Overview of SDPD EIIS Program in Response to Increased Demands for Accountability in Policing

National Trends

President Obama launched the Task Force on 21st Century Policing to better understand specific policing challenges and help communities identify actions they can take to improve law enforcement and enhance community engagement.

Many of the Task Force's recommendations emphasize the opportunity for departments to better use data and technology to build community trust. As a response, the White House has launched the Police Data Initiative (PDI), which has mobilized 21 leading jurisdictions across the country to take fast action on concrete deliverables responding to these Task Force recommendations in the area of data and technology.

Through this effort, local police departments and other participants are responding first to Task Force recommendations within two streams of work:

1. Using open data to increase transparency, build community trust, and support innovation
2. **Better using technology, such as early warning systems, to identify problems, increase internal accountability, and decrease inappropriate uses of force**

Clearly, the second point considered by the Task Force recommendations, utilizing early intervention systems (EIS), directly relates to the San Diego Police Department's (SDPD) efforts to implement the recommendations put forward by the Police Executive Research Forum (PERF) in their critical assessment of the department. Research conducted in the PDI will seek to identify the specific indicators and behaviors that are directly linked to problematic performance issues impacting officers. Unfortunately, while EIS have been recognized as a best practice in police accountability and mandated as a standard by the Commission on Accreditation for Law Enforcement Agencies (CALEA) since 2001, there has been very little research prior to this national effort to determine which indicators departments should monitor in early intervention systems to prevent negative outcomes, as well as a lack of significant research in regards to the overall effectiveness of EIS. However, a review of consent decrees and expert reports on police accountability do provide a general understanding on what indicators should be monitored in order to enhance police accountability, as well as emphasizing the need to create customized interventions to address specific officer performance problems and the requirement for post-intervention monitoring. The San Diego Police Department must continue to observe the research from the PDI and determine how to respond to their recommendations in the future, while simultaneously implementing PERF's recommendations.

Police Executive Research Forum and EIIS Recommendations

The PERF report was very focused on EIIS and how it might be designed to detect early signs of misconduct and enhance accountability. PERF made several recommendations related to the system and stressed they must be implemented carefully.

Recommendation: ***Fully implement the protocols in Enhancing Cultures of Integrity: Building Law Enforcement Early Intervention Systems – specifically regarding the development of a formalized referral, intervention, and documentation process.***

Response: Many of the PERF recommendations that follow are directly related to this item and are focused on how we add and enhance existing department procedures related to a "formalized" identification, intervention and post-intervention documentation process for both positive and negative outcomes. Next, PERF's recommendations bring into question the future operational mission for EIIS. For instance, SDPD's ***Enhancing Cultures of Integrity*** states:

> This Guide is provided as one example of how an EI system can be crafted. EIIS focuses on employee stress-induced problematic behavior, intervention, and ***voluntary*** involvement in a curative solution. The system, therefore, ignores several categories of employee performance most EI systems include. Personnel evaluations, discipline, commendations, and both the allegations and dispositions of citizen's complaints (although EIIS does include the raw number of citizen's complaints), for example, are all ignored by EIIS. Again, our focus is on early identification and timely intervention.

While the vision and goals for EIIS are being examined by SDPD's leadership, more discussion and consideration needs to take place regarding community expectations. Specifically, it is clear from the investigation, litigation, and prosecution of disgraced former SDPD Officer Anthony Arevalos that the community, along with its elected officials, wants an early intervention system and polices which support SDPD's leadership in aggressively identifying and intervening in an officer exhibiting unwanted behaviors.

Increasingly, law enforcement agencies are turning to <u>personnel assessment or risk management systems</u> instead of more narrowly focused early intervention systems. These comprehensive systems typically contain the elements of early intervention systems, but provide other personnel management functions as well. These systems track officer performance data (e.g., responses to calls for service, arrests, and citations issues) including indicators of positive, neutral, and negative connotation. A transition to a personnel assessment system (PAS), like a system currently utilized by the Phoenix Police Department, appears to be what PERF is suggesting

based on this recommendation and PERF has detailed the varying types of EIS utilized by different agencies in Strategies for Intervening with Officers through Early Intervention Systems:

"Depending upon the agency, however, the overall purpose of an early intervention system can differ significantly. For example, some agencies implement EIS to help identify officers who may be experiencing personal or professional problems that are manifesting themselves in unacceptable performance on the job. These agencies may use system information to help direct resources (e.g., training or counseling) to the specific needs of an officer. These types of systems generally focus on helping officers and providing intervention in a non-punitive and non-disciplinary fashion. (**Current SDPD model**) Other agencies adopt an early intervention system to help manage personnel—using the data for performance evaluations, assignment decisions, and improvements in accountability between officers and supervisors. These types of systems tend to focus on positive as well as negative behavior, providing a means to track commendations, awards and other merits, and to recognize the efforts of these officers appropriately (e.g., in positive evaluations or special assignments). ***Still other departments implement EIS for more proactive reasons, such as identifying officer performance problems early on to foster officer well-being and to avoid future inappropriate conduct, complaints, or even lawsuits."***

What is the vision for EIIS within SDPD?

