

Policing the Police:
Are Early Intervention Systems Preventing Budding ‘Bad Apples’?
A Review of Literature and Current Practices

by

Howard Chow

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Approval

Name: Howard Chow
Degree: Master of Arts (Criminal Justice)
Title: Policing the Police: Are Early Intervention Systems Preventing
Budding ‘Bad Apples’? A Review of Literature and Current Practices

Examining Committee

Amy Prevost, Ph.D.
Examining Committee Chair
GPC Chair
Director, School of Criminology and Criminal Justice
University of the Fraser Valley

Martin Silverstein, Ph.D.
Supervisor
Professor Emeritus, School of Criminology and Criminal Justice
University of the Fraser Valley

Bill Fordy
External Examiner
Assistant Commissioner
Royal Canadian Mounted Police

Date Defended/Approved: April 26, 2017

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University of the Fraser Valley
Abbotsford, B.C.

Abstract

This paper reviews the available literature on early intervention systems to determine whether they are effective in identifying and modifying the behaviour of problem police officers. The paper makes recommendations about the weighting of such factors as citizen complaints and use-of-force incidents. The paper concludes that in spite of the controversies surrounding early intervention systems, they are integral to the functioning of police departments, and that Police departments must curb deviance within their own ranks by using these systems so that the trust and legitimacy of policing, as an important societal institution, is not compromised.

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INTRODUCTION

Police agencies are always the subject of intense media and public scrutiny, but especially so, after the publication of allegations of misconduct by their officers. The infamous Rampart scandal, that marred the reputation of the Los Angeles Police Department (LAPD) in the 1990's, left numerous organizational and community scars. Over 70 police officers were embroiled in this scandal that destroyed public confidence in the police and elevated tensions in the community. Even today, the names Rapheal Perez and David Mack draw an emotional reaction from both community members and LAPD Officers alike (Kaplan, 2009).

The release of these stories of police misconduct or corruption, is always followed by the police chief making a very public appearance to explain and attempt to mitigate the impact of the incident. A common theme drawn upon by police leaders is the officer was a 'rotten apple', and not symptomatic of the 'barrel being rotten'. This is followed by a predictable rhetoric to delineate the problem officer from the rest of the organization. Furthermore, the agency's officials will explain that the officer is not reflective of the hardworking and dedicated men and women in the organization. Critics of the agency and the profession will claim that these explanations are simply platitudes and repeats of previous explanations; these critics are vocally skeptical, suggesting that the issues are indicative of deeper systemic or cultural problems; they are often successful in shifting the argument to the 'rotten barrel' and not just the 'rotten apple'. Ede, Homel, and Prenxler (2002) point out that the public is growing weary and suspicious of the establishment's scripted and disingenuous approach to explaining away the problem and suggest that this is merely an attempt to redirect blame and rationalize the failure by police leaders in the organization. These authors also take a firm position that

despite the deflection given by police leaders, it is ultimately a key responsibility of all managers to be responsible for the officer's misconduct under their command. Excuses should not be tolerated. Furthermore, criticism of the agency tends to grow exponentially when agencies fail to respond in a timely manner. Media outlets are quick to raise the allegations of a cover-up, when timely responses to allegations are not forthcoming.

Trust and confidence are both essential elements of police legitimacy and influence the public's satisfaction with police and their willingness to cooperate (Carton et al., 2016; Shjarback & White, 2015; Mazerolle, Antrobus, Bennett, & Tyler, 2013; Harris, 2009; James, 2006). Legitimacy enables individual police officers to interact and engage with the public as they go about their duties. Walker (2006) argues that law enforcement agencies that have greater public trust, will in turn, receive greater cooperation from citizens on crime and disorder related issues. If the public is suspicious or fearful of the police, then this perception will impede an officer's ability to enforce laws, reduce crimes, and serve the community. It is evident that incidents of police misconduct and wrongdoing have an almost immediate and 'corrosive effect' on the organization both, internally and externally. Policing scandals, corruption, and misconduct erode trust and often point to a failing by the police chief, as well as a lack of organizational structure to adequately detect problem employees (Worden, Harris, & McLean, 2012; Chermak, McGarrell, & Gruenewalk, 2006). The frequency of occurrences leading to negative attention upon police agencies has become even more pronounced with the ability for anyone to capture video and distribute it almost immediately (Moore, 2009). It almost seems that citizen journalists are found on every corner, waiting to video and report on any police misadventure that they happen upon. Often, the piece of video is taken out of

context and the small segment is part of a larger event that is not captured in its entirety.

Social media and unfettered access to open source sites have put the work of police officers under the microscope in their day-to-day duties. The impact can be significant, where an isolated incident can irreparably damage the reputation and standing of an organization.

Scrutiny has been accelerated at a rate disproportionate to the safeguards that agencies have been successful in installing.

Competent police leaders should recognize the importance of maintaining lawfulness, accountability, and legitimacy, not only of the organization's reputation, but also of their ability to meet the public's expectations; these factors also play a part in maintaining morale and esprit de corps within an agency. Police agencies will expend considerable energy on developing a strong relationship to help foster stronger bonds with all communities, which in turn increases police legitimacy and enhances the public's willingness to cooperate with the police. In doing so, they develop relationships with local media and attempt to gain positive media exposure for good arrests or initiatives, in an effort to establish a bank of positive credits with the public (Chermak et al., 2006). When problem officers become spectacles for their wrongdoings, they undermine all this good work and effort, thus eroding the positive credits an agency has worked tirelessly to establish. If this is not enough to catch the attention of senior police officials, in addition to criticism from the public, politicians, and community leaders, serious police misconduct has the potential to lead to the untimely dismissal of police executives. The many challenges faced by police agencies, including bridging gaps with minority groups, meeting recruiting goals, and securing funding for additional officers, are all at risk when police departments lose the confidence of the public. In the US, the consequences

can run deeper where the Department of Justice Civil Rights Division has levied consent decrees on many agencies that have a regular pattern of violating individual's civil rights (Phillips & Jiao, 2016). A consent decree is a civil action that can be taken by the Department of Justice forcing reform against a police department if it is determined that there has been a pattern of abuse against citizens' constitutional rights and the law. It is an undesirable, imposing, and powerful condition placed on law enforcement agencies.

A simplistic view is that misconduct and performance issues in policing should be readily identifiable and easily detected in a profession where the enforcement of the law of the land is woven into every agency's strategic direction. However, Bertoia (2008) found that problematic officers are difficult to distinguish and detect. This difficulty may be attributed to several factors, including the nature of police work, where investigations and operations are shrouded in secrecy even amongst peers. Another complicating factor is that the hierarchical, para-military police culture is systemically less than encouraging for officers to report on their peers. Its traditional unidirectional flow of communication, tight bond and reliance on chain-of-command protocols, all contribute to an individual officer's reluctance to report on police misconduct.

Politicians and advocacy groups have called for greater accountability from their police forces and have encouraged police managers, policy-makers, and scholars to focus their attention on this area (Gottschalk, 2008; Walker, 2006). An Early Intervention System (EIS) provides a comprehensive and defensible tool for management that will aid in enhancing the accountability of their police officers. It is described as a data based system that measures officers' performance and provides an analytical tool for management to help identify officers with recurring problems. The identified officers are then introduced to formal or informal

interventions, with the goal of remedying these performance problems (Walker, 2006; Walker, Alpert, & Kenney, 2001). There is an understanding that an EIS will assist police leaders in identifying who the problem police officers are, and thereby, resulting in a developmental plan that will prevent the problems from worsening, with the ultimate end-goal of correcting the behaviour.

Some advocates see the EIS as not only a vital mechanism to reduce police misconduct, but also as a tool to improve relations between the public and police (Macintyre, Prenzler & Chapman, 2008). To some, early intervention systems will not only increase an agency's transparency and accountability, but also provide better opportunity for officers to meet the values and mission of their profession and organization.

Early warning systems or early identification systems are now more commonly known as early intervention systems in policing. They have been in existence for over three decades and have undergone multiple changes and evolutions (Walker, Milligan & Berke, 2005). Although their successes have been lauded by police chiefs and relied upon by police oversight bodies, the actual measureable successes and effectiveness of early intervention systems have been questioned by academics.

The premise of an EIS is that it will provide a data-based management process that will aid in the process of early detection of 'less-serious' police behaviour, as opposed to a system where only the most egregious behaviour are addressed. Despite being a relied-upon tool for police administrators for years, there are still gaps that exist in available research knowledge (Walker, 2006). This paper reviews the available literature on this subject to determine

whether early intervention systems are effective and accomplish their bold claims: to identify and modify the behaviour of problem officers. There is a prevailing body of research that suggests tools such as early intervention systems are making imperfect predictions about officer performance because they are relying on less than optimal indicators and rely on 'limited information of dubious value' (Worden et al., 2012; Bertoia, 2008). This paper will explore the controversial issues associated with early intervention systems. This paper will also review the available empirical research in the area of early intervention systems, advance our knowledge in this field, and provide a critical examination and analysis of their effectiveness.

