of accountability and not as a panacea for problems of misconduct and a lack of accountability. In a law enforcement agency without effective accountability measures in place, it is unlikely that an early warning system will have much, if any, effect. But in an agency that has made a commitment to accountability, an early warning system can serve as one of several management tools designed to curb misconduct and raise the quality of services delivered to the public.

¹ Samuel Walker, Geoffrey P. Alpert, and Dennis Kenney, *Responding to the Problem Police Officer: A National Evaluation of Early Warning Systems*, Final Report to the National Institute of Justice (Washington, D.C.: National Institute of Justice, 2000).

² U.S. Commission on Civil Rights, *Who Is Guarding the Guardians? A Report on Police Practices* (Washington, D.C.: U.S. Commission on Civil Rights, 1981). This report gave the concept of early warning systems its first official endorsement, recommending that police departments create and use early warning systems that are based on "careful maintenance" of performance data for the purpose of identifying officers who demonstrate "patterns of inappropriate behavior" (81–86).

³ Christopher Commission, *Report of the Independent Commission on the Los Angeles Police Department* (Los Angeles: City of Los Angeles, 1991), 35.

⁴ "Kansas City Police Go After Their "Bad Boys," *New York Times*, September 10, 1991.

⁵ "Wave of Abuse Claims Laid to a Few Officers," *Boston Globe*, October 4, 1992.

⁶ "D.C. Police Lead Nation in Shooting," *Washington Post*, November 15, 1998.

⁷ William Westley, *Violence and the Police* (Cambridge, Mass: MIT Press, 1970).

⁸ Frank J. Landy, *Performance Appraisal in Police Departments* (Washington, D.C.: The Police Foundation, 1977).

⁹ Timothy N. Oettmeier and Mary Ann Wycoff, *Personnel Performance Evaluations in the Community Policing Context* (Washington, D.C.: Police Executive Research Forum, 1977), 5.

¹⁰ Christopher Commission, *Report of the Independent Commission*, 40–48.

¹¹ *United States v. City of Pittsburgh* (W.D.P.A., 1997).

¹² Walker, Alpert, and Kenney, *Responding to the Problem Police Officer*.

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ Mark H. Moore and Darrel W. Stephens, *Beyond Command and Control: The Strategic Management of Police Departments* (Washington, D.C.: Police Executive Research Forum, 1991).

¹⁶ John R. Ross, memorandum, "Citizen Complaints against Police Officers," Miami Police Department, May 29, 1979.

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ Walker, Alpert, and Kenney, *Responding to the Problem Police Officer*, chapter 3.

²⁰ *United States v. City of Pittsburgh* (1997).

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