Recommendation: ***Lieutenants should conduct monthly EIIS reviews with acting sergeants regarding officers' performance.***

Response: [illegible]

[illegible] This recommendation assumes SDPD will fill all or most open lieutenant positions almost immediately, so they have access to the information contained within EIIS to review with an acting sergeant. [illegible]

Recommendation: ***Lieutenants should receive notifications from the EIIS Administrator on officers in their chain of command. In cases when the first-line supervisions is lacking, the lieutenant in charge must step in to provide adequate supervision.***

Response:

Currently, the EIIS Administrator is also a sergeant with the MAU.

EIIS is only as good as the validity of the data. The data that feeds into the EIIS system comes from many disparate databases and is summarized into EIIS. There are automated systems in place that query those different category databases on a timed basis and add it into EIIS.

proactively auditing would take approval of monies and time to implement, but it must be accomplished for the administrator to validate the data, determine if it requires supervisor intervention and to make sure this intervention is being done by the lieutenant if not by the sergeant.

Recommendation: ***The SDPD should consider moving the policy-required supervisor review of the EIIS from a quarterly basis to a monthly basis and any time a supervisor is assigned a new employee.***

Response: This recommendation could be readily handled by changing department policies related to EIIS and monthly inspections, but it would also require Data Systems to update the electronic inspections log.

Recommendation: ***The SDPD should automate all necessary department systems with the agency's EIIS and determine if the system can automatically notify the EIIS administrator, Commanding Officer, lieutenant, and the sergeant of any flagged officers under their supervision.***

Response: This recommendation has two parts and one of those parts is repeated elsewhere in the recommendations. For now, in direct response to this recommendation, SDPD needs to automate EIIS and integrate it with other City operating systems. Currently, much of the information in EIIS indicators comes from SAP.

Recommendation: ***The policy should provide procedures on how and when supervisors are to enter this information into EIIS if these indicators cannot be automated into EIIS.***

Response: This recommendation is directly related to the previous one and a review of existing SDPD procedure 5.24 – Human Resources - EIIS shows there is no information on who must enter data into the systems utilized by EIIS, when this data must be entered and who possesses responsibility for making sure this information is updated in a timely and accurate manner when automation does not exist.

Recommendation: ***SDPD should implement a nuanced system for when various indicators trigger an alert. Different indicators should trigger supervisor review at different thresholds based on generally acceptable standards and the preference of department leaders.***

Response:

Currently, EIIS does not have any thresholds that trigger a mandatory response from department supervisors. This is not the case for most other agencies utilizing EIIS. In some agencies, an officer who receives a certain number of complaints is a designated time frame requires that officer's supervisor to write a memo to the commanding officer in order to document the matter and the department's response.

Recommendation: ***The SDPD should develop a formalized policy regarding the process for EIIS interventions so that all interventions are consistently documented.***

Response: SDPD's EIIS procedure, as outlined in 5.24, does not require supervisors to intervene even when EIIS indicators provide information that it may be prudent to so and policy certainly does not require these interventions to be "consistently documented."

Recommendation: ***Add additional indicators such as unsatisfactory performance evaluation, civil litigation, canine bites, tardiness, as well as positive indicators into EIIS and include them in the agency's written policy.***

Response:

PERF has recommended that PSI's be eliminated, which is currently an indicator in EIIS; this will require immediate modification of the system. Also, as mentioned above, there is a recommendation that tardiness should be considered as an additional indicator, yet SDPD currently only tracks sick and family leave, as well as unauthorized leave for the elevated use of time off indicator.