A review of the literature will provide context around early intervention systems in North America and examine its usefulness and shortcomings in addressing misconduct in policing. There have been other studies that have evaluated the EIS and advocated a different weighting of contributing factors. Some of these studies will be examined and recommendations will be made on which factors, such as the evaluation of citizen complaints, use-of-force and other indicators, should be given greater weight in the decision-making process when deciding if officers should be the focus of additional attention.

THE PATH TO POLICE MISCONDUCT

The primary role of policing is to uphold the laws and maintain public order. To carry out this mandate, the government has entrusted police officers with extraordinary powers. Along with this authority comes added accountability and responsibility to comply with laws and policies. Hence, when police officers engage in occupational deviance or abuse of their authority, the depth and breadth of consequences is more pronounced than when a civilian commits a similar wrongdoing.

It is useful to define police misconduct and examine its root causes to provide us with a better understanding of the need for an EIS. Ede et al. (2002) observed that the structural framework and the organizational culture of a police department plays an important role in police corruption and misconduct. Structural framework is defined as how a police department is organized and refers to such aspects as the division of work and adherence to policies and procedures. Agencies should ensure officers posted to high-risk positions are not kept in their assignments too long, thereby exposing those members to risk and liabilities. For instance, investigators assigned to child exploitation units should be carefully managed and regulated with pre-determined lengths of assignment that cannot be adjusted or extended. The agency's policies, or lack thereof, could play a contributing role in exposing its members to police misconduct. This responsibility in managing an employee's exposure to stress and harmful activity falls directly on the police department (Sinclair, Duval & Quayle, 2015). In the Sinclair et al. study, they found that if left to their own choice, these same officers assigned to investigate child exploitation files will ignore their own well-being and signs of stress; they will go as far as asking for an extension to their assignment, even though the work has taken an emotional or personal toll on their life. Sinclair et al. (2015) suggest that this occurs for a number of reasons, such as loyalty to their work or the fear of abandoning other victims that need to be 'saved.' This circulation and movement of officers is seen to be crucially important in areas which are seen as high-stress and potentially corruption-prone assignments (Ede et al., 2002).

The impact of organizational culture is also a factor that may be more pronounced in the policing profession because of its para-military foundation and the significance of solidarity amongst its membership. When coupled with the need for confidentiality and secrecy, the

resulting negative culture might go unchecked without controls in place. In the profession of policing there is high regard placed on loyalty among officers, and those who breach this code are often alienated and ostracized (James, 2006). Both organizational structure and culture are important aspects that need to be carefully monitored to prevent 'bad apples' from propagating (Kaplan, 2009; James, 2006).

“Police misconduct is a complex phenomenon” (Donner, Fridell, & Jennings, 2016). The definition of police misconduct is wide-ranging, encompassing minor breaches of departmental policies at one end of the spectrum, up to serious violation of criminal laws at the other end. Donner et al. (2016) recognized the lack of consensus when defining police misconduct; they offered definitions that were broader in scope, whereby, officers have committed misconduct when they have been engaged in inappropriate behaviour that either is illegal or immoral or both. Conversely, a more generic description of police misconduct includes the activities that are not aligned with the officer’s legal authority, organizational authority, or standards of ethical conduct. Regardless of the degree or gravity of the misconduct, police leaders and administrators need to pay attention to violations. If not identified early, violations of departmental policies and regulations by officers can be a gateway to more serious problems and risk for the organization.

A starting point for identifying causal factors of police misconduct would likely be demographic data including assignment history, years of service, and previous infractions; however, it is important to correlate the number of complaints received with the amount of officer activity when examining police misconduct. To acquire a better understanding of the data, citizen complaints should not be considered in isolation of other variables. Worden et al.,

(2012), recognized that officers who are involved in a greater number of arrests often tend to submit more use-of-force reports, and receive more citizen complaints. In research conducted by Lersch et al. (2006), they found that officers who were flagged in their EIS were also more productive and averaged significantly more arrests than their counterparts. These are all considerations that the EIS administrator must examine in determining whether an officer is exhibiting poor behaviour and is in need of an intervention. The EIS administrator is generally a police officer that collects the data from relevant areas and data banks, collates, and analyses the information to present to the EIS panel and Chair. Their role is to gather the information necessary for the EIS panel to make an informed decision on subject officers. Historically, complaints against officers were seen as a badge of honor and a sign of productive officers. Anecdotal reports from police officers include those who were advised early in their training: “Sonny if you don’t get at least one complaint every six months, you’re not doing your job”.

In examining police misconduct, there is a paucity of empirical research and data on the nature of these problems, and thus, very little to present in the way of either correlation or causation. One acknowledgement is that, “...empirical research on police misconduct remains underdeveloped relative to other criminological research (Pogarsky & Piquero, 2004, p. 372, cited in James, 2006). Other variables such as the subject officer’s race, sex, and experience are not known nor captured by research. Much of the limited research focuses on situational factors and provides a lack of definitive conclusions (Carton et al., 2016; Worden et al., 2012; Harris, 2006).

EARLY INTERVENTION SYSTEMS

In the 1970's, a study was conducted of juvenile delinquents by tracking birth cohorts. The premise of this research was the belief that a small group was responsible for most of the crimes committed (Erickson, 1973). This same methodology was extrapolated in examining police officer complaints: while advocating for an EIS in policing. The underlying proposition is that a disproportionate number of problem police officers are responsible for citizen complaints; two per cent of officers accounted for over 50 per cent of all public complaints (DeCrescenzo, 2005; Harris, 2009; Walker, 2005). DeCrescenzo (2005) points out that police chiefs have long recognized that ten per cent of their members were responsible for 90 per cent of the problems. Shjarbak and White (2015) found that police use-of-force incidents were exceptionally rare, found in only 1.4 % of all police-citizen interactions. Predominately these use-of-force encounters were during an arrest where officers had to go 'hands-on' the individual to affect the arrest.

The Christopher Commission's investigation of the Rodney King beating by Los Angeles Police officers in 1991, noted that less than .05 per cent of LAPD police officers were responsible for 15 per cent of the citizen complaints on excessive use-of-force and improper tactics (Harris, 2009). Rather than developing a broad-brushed approach for policing, a tool was needed that would identify who were the 'ten per centers' and address their behaviour. Early intervention systems were seen as the answer for police administrators, which would capture data on police officers to identify problem officers at the earliest opportunity. They would help identify personal or professional problems, target resources to the specific needs of an officer, manage personnel, and avoid future complaints and lawsuits (Walker et al., 2005).

Early intervention systems are very similar to risk management principles that have been used successfully by corporations and government for a long time. The same five basic steps associated with risk management mirror intervention systems (Bertoia, 2008):

1. Identify risks;
2. Explore methods to handle exposure to identified risks;
3. Select appropriate treatment or response to manage exposure to risks;
4. Implement risk treatment, and;
5. Continuously evaluate risk treatment applied to organizational risk with defined metrics.

Bazley, Lersch, & Mieczkowski (2006) believe that problem police officers have demonstrated wrongdoing early in their careers; however, these indicators generally remain undetected or ignored by their supervisors. This phenomenon of a 'problem officer' is often an individual whose problems are well-known to their colleagues, supervisors and the public they serve, yet appropriate intervention by administrators often fail to take place until well after the behaviour has become entrenched and highly resistant to extinction or modification. The warning signs are present, but there is no deliberate or comprehensive process or strategy to recognise and modify this behaviour. The reason for the failure of managers to address this behaviour is beyond the scope of this analysis.

The basic premise is that an EIS will provide a data-management process that will flag indicators and direct attention to officers whose behaviour may become problematic. The identified officers will then be subject to some form of non-punitive intervention. A complete EIS will then suggest appropriate lists of intervention options in the form of counselling, training

or retraining. A properly administered EIS will only help to strengthen the public's confidence and trust in its police department and provide the necessary guidance for 'wayward' police officers. On the surface, an EIS provides a convenient and almost lock-step process of box checking but in practical respects, there are inherent flaws with believing that such a process is a stand-alone panacea.

INDICATORS MATTER

Early intervention systems must be comprehensive in their review of the officer's behaviour to establish clear trends. Many variables are relevant to assess the totality of the officer's work history, including: motor vehicle collisions, pursuits, transfers, training, grievances, education, drug usage, civil suits, truthfulness, property damage, discourtesy, false arrest claims, insubordination, citizen complaints, sick time, overtime used, overtime accumulated, assaults on officers, resisting arrest incidents, disorderly conduct arrests made by officers, and obstruction of officer arrests (Walker et al., 2006; DeCrescenzo, 2005). Understandably, tracking a wide range of indicators will provide context and an overall picture of the officer's activities.

