Early Detection of the Problem Officer
By Dino DeCrescenzo

Sadly, a disturbing trend has begun to emerge concerning the law enforcement profession. That is, allegations against those officers facing suspension or termination rarely seem to surprise members of their departments and, at times, many residents of their communities. Over the past several decades, investigative journalists have found that in some agencies, as few as 2 percent of officers held responsibility for 50 percent of citizen complaints. In addition, numerous police chiefs reported that 10 percent of their sworn personnel caused 90 percent of the problems. Also, studies on the issue repeatedly indicated that an extremely small and disproportionate number of officers incurred most of the accusations.

In reality, the majority of law enforcement officers are supremely dedicated individuals severely offended by the behavior and acts committed by those few who have tarnished the image of their profession. These officers and the citizens they serve have begun to demand reasons for why such employees have remained on the job, even though they have violated departmental and societal rules. The awareness of these problem officers has existed for some time. In 1981, the U.S. Commission on Civil Rights recommended that all police departments create an early warning system to identify problem employees who often receive the highest number of complaints or display patterns of inappropriate behavior. In today's world of terrorists and increasingly violent criminals, such efforts may prove more important than ever before.

Intervention Approach

According to the U.S. Department of Justice, early warning systems take the form of databases that contain personnel information designed to identify problem behavior and allow early intervention to correct the misconduct. Generally nonpunitive, the systems include peer review, additional training, and counseling. They can provide supervisors and managers with information relating to potential patterns of at-risk conduct. Most systems require intervention after recording a certain number of complaints of a particular type within a specified time frame. Although a few departments use only citizen complaints to select officers for intervention, most rely on a combination of behavior indicators. Early warning systems should consider the totality of officer work histories, including accidents, pursuits, transfers, training, grievances, education, drug usage, civil suits, truthfulness, property damage, discourtesy, false arrest claims, and insubordination. They should track all complaints, sick time used, resisting arrest incidents, assaults on officers, obstruction of officer arrests, and disorderly conduct arrests made by officers. These last four behavior indicators appear to be significant measuring devices of potential problem employees. A higher number of these types of arrests when compared with those of other officers may reveal personnel acting beyond their scope of authority.

The theory behind an early warning system is that such incidents individually may mean nothing, but the combined totality of behaviors may signal a developing problem that needs attention. These indicators, compiled into a single place, can flag a potential pattern of problematic behavior and identify an officer at risk of engaging in misconduct.
The phenomenon of early detection or early warning systems within law enforcement agencies is a fairly new concept that has begun to spread more rapidly since Congress passed the Violent Crime Control and Law Enforcement Act, which empowered the federal government to investigate and bring suit against those officers who routinely abused their authority. For the most part, when departments have suits brought against them, they enter into a consent decree with the government agency agreeing on the changes required and to being monitored until the judge lifts the decree. More often than not, the recommendations stemming from such investigations include implementation of an early warning or detection system as a first step in the process of abolishing the pattern and practice of conduct by the officers.

Research Findings

The first in-depth study of early warning systems found that 27 percent of the agencies surveyed in 1999 had such a mechanism in place while another 12 percent planned on implementing one. The participating agencies were police departments employing a minimum of 80 officers and serving populations of at least 50,000. However, 87 percent of police departments in the United States have fewer than 25 sworn officers. So, while less than 40 percent of the large agencies surveyed either had or planned to have an early warning system in 1999, the majority of police departments in the country most likely did not have nor plan on implementing such a system at the time.

If administered properly, an early warning and detection system should allow the department to quickly intervene and help modify the behavior of the officers identified. Moreover, a successful early detection system not only can identify negative behavior but also can recognize conduct worthy of commendation. The study further indicated that early warning systems substantially reduced citizen complaints and other problematic behavior. For example, three large police departments with early warning systems in effect for at least 4 years had substantially fewer citizen complaints and use-of-force incidents after the intervention. A successful system can benefit the entire agency, the community, and the troubled or problem officer with prompt intervention administered properly. Experts stress that using an early warning system to punish officers will undermine its effectiveness, but applying the information learned from the data to counsel and train them will expand its value.