Lessons Learned

A review of DOJ and expert findings in many EIS systems demonstrate a consistent list of shortcomings with the systems, as well as the policies used by agencies to manage them. Appendix D shows a brief summary of EIS issues and provides a link to the DOJ historical information for police departments in Austin, Albuquerque, Newark, Seattle and Washington DC. Below is a list of standard features and components of EIS created from PERF's analysis of settlement agreements in a number of cities:

- ***The system must be maintained and used by supervisors and managers.***
- ***An EIS should have policies and protocols for data collection, inputting of historical and current data, maintenance, retrieval, analysis, data security, and access.***
- ***Personnel establishing or using the system must receive proper training.***
- ***Threshold criteria for flagging risk patterns must be developed.***
- ***Follow-up actions for supervisors using EIS data analysis must be specified.***
- ***Interventions by supervisors must be implemented in a timely manner.***
- ***Implementation of interventions must be tracked.***
- ***Intervention progress must be reviewed by a supervisor.***

Outline of Steps Needed to Overhaul SDPD's EIIS

Appendix A – Comparison of Indicators Used by Varying Agencies

Indicators	SDPD EIIS	SFPD EIS	Phoenix PAS	Pittsburgh PARS	CMPD EIS	Seattle EIS
Non-Lethal Use of Force	X	X	X	X	X	X
Citizen Complaints-PSI	X	X	X	X	X	X
Internal/dept. complaints		X	X	X	X	X
Internal/dept. reprimands			X	X		
Internal/dept. policy viol.			X	X		
Internal/dept. investigations	X		X	X		
Officer discharge of firearm	X	X	X	X	X	X
Officer shootings	X	X	X	X	X	X
Civil litigation, lawsuit, claims		X		X		X
Officer Injury - Worker Comp	X	X	X	X	X	
Pursuits		X	X	X	X	
Accidents	X	X	X	X	X	X
Failure to appear in court	X			X		X
Discretionary Arrests-Activity	X	X		X	X	X
Unsat. Performance Eval.						X
Tardiness						
Leave	X	X		X		X
High Risk Crimes	X	X	X			
Officer Arrested	X		X	X		
Overtime, Second Employment	X	X	X	X		
Search and Seizures				X		
Verbal Counseling			X	X		
Suspects Arrested		X	X	X		
Traffic Stop Data		X	X	X		
Awards, Commendations		X	X	X		X
Grievances				X		
Interrogations			X			
Leave Balances			X			
EEO Complaints		X				X
Criminal Cases not Filed		X				

Based on the above analysis, the primary indicators tracked that SDPD does not currently monitor in EIIS include the following: internal discipline, litigation, pursuits, limited leave analysis, arrest-citation-field interview (stop data), awards and commendations, and to a lesser extent EEO complaints.

New Orleans Police Department - Collection of Data

Inspectors at NOPD performed a thorough literature search and concluded that experts have not reached a consensus on what specific data to collect, but they have suggested the following indicators for a model comprehensive assessment system. Items in bold are not collected by SDPD.

1. All non-lethal uses of force
2. All officer-involved shooting incidents
3. **All officer-involved vehicular pursuits**
4. All citizen-initiated complaints (Questionable as to whether SDPD is performing, due to how we handle PSIs and Informal matters)
5. **All citizen-initiated commendations or compliments**
6. **All departmental commendations and awards**
7. Criminal arrests and investigations of subject officer
8. **Civil suits or an administrative claim in which subject officer is named**
9. **All arrest reports, crime reports, and citations made by officers**
10. **All motor vehicle stops and pedestrian stops made by subject officer**
11. **Performance evaluations for each officer**
12. **Training history**
13. **All Management & supervisory actions, including non-disciplinary actions, related to each officer**
14. Sick leave or family leaves record
15. **Canine unit deployment involving subject officer**
16. Failure to appear in court

PERF recommended the following indicators:

Add additional indicators such as unsatisfactory performance evaluation, civil litigation, canine bites, tardiness, as well as positive indicators into EIIS and include them in the agency's written policy.

Appendix B - Law enforcement agencies use four basic kinds of thresholds:

Fixed thresholds use the same criteria for all employees, for example, "three or more complaints within a twelve month period."

Point system thresholds weight different indicators depending on the severity of the department's assessment of the risk associated with the behavior. Thus, a professionalism complaint would be weighted less than a report of an unauthorized use of force.

Peer-based thresholds are thresholds that take into account an employee's assignment. An employee on a traffic assignment might generate more citizen complaints, because he or she had more opportunities to interact with the public than an employee on a desk assignment.

Single-event thresholds take into account that some employees are more active than others. These thresholds are based on performance criteria for an individual police activity. For instance, a threshold could be based on the number of complaints per traffic stop or the number of use-of-force reports per arrest. Single-event thresholds ensure that an employee whose proactive policing resulted in more traffic stops or arrests would not necessarily be flagged for a larger number of complaints.

SDPD's current EIIS system is peer based. It compares indicators in officers from the same commands and units against one another in the analysis.

Appendix C – A list of potential intervention options

SDPD Intervention Options

This a list of common interventions used by agencies with Early Intervention Systems.