Performance indicators that are typically examined in early intervention systems include public complaints, use-of-force reports, vehicle accidents, high-speed pursuits, sick time, less-lethal weapon deployment (i.e. conductive electricity weapons 'Tasers', bean-bag shotgun, baton), discipline, false arrest, insubordination, and transfers. The administrator will assign a weight to the pre-determined indicator based on its seriousness. For instance, the event involving an officer involved in a motor vehicle collision because he or she was texting would be

given a higher weighting, than if the collision was a result of an intended action to stop a fleeing robbery suspect vehicle. Intuitively, an EIS with more indicators would provide a broader and more accurate picture of officer performance. Furthermore, the weighting of each indicator is equally important since certain behaviours are riskier and the weighting should reflect this difference. Once the weighting is determined, the agency's thresholds triggering the EIS should be established. Some research has suggested that thresholds that rely solely on simple quantification and count threshold are problematic because they ignore the qualitative data, including the officer's productivity and assignment (Bazley et al., 2009; Walker, 2003).

EIS meetings involve relevant managers from different areas within the organization, such as traffic, professional standards, and human resources, to discuss and review the data collected on 'problematic' employees. Operational Commanders are included in EIS meetings because they are ultimately tasked with delivering and following through with the recommendations levied on the subject officer. An important component of the EIS is to provide corrective and coaching recommendations, and is not intended to be a departmental tool to discipline officers. Girodo (1998) suggests that despite being strictly non-punitive, EIS does play a role in profiling and presenting information on an officer that is later the centre of a more serious investigation.

Bertoia (2008) makes the distinction when referring to indicators. He refers to a piece of information that is used by an EIS as being a 'data element.' For instance, the number of arrests an officer has been involved in, or information that an officer has been hanging around known gangsters, can be defined as a data element. A cluster of data elements, would be what EIS administrators might categorize as being an indicator. If an officer has a number of data

elements associated to him such as collisions, use-of-force, financial problems, it may qualify as an indicator and warrant an intervention.

NATURE OF INTERVENTIONS

Interventions are the operational and corrective component of any early intervention program; if they are not tailored to the needs of the subject officer and are unsuccessful in modifying behaviour, then the entire EIS is rendered useless. Interventions, are in essence, solutions intended to correct behaviour that have been identified and designated as problematic. They are boundless and open to the resourcefulness of the program administrators, and only limited in that the imposed intervention should remain remedial and not be disciplinary or punitive. For example, if the intervention carried out involves changing the officer's shift schedule, consideration must be given that the officer does not suffer financial loss, such as limiting access to overtime shifts. This type of hardship would categorize the intervention as being punitive. Types of interventions that have been incorporated by police agencies include: coaching, mentoring, use-of-force training, psychological counselling, peer counselling, and driver training. Officers may also receive letters of expectations of behaviour and a clear warning of future discipline for lack of compliance. Walker et al. (2005) points out that what is of utmost importance is the need for a range or scale of intervention alternatives. Enough options need to be available so that interventions can be customized to best suit the needs and requirements of an individual officer.

Essentially, interventions are based on predictions that an officer will continue to display poor behaviour unless something is done. Bertoia (2008) makes a distinction between interventions that result in the punishment of officers versus *remedial interventions*, which

attempt to repair the problem behaviour in a constructive and positive manner. Remedial interventions have a greater likelihood of success and will be more favourable for a number of reasons. First, officers are more likely to participate and admit to having problems if they realize the process is not punitive. Second, immediate supervisors are able to play a more active role by engaging and helping subject officers work through identified behavioural problems. Third, remedial interventions are seen to be rehabilitative and corrective, aligning themselves with constructive behavioural change (Bertoia, 2008). Union and association officials will also likely prefer, and readily support, performance management in the form of education and coaching of its members, as opposed to punishment and discipline.

Shjarback (2015) found that 62% of the departments in the US used counselling or a performance review session as the intervention, while, 45% required that subject officers attend a specialized training class. Often without realizing it, supervisors regularly engage in this type of informal intervention on a daily basis. It may involve informal conversations, where an officer is observed behaving poorly and a supervisor sees this an opportunity to turn it into a teachable moment to provide education and advice for improvement, or a more formalized intervention where an officer is brought in for counselling with a professional. The impact and influence of front-line immediate supervisors cannot be overstated, where they enjoy a unique relationship that is built on trust and respect. They regularly provide support, guidance, and mentorship for officers under their supervision. In a fast-paced, sometimes dangerous profession, the supervisor is seen as being the one charged with ensuring that officers make it through the shift safely. This bond is why the supervisor can play such a critical role in a successful EIS.

Incorporating professional counsellors in an EIS is a necessary component that should be considered; however, conscripting their help brings with it a degree of cynicism and distrust. Some officers view the need to see a psychologist or counsellor as a sign of weakness or failure (Walker et al., 2005). As well, there are apprehensions as to whether their counselling session will remain confidential. In police organizations, the human resources departments are typically staffed with police officers rather than HR professionals and there is a fear that their personal information might leak-out and be disclosed to others; this would in turn result in adverse consequences or lack of career opportunities because of these destructive rumours. There is a body of research which suggests police officers are resistant and anxious about seeking help from counsellors and mental health professionals, especially when it is ordered (Waters & Usery, 2007). A level of mistrust exists with the belief that future opportunities and promotions may be limited, should an officer agree to seek help from a psychologist. In addition, there are concerns that their credibility at a legal proceeding or civil trial may be impacted if this information was known to defence counsel. These are all challenges that EIS administrators have to work around when designing appropriate interventions for subject officers.

Training is another common form of intervention that is often used in early intervention systems; this too, can take on a variety of forms and practices. Police officers identified by an EIS, can be directed to attend external programs such as driver training or anger management courses or internal courses like use-of-force, verbal judo, or de-escalation programs. Although formalized as part of the EIS, training as an intervention can be something as simple as a refresher on police lawful authorities or powers of arrest.

What is revealed in the research is that few departments have placed adequate rigour into the post-intervention monitoring, to ensure the officer remains on track and problem behaviours have been corrected. This blind confidence placed on interventions by EIS administrators, without follow-up, can be problematic. There needs to be systematic follow-through with every intervention for an EIS to be successful. It sends a message throughout the staff that the organization cares and supports its members, and the EIS is not simply 'smokescreen' to mitigate liability.

The intervention that is proposed can be broad and creative, depending on the problem officer and the circumstances that were raised through the EIS. For instance, Donner et al. (2016) advance that employees' levels of self-control can be improved by structured training; with this in mind, EIS administrators might consider imposing a training program to enhance an officer's self-control and restraint. Any training regime is generally more effective if it encompasses a wide variety of relevant areas such as diversity training, stress management and coping skills (Donner et al., 2016).

THE PRACTICE & APPLICATION OF INTERVENTIONS

Harris (2009) found in his research that maturation plays a role in examining the data related to police misconduct. In his work, it was determined that personal complaints tend to be highest early in an officer's career and decline as the officer becomes more experienced. He sees this as a normal transition that a rookie police officer will undergo in his or her career. There is a comparison made in his article that misconduct is seen to be tied to the level of experience, similar to that of the inverse relationship that exists between criminal offending and age. This

experience-misconduct curve is similar to the well-accepted age-crime curve (Harris, 2009).

The presumption that can be made is the complaints against these same officers highlighted by an EIS will eventually fall off whether intervention is imposed or not. Eventually, with experience and time, the citizen complaints will diminish with an officer's experience and maturity.

Further research revealed that many agencies recognized that a small number of officers accounted for a disproportionate number of use-of-force reports and citizen complaints (Worden et al., 2012; Walker et al., 2005; Ede et al., 2002). The Independent Commission formed following the Rodney King incident revealed that less than one per cent of the organizations were responsible for 15 per cent of use-of-force and citizen complaints. This was also consistent with a number of other US police agencies, such as the Houston Police Department, Boston Police Department, Kansas City Police Department, and the Los Angeles Sheriff's Department, where a small number of officers resulted in a large number of complaints (Lersch, et al., 2006). In the study of the Houston Police Department, it was found that 12 per cent of the officers who had received citizen complaints were responsible for 41 per cent of all complaints (Worden et al., 2012). The research reveals that only a small number of officers need the efforts of an EIS. If police leaders are able to pinpoint who the problem officers are in their organization and provide them with effective interventions, then a large part of their organizational and public relations problems will be eradicated.

There were essentially three periods in US law enforcement that led to a boost in the utility of early intervention systems to identify problem officers. In 1981, a US Commission on Civil Rights recommended that all police agencies adopt a system to identify and flag 'problem

officers' (Macintyre et al., 2008). The policing profession and police chiefs were called upon to develop a system that would provide the public with some comfort in knowing their police agencies were doing what they could to root-out troublesome police officers. This Commission went as far as suggesting that policing, as a profession, needed to establish early intervention systems that would monitor and spot patterns of potentially risky officer behaviour or performance (Bazley et al., 2009; Walker, 2006). There are no statutes or regulations that mandate an EIS be present; however, there are governing bodies or associations that necessitate police agencies have a system in place that pro-actively monitors officers' performance. For instance, the Commission on Accreditation for Law Enforcement Agencies (CALEA) recognizes that early intervention systems are an essential component of a well-managed law-enforcement agency (Mersch, 2006). Thus, in order for CALEA to provide accreditation, there must be written policy detailing an agency's EIS. International Association of Chiefs of Police, in 1989, endorsed early intervention systems as a means of developing integrity and professionalism (Shjarback, 2015). Other agencies, such as the Department of Justice, have also deemed early intervention systems as best practices in policing (Shjarback, 2015; Worden et al., 2012). Yet, a further defining moment for the upsurge of early intervention systems in the US, followed the 1991 Rodney King beating in Los Angeles. Four officers from the Los Angeles Police Department were charged in the beating of an African American taxi driver who led police on a high speed chase. What followed were race riots in Los Angeles and other major cities in the US. The 1991 Christopher Commission reviewed the Rodney King incident and found that, of 1,800 officers that were studied with allegations of excessive force or improper tactics employed between 1986 to 1990, 183 officers had four or

more allegations, 44 had six or more and 16 officers had eight or more complaints (Macintyre et al., 2008). As a result of this incident, the public demanded a need for better accountability and transparency in policing, to address race and use-of-force issues. EIS was seen as a viable process that would placate politicians, government regulators, and the public.