Some departments have successfully employed early warning systems for over a decade with beneficial results. However, these programs still may not accurately identify every specific pattern of behavior that may ultimately lead to misconduct. In addition, the study found that no standards had been established for identifying officers in the early warning systems examined. Instead, only a general agreement existed on some of the criteria that should influence their selection. These issues demonstrate that agencies must carefully analyze the information compiled on their personnel and establish strict selection guidelines to ensure that they correctly determine those officers in need of intervention.

Finally, the study noted that the implementation of an early warning system can prove compatible with both problem-oriented and community policing. The law enforcement administrator can incorporate the warning system into the department’s overall philosophy and goals,

"Generally nonpunitive, the systems include peer review, additional training, and counseling."
recognizing that the new system must involve counseling and training as the main objective in modifying the behaviors of the officers selected and flagged for intervention. The administrator, however, must remember that the police union and the officers may suspect a new warning system and possibly resist its implementation. One early warning discipline system stressed the police union’s involvement in the process prior to implementation of a program that provided predictable sanctions agreed upon by management and the union.19 Because most complaints by unions involve the unequal treatment of personnel and ambiguous, unknown, or unpredictable punishments, this system established a disciplinary matrix with minimum and maximum penalties and ensured that the administration and the collective bargaining unit agreed upon predictable, reliable, equitable, and valid sanctions. Such involvement by the union or collective bargaining unit can greatly increase the success of an early warning system.

Positive Change

Law enforcement agencies throughout this country generally have pursued a traditional approach when dealing with officer misconduct.20 Most have dealt with this issue through reactive as opposed to proactive efforts, primarily using citizen and internal complaints to identify such behavior. In addition, most departments impose corrective action only after the misconduct has occurred.

To effect positive change in the behavior of the few officers that create the majority of problems, departments must begin to take sufficient action against those repeatedly accused of excessive force and continually look for patterns in officer conduct.21 They also must seriously discipline such personnel, not merely reassign them to other duties. Finally, agencies must provide troubled officers with counseling and other services. As one official said, “We have a tendency to go from zero to 60, by focusing only on the egregious, but not having a system to correct or discipline the behavior that is nonegregious.”22

Some departments have successfully employed early warning systems for over a decade with beneficial results.

Officers who have exhibited less than stellar behavior need help to return to their former standards of professionalism. Departments should endeavor to find out what these officers need to overcome their problems and, once again, become valuable, contributing members of their profession. To this end, an early warning system can offer an effective approach for agencies to use.

Conclusion

Today’s law enforcement administrators must identify problem officers and intervene appropriately with counseling, training, and other methods in an attempt to modify and change their behavior. Managers will benefit their departments, communities, and problem officers with the implementation of a properly administered early warning system. Such an approach can help agencies combat the disturbing trend that seems to indicate that they disregard officer misconduct.

Early warning systems demonstrate that departments and administrators have developed a clear policy regarding misconduct, have put a program in place to correct negative behavior, and have made a good-faith effort to identify employees whose performance is less than satisfactory.23 The majority of their officers who valiantly place themselves in harm’s way every day to protect the citizens of their communities deserve no less. ♦
Endnotes

5 Supra note 2.
6 Supra note 4.
7 Supra note 2.
8 Supra note 3.
9 T.F. Kennedy, Preventing, Detecting, and Investigating Employee Misconduct, paper presented at a Roger Williams University Conference, Bristol, RI, October 2003.
12 Ibid.
13 Supra note 2.
15 Supra note 3.
17 Supra note 4.
18 Supra note 2.
20 Supra note 4.
22 Supra note 3.
23 Supra note 2.

Detective Sergeant DeCrescenzo serves with the Barrington, Rhode Island, Police Department.

The Bulletin staff is always on the lookout for dynamic, law enforcement-related photos for possible publication in the magazine. We are interested in photos that visually depict the many aspects of the law enforcement profession and illustrate the various tasks law enforcement personnel perform.

We can use either black-and-white glossy or color prints or slides, although we prefer prints (5x7 or 8x10). We will give appropriate credit to photographers when their work appears in the magazine. Contributors should send duplicate, not original, prints as we do not accept responsibility for damaged or lost prints. Send photographs to:

Art Director
FBI Law Enforcement Bulletin, FBI Academy, Madison Building, Room 201, Quantico, VA 22135.