1. Immediate Supervisor Counseling
2. Counseling from other Command Staff
3. Professional Counseling (EAP)
4. Alcohol and Substance Program
5. Members Assistance Program
6. Peer Officer Program
7. Wellness Units
8. Crisis Intervention Teams
9. Reassignment/transfer
10. Referral Chaplain or Psychologist (voluntary/involuntary)
11. Develop Mentoring Program
12. Training
    a. Ethics
    b. Cultural Diversity
    c. Human Relations
    d. Defensive Tactics
    e. Driving
    f. Departmental Policy
    g. Weapons (following AD or out of policy shoot)
    h. De-escalation
    i. Stress Awareness
    j. Communication

Department of Justice and Expert Reviews of Early Intervention Systems

As SDPD implements PERF's recommendation and considers additional changes to its existing EIIS System it is useful to review Department of Justice, along with Independent Experts, recommendations and findings as they relate to other early intervention systems in law enforcement agencies. It is clear the federal government consistently cites inadequate, unused and non-existent early intervention systems in law enforcement agencies as one of the rationales for entering into consent decrees:

Seattle Police Department – "The Seattle Police Department ("SPD") currently lacks data to assess officer performance; manage constitutional violations; identify misconduct; manage the risk of litigation and liability; hold supervisors and managers accountable; and identify and reward those who are best at community based policing, communication, and constitutional, respectful, and effective law enforcement. The SPD has no accurate and trustworthy data about use of force, *Terry* stops, and litigation. Furthermore, SPD's existing database platforms make data retrieval and analysis time-consuming and frequently unreliable. As such, the SPD is approximately 20 years behind major law enforcement agencies—including the Los Angeles Police Department ("LASD"), the Los Angeles Sheriff's Department ("LASD"), the Phoenix Police Department, the Miami Police Department, and Washington DC's Metropolitan Police Department—that have computerized, relational databases for tracking, managing, and analyzing officer performance."

Recommended Response – Read the recommended department response by clicking the link provided.

Albuquerque Police Department- "The current EWS is antiquated and does not produce reports or data easily retrievable for trend analysis."

Recommended Response – Read the recommended department response by clicking the link provided.

Washington DC, Metro Police- "MPD's current early warning system suffers from a number of deficiencies. First, it is seriously limited in scope. The database only captures citizen complaints, civil lawsuits, official reprimands, and vehicle accidents. Significantly, the system does not specifically capture officer uses of force. Second, it is too limited in time. The database maintains information for only two years. Third, the system offers insufficient options to deal with potential problem officers. The sole consequence of the early warning that results from the current system is a referral to the police and fire psychology clinic. This narrow option is apparently not accompanied by any corresponding requirement that clinic attendance be

confirmed. Fourth, the MPD unit responsible for maintaining the system has a very low staffing level. At times during our investigation, only one sworn officer staffed the office. This staffing level is substantially less than the minimum needed to perform the currently assigned functions: maintain the early warning system, track citizen complaints, review the quality of citizen complaint investigations, and conduct financial audits. At this staffing level, the unit cannot reasonably perform a meaningful role in developing and implementing a comprehensive risk management strategy to reduce unnecessary force."

Recommended Response – Read the recommended department response by clicking the link provided.

Austin Police- "APD command staff should examine and review officer conduct on a regular basis as a proactive measure to minimize and detect misconduct, and to identify training and policy issues. As currently constructed, the Guidance Advisory Program (GAP) does not adequately identify problematic officer behavior. Moreover, the APD inadequately uses the GAP to detect problematic trends in officer behavior. The APD is therefore unable to effectively use the GAP to aid in intervention and correction of officers as needed."

Recommended Response – Read the recommended department response by clicking the link provided.

Newark Police Department- "To be effective, early warning systems require not only a reliable, accurate, and complete computer database, but strong policies and protocols that allow the Department to use the data to identify and change problematic officer behavior. Unfortunately, the NPD has failed to implement such a system. Since 2006, the NPD has used commercial case management software called IAPro. IAPro includes some early warning functionality, including the ability to generate alerts when officers reach specified thresholds, such as a certain number of misconduct complaints over a specified period. The NPD apparently did not use this capability at all until 2010. In 2010, NPD tested an early warning system based on IAPro called the "Performance Monitoring System." This system was designed to use IAPro's alert features to identify NPD officers with multiple records in the system, which would then be subject to increased training and supervision rather than formal disciplinary action. Although this feature was reportedly implemented in late 2010 and identified approximately 100 officers for monitoring, the NPD could not provide documentation regarding the details or outcomes."

Recommended Response – Read the recommended department response by clicking the link provided.