An early report published by the US National Institute of Justice by Walker, Apert, and Kenney (2001), generated much interest among police agencies. In their report they indicated that only 27 per cent of large departments had an EIS in place, despite the enormous potential for their ability to reduce complaints. Since then, early intervention systems continue to be increasingly popular with a growing interest from police agencies in search of a tool that will diffuse liability and reassure the public that they are both accountable and transparent. Even though early intervention systems have been around for decades in policing, the research reveals that there is no universal model, nor are there standardized performance indicators that have been shown to be accurate and effective (Bazley et al., 2009).

The foundation of the EIS is that it will prevent a vast majority of police misconduct and public complaints, by simply focusing attention on the small group of problem officers (Worden, Kim, Harris, Pratte, and Hyland, 2013; Ede et al., 2002). Police officer complaints not only tend to diminish police legitimacy but may lead to a lack of productivity, increased stress, and health and wellness concerns (Bishop, Worrall, & Leeper Piquero, 2016). It has been shown that citizen complaints create added stress to an already stressful profession, and that police managers need to examine better ways of mitigating complaints against its members. By doing so, it may have a positive effect on police officers' job satisfaction, morale, attendance, and overall health and wellness. The lofty expectations of early intervention systems are that if

they are operated correctly, they can result in a positive effect on the entire organization and not just the individual officers being monitored. It is suggested that early intervention systems can raise standards of performance, enhance the culture of an organization, and provide for greater accountability (Shjarback, 2015).

Rahtz (2003) provided a useful framework for a police EIS that is composed of four key components:

- Selecting performance indicators to be included;
- Weighing the importance of the indicators;
- Determining what the threshold is for officers to be deemed 'problematic' and included in the EIS;
- Developing responses (interventions) for those officers identified as problematic.

In 2003, the New South Wales Police Force in Australia was pressured by the state government to develop sound early intervention practices and principles. They undertook a comprehensive review of an EIS used by law enforcement agencies across North America and elsewhere. During their research they identified a number of key elements that should be included in an EIS (Bertoia, 2008, p. 3):

- An EIS uses all relevant data – it is not limited in the data it can draw on;
- An EIS involves the identification of problem behaviours (whether related to work performance, misconduct, or any other behavioural issues);
- An EIS is designed to address problems and resolve them in a remedial manner, using such processes as counselling and training; and
- Early intervention systems are designed specifically to correct problematic behaviours, not to punish officers.

The literature reviewed confirmed that use-of-force as an indicator should be a central feature of EIS monitoring officer behaviour; however, the manner in which this indicator is documented is criticized by researchers. Bazley et al. (2009) looked at evaluating not only the

frequency of the use-of-force, through reports, but also, the 'weighted force factor value'. They developed a system that would measure force as a function of the resistance the officer encountered during the incident. The research studied an American city police department that employed over 1000 sworn police officers. This subject agency had an EIS in place that monitored and captured detailed data on officers included in the program. The study incorporated a mathematical equation to assign value of the force used and the resistance the subject officer was faced with at the time. The results were contrary to what would be expected; of the officers reviewed, the findings surprisingly revealed that officers had a tendency to use less force when faced with higher levels of resistance. The results of this study raised more questions on early intervention systems' reliability and validity. It is believed that by simply employing use-of-force as a criterion, agencies were failing to identify the problematic officers (Bazley et al., 2009). Although the research fell short on providing information on how use-of-force as an indicator might be better used in early intervention systems, it does point out that relying exclusively on this criterion can overlook the real problem officers.

Pittsburgh Police have evolved the traditional EIS and made it much more complex, by using a broader comparison in evaluating officers' performance. They have 'contextualized' the use-of-force by comparing the officers to their peers: If the performance indicator is one or more standard deviations greater than that of their peers, then the officer would qualify as a candidate for EIS (Bazley, et al, 2009). Yet a further variation of this evaluation was identified by Walker and Alpert (2006), where the indicator is compared against the officer's work. Instead of simply tracking the use-of-force reports against officers, this information can be

compared against productivity measures such as the number of arrests made; this ratio will provide a more accurate picture of whether an officer's troublesome behaviour is simply because he or she works harder than their colleagues, as opposed to a more nefarious reason.

DeCrescenzo (2005) examined three large police departments in the United States that had been using an EIS for at least four years. The study found that there were fewer citizen complaints and use-of-force incidents for the subject officer, after the proposed intervention was concluded. The use of an EIS in monitoring and managing police officers is an important step in enhancing the department's professionalism. It is seen as a pro-active step towards transparency and oversight of its employees.

There is paucity of literature on early intervention systems, and the indicators are not standardized across agencies (Worden et al. 2013; Bazley et al., 2009; Macintyre et al., 2008). All studies reviewed related to law enforcement agencies in the US, with limited reference to Canadian policing. In addition, reporting indicators were subjective and reliant on reporting from the subject officer's immediate supervisor. What is abundantly clear is that systems differ, in some cases significantly, from one another in terms of structure, administration and methodology (Walker, Alpert & Kenney, 2001).

It was further identified that police agencies that have been using an early intervention system, may be using them incorrectly and creating unintended consequences. In one study, it was revealed that only 25 per cent of local police agencies in North America serving populations 50,000 or more citizens, had a version of an early intervention system in place (Worden et al., 2013). In this same article, it was suggested that the systems used were dubious and protocols

were not systematically and consistently applied. Although early intervention systems provide some assurance to the public and police leaders that the conduct and behaviour of officers is properly monitored and managed, their effectiveness is limited, according to some social scientists (Worden et al., 2013).

In other studies, researchers have suggested that the empirical links between misconduct and individual indicators are ambiguous and not reliable (Kane and White, 2009). One obvious problem identified by early intervention programs is that they look exclusively at negative interactions and fail to document positive police officer performance. Thus, it is often difficult to tell if the intervention did in fact modify an officer's behaviour. Walker, Alpert and Kenney (2001) identify a number of further shortcomings of early intervention systems. Firstly, the intervention might stifle the work ethic of the subject officer, who may then 'check-out' due to fear that he or she might be exposing themselves to more sanctions. In one example cited, a police officer flagged by EIS because of an excessive number of motor vehicle collisions, responded by dramatically modifying his behaviour by driving at or below the speed limit to every call, even 911 priority calls. This came to the attention of the EIS administrator, who was informed that the officer was fearful of being involved in yet another collision and exposed to further sanctions. Another drawback is that the information collected and contained in an EIS might become useful if subpoenaed for a plaintiff in a lawsuit against an officer. Union leaders criticize that police organizations are collecting potentially harmful evidence in an EIS, which can be used against members in civil proceedings.

A motivator for police chiefs is the realization that if they are not successful in implementing essential reform in their agencies, they could find themselves at the centre of a

consent decree. Consent decrees focus on the modification of a police department's current policies and procedures. In 1994, the US Congress responded to the public's demand for a systemic reform of police organizations and how they conducted their operations. Those agencies that are consistently involved in civil rights violations could be prone to investigations by the US Department of Justice, which if serious enough, could result in consent decrees. The resulting implication would be performance measures that are imposed on agencies and may result in civil litigation against the department unless changes are made. Since 1997, the US Department of Justice conducted multiple investigations which resulted in six memoranda of agreement and five consent decrees (US DOJ, 2010, cited in Phillips & Jiao, 2016). Agencies like the LAPD were under a federal consent decree as a result of investigative findings uncovering a pattern or practice of officers violating citizens' constitutional rights or the law (Phillips & Jiao, 2016). Following the Rampart investigation in 2000, which looked into the complaint involving a veteran police officer who stole a million dollars of cocaine, in the end, the LAPD was sanctioned for failing to have systems in place that would ensure the rights of citizens. It took nine years, and only after the department was able to demonstrate reform and suitable operational practices, before this decree was concluded. As part of LAPD's transformation, rigorous audits were conducted and data-driven information management systems were implemented across the police department (Ross & Parke, 2009). Early intervention systems are seen as a standard requirement of consent decrees to provide the public reassurance that problem officers are routinely monitored and identified.

The literature and research on early intervention systems are seen to be "thin and weak". Research that supports successes of early intervention systems are limited and the

positive findings are wrought with methodological problems which are based on weak methodology designs (Worden et al, 2012). Another common theme discovered in the literature found that available research relied too heavily on case study data and only offered descriptive analyses on the available information.

Despite the limitations with the research, it is clear that something is still needed to improve how police chiefs manage their officers. An EIS does appear to be the answer, however, it is evident that more work is required in developing effective and standardized indicators and more academic research needs to occur to provide direction for policy makers.

ARE EARLY INTERVENTION SYSTEMS EFFECTIVE?

Several police agencies have used early intervention systems for many years and have celebrated the fact that they have been an effective instrument in reducing citizen complaints. Worden et al. (2013) discussed the early intervention systems of a number of police agencies: Miami-Dade Police Department, Minneapolis Police Department, New Orleans Police Department, Los Angeles Sheriff's Department, and the Victoria (Australia) Police. Amongst other variations, each of these departments adopted an EIS that relied on a different combination of measures to trigger a response. These agencies all celebrated reductions in either use-of-force incidents and/or citizen complaints following EIS interventions (Walker et al. 2001).

The Miami-Dade Police Department generates monthly EIS reports on officers that have two or more citizen complaints in a 60-day period. Their intervention involves informal counseling or coaching by a supervisor, and for more serious cases, may include further

referrals for psychological services. In evaluating the available data of 28 officers, they found that use-of-force reports and citizen complaints decreased following an EIS intervention. Only four per cent of the EIS cohort examined had zero use-of-force reports pre-intervention; following the intervention, this number climbed to 50 per cent of the cohort without any use-of-force reports (Macintyre et al., 2008; Walker et al., 2001). However, limitations of this study identified that the data available was difficult to interpret and raw numbers were not obtainable for use of comparison.

The Minneapolis Police Department accepts officers into their EIS when they receive two or more citizen complaints in a three-month period. Worden et al. (2013) reviewed complaints received on officers, both before and after an intervention. It was determined in their analysis that those police officers that were part of this department's EIS had a decreased number of citizen complaints post intervention: 0.65 complaints per year as opposed to a pre-intervention rate of 1.95 per year. The authors found that one year after the intervention was imposed, the number of complaints dropped by 62 per cent (Macintyre et al., 2008; Walker et al., 2001).

The New Orleans Police Department developed a more comprehensive EIS system that looked at indicators such as supervisor referrals, citizen complaints, conflict in arrest situations, conflict in non-arrest situations, and with three or more abuse complaints in a 24-month period. Those officers that met these criteria were subjected to an intervention that involved a four-day training session, which addressed stress and conflict management, complaint avoidance, verbal judo, and sensitivity training. The aggregate complaints for these officers,

post-intervention, declined from 1.85 complaints per year to 0.63 complaints per year. Walker et al., (2001) found that the number of complaints dropped by 62 per cent post-intervention.

The Los Angeles Sheriff's Department stores information on various indicators such as use-of-force, citizen complaints, shootings, and finally, administrative investigations. Based on these indicators, unit commanders and an EIS committee will review the history, performance ratings, assignments, and activities of the member to determine whether an intervention is necessary. If it is determined that the officer should be part of the program, he or she will be placed on notice for a duration of two years and will be mentored and monitored during this period by three supervisors. Although statistics were not able to be provided on the success of this EIS, participants were said to be in 'substantially' fewer risk-related incidents post-intervention.

The Victoria (Australia) Police employed an EIS that identified officers that had more than two complaints in a 12 month period. A study by Macintyre, Prenzler, and Chapman (2008) examined 44 officers who were involved in an EIS program and found that there was a 71.07 per cent reduction in complaints over a two-year period. They were able to extrapolate that the reduced complaints translated into a savings of AU\$3.2 million over the same two years.

These five law enforcement agencies all employed and lauded their own unique variation of the EIS, citing different levels of success. Although commendable, with limited controls in place, it is difficult to attribute the success to effective EIS measures or other unknown variables.

LABOUR UNION HAS A ROLE TO PLAY

Unionized police environments require careful navigation by police managers when implementing early intervention systems in the organization. The union is an important stakeholder that needs to be consulted when developing an effective EIS, as their suggestions and perspective can be an important element for success. Walker et al. (2006) strongly recommend retaining support from the union, because their opposition or resistance will undermine the program's development and acceptance by officers. Understandably, union leaders are skeptical of the underlying intent, and question whether early intervention systems are merely an attempt to gather information on officers to be eventually used for later disciplinary proceedings. Police unions are also concerned about disclosure issues, and whether the body of data that is collected may be used at some point during a civil or criminal trial against the officer. EIS data is not privileged information and may be a disclosure matter through judicial authorizations.

Police unions also play an important role in furthering studies, by advocating for more research in this field. Worden et al. (2012) suggest that police agencies and unions need to loosen their grip around available police data and the dissemination of findings, if they expect academics to produce meaningful research in the development of effective and reliable early intervention systems. Currently, when academics and researchers attempt to conduct studies, they are often stymied by police officials and union representatives who deny access to much needed data.

Many police departments operate within union environments that actively resist early intervention systems. Ironically, complaints by union officials in departments without early intervention systems center on unequal treatment of officers and ambiguous, unknown, and unpredictable levels of punishment when members commit misconduct. When administered correctly, an EIS will provide a more structured, transparent, and consistent approach when dealing with problem officers. A well-planned and well-thought-out EIS should always involve the union at early stages, where indicators and processes are agreed upon by both management and union officials (DeCrescenzo, 2005).

Early intervention systems have been criticized by some as merely a tool to mitigate liability in an era where civil liability concerns are on the increase (Shjarback, 2015). A movement for police reform can lead to departments defending civil suits and result in federal independent monitoring measures. Early intervention systems can be perceived as management off-loading liability onto individual officers.

There is a definite need to balance the responsibility of an organization in maintaining oversight management of at-risk employees' behaviour, and to safeguard due process for employees is always considered. Early intervention systems should be carefully monitored to ensure police officers are afforded the same principles and respect for human rights, rules of law, and constitutional and legal protections as any other citizen (Gottschalk, 2008).

Unless early intervention systems are carefully and appropriately utilized there are a number of problems that can arise. For instance, the EIS can lose the confidence of the membership which will undermine its effectiveness and success. If front-line officers routinely

see the wrong members being identified by the department's EIS, they will begin to question its validity and value in rooting-out bad officers. Flagging the wrong officer can be detrimental to the officer's reputation and subject them to unnecessary stigma by their peers. These situations will undoubtedly be challenged by the union, and lead to tension and an adversarial relationship with management. Yet another issue is that early intervention systems are very labour intensive and demand significant resources. Whenever the wrong person is selected it reflects wasted opportunity and effort (Worden et al., 2012). As well, there is a general penchant that exists with union leaders when looking at police misconduct, where the responsibility is ascribed to the employer rather than the individual officer. For instance, the department should not have extended an officer's assignment in the Child Exploitation Unit, knowing the immense stress investigators face working in this area. Gottschalk, (2008) discusses how often times police crime is attributed to bad practice, lack of resources, or mismanagement, and not to the individual officer.

CRITICISMS OF EARLY INTERVENTION SYSTEMS

Despite the proliferation of early intervention systems by police agencies, the research and evidence fails to support the vast amount of work and resources required to maintain an effective system (Shjarback, 2015; Worden et al., 2013). Existing early intervention systems lack uniform standards, are high-maintenance, and demand significant administrative resources in capturing the necessary data and in following up with impacted officers. There has yet to be any comprehensive, large scale, broad examination of early intervention systems across police departments. The resources and money invested in early intervention systems by law enforcement agencies has failed to reveal empirical support for the claims made by EIS

proponents, including reduced citizen complaints and decreased number of use-of-force incidents. In a study of 94 departments with an EIS, the results have shown that their success and effectiveness has been overstated (Shjarback, 2015). Although police chiefs have purported that their EIS has enjoyed significant results, the overall body of research questions these claims. What is lacking is an empirical examination of problem police officers and what interventions are successful in modifying their behaviour (Harris, 2009).

Unintended consequences of early intervention systems were also identified by Worden et al. (2013) in their examination of officers subjected to interventions. Their evaluation revealed that the numbers of arrests decreased, and this included self-initiated arrests. Shjarback (2015) in his review of the literature examined a study of the Pittsburgh Police, which cast doubt as to whether early intervention systems were responsible for reducing use-of-force and citizen complaints. He found that officers that were flagged by the Pittsburgh Patrol Bureau's EIS were less proactive and failed to interact and engage the public as frequently. In the five-year study, he discovered that arrests declined by 40%, and traffic enforcement through ticketing motor vehicle violators dropped by 35%. Of concern is that officers may not be reducing the number of complaints because of behaviour modification, but rather, the intervention imposed by early intervention systems might be deterring these same officers from being proactive.

In addition, the over-reliance or weight put on citizen complaints as an indicator is also mired with problems (Macintyre et al., 2008). Citizen complaints can be a poor and uncorroborated source of information on police behaviour. Overwhelmingly, the number of citizen complaints are ultimately unsubstantiated, dismissed, or withdrawn. Another frailty of

citizen complaints as an indicator of problem police officers, is that officers assigned to high-arrest areas will naturally field more complaints (Lersch et al., 2006). The authors suggest that complaints should be an indicator, but there needs to be greater scrutiny on the qualitative aspects of this indicator as opposed to reliance on simple quantitative measures. EIS administrators must look at all aspects of citizen complaints, such as subject officer's assignment, nature and voracity of the complaint, and whether the complainant was chronic. The complaint should also never be considered unless it has been fully investigated and substantiated.

A consistent theme that has arisen from the proliferation of early intervention systems in police organizations is whether the systems are singling-out the wrong officer and ignoring the real problem officers? It is acknowledged through various studies that hard-working, productive officers will generally have more citizen complaints, and as a result, be scrutinized by early intervention systems (Worden et al., 2012).

Although early intervention systems have been used extensively in other professions for many decades, policing in North America has failed to widely adopt an effective and standardized system to identify at-risk officers. Despite being introduced in the early seventies, there is still a lack of consistent standards and best practices established for identifying problem officers (Worden et al., 2013; Bazley, Lersch, and Mieczkowski, 2009). Standardization in the area of policy and training would afford police executives a better tool for managing the risk of their employees, and minimizing their organization's liability and exposure.

An EIS is a data-management process that will weigh and categorize a variety of factors that are seen to be indicators of problem behaviour, and alert the administrator that an intervention may be needed. The intervention considers the severity or seriousness of the indicator, its frequency, and performance history of the subject officer. In short, the research that has been conducted has uncovered that early intervention systems are extremely complex administrative tools. There is also limited research to compare different agencies, due to the lack of uniform standards, making it difficult to compare apples-to-apples. The literature reviewed identified that data on use-of force and citizen complaints are not comparable over time, neither within an organization, nor across different police departments (Walker, 2006).

Carton et al. (2016) discussed several concerns with today's early intervention systems found in policing; of particular concern was the over-reliance of identifying problem behaviour simply by a threshold model that is essentially based on intuition. They see police departments relying less on data-driven information and more on such things as numbers of use-of-force reports or citizen complaints. To take a page from the criminal intelligence systems: intelligence is data that has undergone the rigours of analysis. It appears many agencies are basing decisions on data rather than tested intelligence. Early intervention systems are not considering the number of variables that play an important role in providing context and the full picture of an officer and his or her behaviour. In some law enforcement agencies, they gave the same threshold consideration for officers working night-shift in a marginalized high crime rate area as they would for officers assigned to day-shift in a business district (Carton et al., 2016). Threshold based systems are more challenging to customize across agencies. They are easier to manipulate by problem officers because the threshold of a measure is visible. Finally,

thresholds fail to examine weighting or scoring of indicators; they are binary in nature, solely based on whether an indicator occurred or not.

RECOMMENDATIONS

In a well-run EIS, front-line supervisors should be the first-line of defence against employees that are troublesome or exhibit poor behaviour. These supervisors work closely with the officers and should be the first to know if any of their charges are experiencing any personal or professional problems. In addition, if an intervention is directed by EIS, in many cases, the supervisors are the ones best positioned to facilitate the recommendations. A good supervisor will have the trust and confidence of his or her team, and generally, if corrective measures are needed they will be the officers who will command the respect needed to facilitate the intervention. Shjarback (2015) found that in larger departments, there is the risk of problem officers being lost in the mix of transfers and their history or problems are not followed-up. An EIS would better track these officers and pass along valuable information to their 'new' supervisors. The EIS should recognize the importance of the role of supervisors and have them play a key role in all aspects of the process, such as identification, counselling and follow-up. The responsibility of monitoring identified officers should be delegated to supervisors whenever appropriate.

To improve the available research information, police administrators have an important role to play. Police leaders need to make better use of the information that is available to them when developing policy, and they need to lobby for more research in this area. In addition, as is often the case, the police culture tends to be resistant to the study of their profession by

academics. It is difficult to penetrate through this layer, because police officers are typically skeptical of 'outsiders' who claim that they want to help or learn about the policing culture. Waters and Ussery (2007) also went further in suggesting that the very police culture itself interferes with the accurate information gathering on mental health information amongst the ranks. Research teams are frequently denied access because policing is often shrouded under the veil of privacy and security concerns. Many police officers possess an 'us versus them' mentality. For instance, police officers possess a myth of uniqueness and see themselves as a group that holds almost 'super human abilities and no weaknesses" (Waters & Ussery, 2007). In fact, they are fragile in that they suffer vulnerabilities because of the nature of their work, experience stressors associated to their duties, and feel the need for constant vigilance. They found that in general, police officers are also resistant to educational prevention programs or treatment. This, in itself, makes it difficult for identified EIS candidates to be openly accepting of intervention imposed by EIS administrators, for fear of being stigmatized or alienated by their colleagues. Better efforts need to be made to overcome this barrier that exists in the policing culture, sometimes referred to as the 'blue curtain.' If we are to find better measures of predictive accuracy and risk assessment tools, then there definitely needs to be more open cooperation with academia and researchers. There is reason for optimism in this area as more police officers are pursuing graduate and post-graduate degrees. This group will likely have more success in securing access to data that has been traditionally denied to academics in the past.

An important part of minimizing exposure and risk to problem police officers and misconduct has to involve a broad, multi-faceted approach. Relying on an EIS alone to root-out

problem behaviour is an over-simplification of a complex problem. Consideration should be given to recruiting officers who are diverse not only in ethnicity and gender, but also in experiences. Education as a qualification, should also be a preference of recruiters when outreaching for prospective applicants. Some police chiefs view higher education as the great equalizer; they see recruits with post-secondary education as an enhancement to the profession's legitimacy, credibility and professionalism. Research has suggested that more educated police officers will result in less citizen complaints and use-of-force allegations than their less-educated counterparts. In a study by Hilal, Densley and Zhao (2013), they found that there were fewer incidences of police use-of-force and officer involved shootings when the involved officer had some college education compared to their less-educated peers. In their study, they also cited that these same officers were less likely to receive a formal complaint from a member of the public than police officers who did not have a university or college degree. The research suggests that when it comes to defined performance measures, officers with college degrees score higher than officers without degrees (Roberg and Bonn, 2004; Gardiner, 2015). For instance, higher educated officers perform better in the academy, are involved in fewer traffic accidents, take fewer sick days, and have fewer on-the-job injuries. Because they have fewer citizen complaints filed against them, they are less likely to be formally disciplined than officers without a university education. Bain (2016) also found in his research that police officers with a college education were less cynical, more flexible, and held greatly improved attitudes toward minority groups, while also displaying higher standards of ethical and professional behaviour.

In-service training on issues surrounding sensitivity, integrity, professionalism, and diversity needs to be consistently applied and delivered throughout the careers of officers and not just while in the police academy. Officers should also be reminded of the departmental values and principles. This message should be reinforced regularly and be supported throughout the ranks, from the chief on down.

More sophisticated early intervention systems already exist and are available commercially through performance software, sometimes referred to as performance measurement information systems (Worden et al., 2012). These not only look at the 'bad cop' but also identify those officers who have performance issues and would benefit from some lower-level guidance and coaching. In effect, this will look beyond simply the worst offenders but also provide improvement to a larger sector of the organization. It is recommended that police agencies continually explore advancements in technology and software programs that will make the arduous task of collecting data through an EIS less cumbersome.

More research needs to be conducted on the value of peer activity as a comparator for early intervention systems. As discussed earlier, there is recognition that officers that make higher than average arrests in busy areas are susceptible to greater number of use-of-force complaints and citizen complaints. Rather than examining officers in this category in isolation from others, early intervention systems could look at the value of comparing this cohort to their peers.

Pre-employment screening needs to identify problem employees even before they are hired. Donner et al. (2016) suggest that judicious background investigations, psychological

exams and interviews will help separate problematic applicants before they are hired as recruits.

In-service training also helps to remind and enforce strong ethical behaviour and activities. This will also include emphasis on consequences that officers might face if they ignore departmental policies and engage in corrupt or poor behaviour, whereby strengthening and developing a stronger culture that will guide appropriate behaviour.

A consultative process involving stakeholders is important when implementing and maintaining an EIS. There needs to be constant review and re-evaluation of existing policies and measures. Once the indicators are established they should be validated and patterned for specific populations, like any other psychometric instrument. There also needs to be standardization across agencies, which may involve endorsement through oversight bodies such as the International Association of Chiefs of Police. There should also be some flexibility within the indicator to account for regional and geographic differences. Another important aspect is the need for comprehensive education of all parties involved to counter the myths and misinformation. The education ought to include those who will be examining and interpreting the data so that the practices are standardized. The information should be afforded some level of protection to ensure it is used only for the purpose intended. Finally, the system must be vigorously and consistently applied so that it does not become just another policing fad.

SUMMARY

Most police officers perform their duties with integrity and professionalism, despite a career that exposes numerous hazards to its members: temptation and access to vices, greater power and authority, high stress, and important responsibilities. Policing has been recognized as one of the most stressful occupations in North America (Sinclair et al, 2015). There are high expectations placed on officers with the anticipation that they always behave ethically and morally, and when they do not, there can be serious consequences. They are expected to make split-second, life-and-death decisions, often in dangerous situations, knowing that they will later be subjected to public scrutiny and police oversight. Regrettably, human beings are imperfect and are very capable of making mistakes and bad decisions. Despite rigorous recruiting processes and training programs, a small number of officers, unfortunately, fall short in fulfilling the public's expectations and become 'bad' hires.

A review of literature and current practices of early intervention systems in policing has only helped to fuel the critics' argument that poor police behaviour and corruption continues to flourish unbridled. The studies have failed to provide police leaders with the reassurance that early intervention systems are accomplishing what they are claiming to do. This gap in the research leaves questions as to whether early intervention systems are truly identifying the officers that are in the most need of help. Are we wrongfully punishing the hardworking officers with our early intervention systems? The data is simply not there to conclusively eliminate this as a possibility. In their search for this perfect tool that will mitigate liability, police chiefs are constantly searching for better ways of identifying poor behaviour before they become a future problem. Another criticism we cannot lose sight of is the notion that early

intervention systems are simply a 'smoke-screen' to satisfy the public that there are mechanisms in place to identify problem officers. Some scholars would suggest that the solutions are worse than the problems, and that early intervention systems are ineffective and not worth the time and resources invested. They would lead us to believe that early intervention systems should be scrapped because the identified flaws are insurmountable, and the true value they present is marginal. These same scholars would suggest that the damage caused by stifling the hard work of keen, proactive police officers by labelling them as EIS candidates is unnecessary, and is akin to taking a proverbial sledge hammer to a problem where a lesser tool would have sufficed. Despite the weaknesses and limitations identified in the available research, EIS does play a valuable role in policing.

It is doubtful that the media will shift its focus from reporting on police misconduct to solely reporting on positive 'feel-good' stories of police responsiveness and effectiveness. Until this happens, police chiefs need to do more to abate media fodder that is generated through their officers getting into trouble. EIS is not the miracle panacea, but it does provide some measure of comfort to the public, politicians, and police leaders that systems are in place to proactively address problem police officers. The very nature of early intervention systems is to provide police departments with a mechanism that will enable them to monitor, identify and modify the behaviour of problem officers. A better managed police department will strengthen police legitimacy and prevent the alienation of the community they are tasked with serving.

Another important aspect identified in the literature is the lack of uniformity and conformity to early intervention systems by law enforcement agencies. Despite being introduced to policing in the seventies, there is still lack of consistency with early intervention

systems adopted by police departments. The type of indicators, thresholds, data collection, and interventions vary, sometimes dramatically, from one agency to another. This makes it challenging for researchers to rely on empirical evidence, develop uniform standards, and determine whether early intervention systems are effective. In addition, some researchers suggest the empirical evidence to support early intervention systems places too much emphasis on quantitative data. There should be more reliance on qualitative research to help answer some of the questions raised by advocates or proponents of early intervention systems. Currently, much of the research looks only at indicators and the count, rather than trying to gain a better understanding of the underlying reasons or motivations. It is felt that qualitative research might provide a clearer and more accurate picture of the problem behaviour.

The growth of external oversight in policing makes it even more imperative for law enforcement to work towards developing better early intervention systems and enlisting academia to conduct further research in the areas identified in this paper. Civil rights activists have continued to demand better accountability from our police forces. This scrutiny of policing will only continue to intensify with the proliferation of technology and the immediacy of social media. Every black-eye and blemish of a police agency is available for the public to witness. Police chiefs need to take the initiative in rooting-out problem officers, rather than sitting back and relying on a reactive approach. Early intervention systems, despite their limitations, does provide this more active approach for detecting problems.

This paper also brings to the forefront that no one system or program will be the 'silver bullet' that remedies all the personnel problems of a police department. An organization that is over-reliant on an EIS, or any other single program to help identify problem officers, will surely

be disappointed. There needs to be consideration given to many other features that will help address performance, compliance and misconduct issues. The earliest intervention should, and usually does, come from peers and front-line supervisors; it is not uncommon that problem officers are pointed out to managers long before an EIS detects the poor behaviour. The importance of front-line supervisors cannot be overstated when examining early intervention systems: they are the key constituents in an organization, and the first to detect any changes in behaviour or shifts in the lifestyle of individual police officers. These same supervisors should be given the training, direction, and autonomy to provide coaching and mentorship, if needed, but also, direction to recognize and report if the problem is beyond the scope of the supervisor's abilities. As one researcher suggested, supervisors are doing this already in their day-to-day function. There simply needs to be a more structured and defined role for supervisors in early intervention systems. Senior police officers ought to develop a culture in the organization that fosters continual development, training, and openness so that officers are willing to pass along important information without repercussions. An organization needs to continually message out the importance of helping out one's fellow officer by detecting and identifying poor behaviour. This is not an easy task given the traditionally closed and tight-lipped culture evident in policing.

In acknowledging that early intervention systems should play an important role in enhancing police legitimacy and preventing 'bad apples', other strategies can also work towards accomplishing this objective: for instance, education requirements of recruits have been discussed in this paper. It is clear in the literature that post-secondary education will lead to less citizen complaints, less cynicism, more acceptance of perspectives, and greater diversity.

With this in mind, police recruiters have still failed to come to a consensus on imposing hiring standards for university or college education for police applicants and recruits. Some have simply opted for a minimal requirement of grade 12, whereas others, albeit only one per cent, require police applicants to have a four-year college or university degree (Bruns, 2010). Only nine per cent of all police agencies in the U.S. require a minimum of two years post-secondary education (Hilal, Densley & Zhao, 2013). While some people would argue that education is the solution to all problems, others would place more emphasis on a varied background or diversity; equally important considerations during the hiring process include such things as life skills, work experiences, resiliency, and communication skills. Police recruiting units play a vital role in strengthening police legitimacy, where a mistake by a recruiter can lead to a 30-year problem hire. Part of the solution for police chiefs in averting budding future bad apples may be to prevent these problems from being hired in the first place.

It is readily accepted that there are distinct variances between US and Canadian police agencies; however, the absence of available research on early intervention systems in the Canadian context was very disappointing. There are notable differences in fundamental areas such as recruiting, training, pay, education, exposure to violence, dangers, and exposure to firearms related calls. The prevalence of firearms in the US and militarization of police are areas that cannot be ignored when conducting research. The literature on early intervention systems calls out for more research on Canadian policing and identifies a definite gap in this area.

In spite of comprehensive recruiting practices, strong leadership, and effective communication of organizational values, preventing poor behaviour will continue to be an

ongoing struggle for police departments. Despite advancements in science and technology, they have been unable to definitively identify who the potential bad apples are in an organization. This paper has shown that there is a need to invest in academic research to better develop early intervention systems that will keep police chiefs out of media scrums on police scandals.

CONCLUSION

The discussion surrounding the utility of early intervention systems in policing is essential to gain a full understanding of why this tool cannot be abandoned. This paper has laid out such reasons as organizational liability, protecting police chiefs from criticism, and enhancing police legitimacy; however, equally important is the role early intervention systems play in ensuring that the morality of the police is not eroded by problem police officers. Despite the criticism by some that early intervention systems fail to accomplish their intended purpose of identifying problem behaviour and preventing officers from developing into bad apples, their objective is much too important to surrender. In examining the utility of early intervention systems and their envisioned role, it is important to understand why society, politicians, and lawmakers should do everything they can to encourage police chiefs to continue to pursue and perfect an EIS that works. It is helpful, therefore, to turn to Emile Durkheim, in order to contextualize the function of policing in society and the value of early intervention systems in carrying out that function.

Ben-Yehuda (2006) distinguishes that deviance is not about to disappear and reaffirms Emile Durkheim's belief that it is an inevitable aspect of any society. "Crime is, then, necessary;

it is bound up with the fundamental conditions of all social life, and by that very fact it is useful” (Durkheim, 1938; quoted in Ben-Yehuda, 2006). Durkheim’s recognition that deviance will always exist in social environments, is not a suggestion that we should capitulate and submit to the existence of deviants, but rather, that they should be recognized and steps taken to address their presence. Durkheim’s sociological perspective proclaims that crime is a necessary fundamental condition of social life, by helping distinguish what constitutes morality and law. Necessary steps need to be taken by society to help define criminality and deviance, as something society collectively reproves (Jones, 1981). Durkheim also goes on to suggest that crime is an integral part of all healthy societies and that it helps us separate good from evil. As a central component of the state, Durkheim believes the police represent order, security and protection, and a collective representation of community (Terpstra, 2011). By this very characterisation, it would suggest that policing is a part of that which contributes to establishing what is non-conformist behaviour and not socially acceptable, given the parameters of social living.

Policing, as an institution, is much too vital in a free and democratic society to ignore and allow rogue and renegade cops from eroding its legitimacy. Policing helps define what is normal in society by establishing what is right and wrong, by identifying, arresting, and separating deviants from mainstream society: police are, in effect, reaffirming who is ‘normal’. Some would argue that society wants the police to tell us we are normal, by establishing who is not. The delineation and framing of normalcy established by police is important, which is why the role and function of EIS is equally as important. Those who choose to operate outside the agreed upon morals, ethics, and laws established by society and enforced by the police should

be swiftly sanctioned or punished. The fabric of society relies on this to take place, so its citizens can co-exist peacefully together. Police departments must curb deviance within their own ranks so that the trust and legitimacy of policing as an important societal institution will not be compromised. By implementing, applying, and improving early intervention systems, police departments will go a long way in ensuring that budding bad apples do not turn into rotten apples and police departments do not turn into a barrel of rotten apples.

REFERENCES

- Bain, A. (2016). Education and policing: An expectation of professionalism. *ACJS Today*, 41 (2), 14-18.
- Bazley, T. D., Mieczkowski, T., & Lersch, K. M. (2009). Early intervention program criteria: Evaluating officer use of force. *Justice Quarterly*, 26 (1), 107 – 124.
- Ben-Yehuda, N. (2006). Contextualizing deviance within social change and stability, morality, and power. *Sociological Spectrum*, 26 (6), 559-580.
- Bertoia, T. (2008). Developing an early intervention system for police misconduct in a law enforcement agency. *NSW Police Integrity Commission. Research and Issues Papers Number 01, August 2008*, 1-31.
- Bishopp, S. A., Worrall, J. & Leeper Piquero, N. (2016). General strain and police misconduct: the role of organizational influence. *Policing: An International Journal of Police Strategies & Management*, 39 (4), 635 – 651. Retrieved from: <http://dx.doi.org/10.1108/PIJPSM-10-2015-0122>
- Bruns, D. (2010). Reflections from the one-per cent of local police departments with mandatory four-year degree requirements for new hires: Are they diamonds in the rough? *Southwest Journal of Criminal Justice*, Vol. 7 (1), 87-108.
- Carton, S., Mahmud, A., Cody, C., Helsby, J., Park, Y., Patterson, CPT E., ... Haynes, L. (2016). Identifying police officers at risk of adverse events. *Proceedings of the 22nd ACM SIGKDD International Conference on Knowledge Discovery and Data Mining*. 67-76. Retrieved from <http://www.kdd.org/kdd2016/papers/files/adf0832-cartonAemb.pdf>
- Chernmak, S., McGarrell, E., & Gruenewald, J. (2006). Media coverage of police misconduct and attitudes towards police. *Policing: An International Journal of Police Strategies & Management*, 29 (2), 261-281. doi:10.1108/13639510610667664
- DeCrescenzo, D. (2005). Early detection of the problem officer. *FBI Law Enforcement Bulletin*, 74 (7), 14-17.
- Donner, C. M., Fridell, L. A., & Jennings, W. G. (2016). The relationship between self-control and police misconduct: A multi-agency study of first-line police supervisors. *Criminal Justice and Behaviour*, 43 (7), 841-862. doi: 10.1177/0093854815626751

- Ede, A., Homel, R., & Prenzler, T. (2002). Reducing complaints against police and preventing misconduct: A diagnostic study using hot spot analysis. *The Australian and New Zealand Journal of Criminology*, 35 (1), 27-42.
- Gardiner, C. (2015). College cops: a study of education and policing in California. *Policing: An International Journal of Police Strategies & Management*, 38 (4), 648–663.
- Girodo, M. (1998). Undercover probes of police corruption: Risk factors in proactive internal affairs investigations. *Behavioural Sciences & The Law*, 16 (4), 479-496.
- Gottschalk, P. (2008). Policing police crime: The case of criminals in the Norwegian police. *International Journal of Police Science & Management*, 11 (4), 429-441.
doi:10.1350/ijps.2009.11.4.146
- Harris, C. (2009). Exploring the relationship between experience and problem behaviours: A longitudinal analysis of officers from a large cohort. *Police Quarterly*, 12 (2), 192-213.
- Hilal, S., Densley, J., & Zhao, R. (2013). Cops in college: Police officers' perceptions on formal education. *Journal of Criminal Justice Education*, 24 (4), 461-477. Retrieved from <http://dx.doi.org/10.1080/10511253.2013.791332>
- James, J. (2006). Blurring the blue line: Neutralizations and rationalizations of police misconduct. *Conference Papers – American Society of Criminology*, 1-12.
- Jones, T. A. (1981). Durkheim, deviance and development: Opportunities lost and regained. *Social Forces*, 59 (4), 1009-1024.
- Kane, R. J., & White, M. D. (2009). Bad cops. *Criminology & Public Policy*, 8 (4), 737-769.
doi:10.1111/j.1745-9133.2009.00591.x
- Kaplan, P. J., (2009). Looking through the gaps: A critical Approach to the LAPD's Rampart scandal. *Social Justice*, 36(1), 61-81.
- Lersch, K. M., Bazley, T. D., & Mieczkowski, T. (2006). Early intervention programs: An effective police accountability tool, or punishment of the productive? *Policing: An International Journal of Police Strategies & Management*, 29 (1), 58-76.
- Lersch, K. M., Bazley, T. D., & T. Mieczkowski, T. (2009). Early intervention program criteria: Evaluating officer use of force. *Justice Quarterly*, 26 (1), 107-124.
- Macintyre, S. Prenzler, T., & Chapman, J. (2008). Early intervention to reduce complaints an Australian Victoria Police initiative. *International Journal of Police Science and Management*, 10 (2), 238-250. doi: 10.1350/ijps.2008.10.2.77

- Mazerolle, L., Antrobus, E., Bennett, S., & Tyler, T. R. (2013). Shaping citizen perceptions of police legitimacy: A randomized field trial of procedural justice. *Criminology*, 51 (1), 33-63. doi:10.1111/j.1745-9125.2012.00289
- Miller, J., & Davis, R. C. (2008). Unpacking public attitudes to the police: Contrasting perceptions of misconduct with traditional measures of satisfaction. *International Journal of Police Science and Management*, 10 (1), 9-22. Doi:10.1350/ijpsm.2008.10.1.60
- Moore, C. (October 2009). Managing in the millennium: An unfriendly media. *Law Enforcement Technology*, 90.
- Phillips, J. R., Jiao, A. Y. (2016). Institutional isomorphism and the federal consent decree: The case of the Los Angeles Police Department. *Policing an International Journal of Police Strategies and Management*, 39 (4), 756-772.
- Roberg, R. & Bonn, S. (2004). Higher education and policing: Where are we now?" *Policing: An International Journal of Police Strategies & amp. Management*, 30(4), 587-607. <http://dx.doi.org/10.1108/13639510210450695>
- Ross, D. L. & Parke, P. A. (2009). Policing by consent decree: An analysis of 42 U.S.C. 14141 and the new model for police accountability. *Police Practice and Research*, 10 (3), 199-208.
- Sinclair, R., Duval, K., & Quayle, E. (2015). An examination of current research on the psychological health and wellness among online child sexual exploitation employees. *Psychological Network of the Virtual Global Taskforce (April 2015)*, 1-56.
- Shjarback, J. A. (2015). Emerging early intervention systems: An agency-specific pre-post comparison of formal citizen complaints of use of force. *Policing: A Journal of Policy & Practice*, 9(4), 314-325. doi:10.1093/police/pav006.
- Shjarback, J. A. & White, M. D. (2015). Departmental professionalism and its impact on indicators of violence in police-citizen encounters. *Police Quarterly*, 19 (1), 32-62. doi:10.1177/1098611115604449
- Terpstra, J. (2011). Two theories on the police – The relevance of Max Weber and Emile Durkheim to the study of police. *International Journal of Law, Crime and Justice*, 39, 1-11.
- Walker, S., Alpert, G.P. (2006). Police accountability: Current issues and research needs. *National Institute of Justice Police Planning Research Workshop (November 28-29, 2006)*, 1-34.

- Walker, S., Alpert, G. P., Kenney, D. J. (2001). Early intervention systems: Responding to the problem police officer. *National Institute of Justice, Research in Brief*.
- Walker, S., Milligan, S. O., Berke, A. (2005). Supervision and intervention within early intervention systems: A guide for law enforcement chief executives. *Police Executive Research Forum. U.S. Department of Justice Office of the Community Oriented Policing Services*.
- Waters, J. A., Ussery, W. (2007). Police stress: History, contributing factors, symptoms, and interventions. *Policing: An International Journal of Police Strategies & Management*. 30 (2), 169-188.
- Worden, R. E., Harris, C., McLean, S.J. (2012). Risk assessment and risk management in policing. *Policing: An International Journal of Police Strategies & Management, Vol 37 (2)*, 239-258. doi 10.1108/PIJPSM-12-2012-0088
- Worden, R. E., Kim, M., Harris, C.J., Pratte, M. A., Dorn, S. E., & Hyland, S. S. (2013). Intervention with problem officers: An outcome evaluation of an EIS intervention. *Criminal Justice and Behaviour, Vol 40 (4)*, 409-437.