

## **LAW ENFORCEMENT EMPLOYEE INTERVENTION PROCESS ©**

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The *Awards and Intervention™ Process* was developed by the National Institute of Ethics to facilitate the tracking of employees performance. The program software permits the early identification of employees whose performance has been outstanding so that the agency can intervene and recognize performance. *The foundation of the program must be about helping people.*

As a consequence of performance tracking, those employees who could benefit from agency intervention to provide some form of emotional, educational or physical assistance to correct or enhance performance deficiencies are identified. In order to track performance, seventeen categories have been defined, in addition to the basic employee data category. Two monitors were developed that summarized employee performance in all categories.

The Institute's Certification of Integrity™ requires the tracking and analyzing of particular aspects of a organization, as a truly effective way of enhancing integrity, once analyzed, significant behavior or performance patterns are identified. Conclusions and recommendations for responding to the needs and completing the standards are developed.

### **Tracking Employee Performance To Reward Outstanding Service**

Although the system can prevent immeasurable grief, cynics in your organization may suspect some type of "hidden agenda" unless employees are educated in why the system is being implemented. The following is a suggested summary of how to detect warning signs that identify particular employees as more likely than others to ruin futures through serious misconduct.

The objective of the *Awards & Intervention System* is to identify people in need of help and provide them the counseling, mentoring or other form of assistance needed to resolve the causes of their distress. The purpose is not to catch people doing things wrong so they can be punished.

Because a 3-4 second wrong decision when facing moments of anger, lust, greed or peer pressure can destroy the future of good people, it is crucial that we help each other maintain a strong, positive mental outlook. The *Awards & Intervention System* can identify those who, appear to be more likely to have a regretful reaction during stressful situations.

There are few experienced officers who have not seen other officers destroy their careers in some fashion. It's way past time we all start doing something about it.

### **After The Analysis Identify Those In Need of Assistance**

How a supervisor and organization responds after *The Employee Awards & Intervention System* has identified officers deserving recognition or in need of assistance is both a matter of formal policy and discretion. *The state of the art in employee intervention is that the organization helps workers not attack them.*

Recognizing that we don't live in a perfect world, employees of any assignment or rank can be projected into horrible personal problems without notice. Because we are all human, we will seldom leave our emotions and worries at home, if they are significant.

An intervention program is not a program at all. It is a process rather than a program. By definition, a program has an ending, while a process does not. The goal of administrators who implement an intervention process should be to maintain a never-ending way of providing an effective form of emotional, physical or training assistance to workers needing it. One excellent manner of doing this is to track performance indicators that will allow them to be identified.

As the flowchart on the preceding page illustrated, the initial step in this process is to ensure that a sincere, deep commitment to employee intervention has been secured from the upper administration. No intervention process should begin without it. The reason this is so essential is that workers know whether the "brass" really intends to help them, or the intervention is merely a new way to shaft employees.

From the leadership standpoint, perception becomes reality. If workers throughout an organization perceive that the top administrators don't truly want to intervene to help them, then go no further until they do. For nothing will cause intervention to fail as much as the belief that it's just a fancy way to "get" workers.

### **17 Areas of Performance Tracked**

Remembering that what ever it takes to convince employees that the intervention process it intended to reward and assist them, must be done first, the next step is to decide which specific areas of performance you will track. The options include:

1. Citizen compliments,
2. Citizen complaints,
3. Civil suits,
4. Discharge of firearms,
5. Driving awards,
6. Driving pursuits,
7. Driving accidents,
8. Internal commendations,
9. Internal grievances,
10. Overtime,
11. Sick-time,
12. Court-time,
13. Performance evaluations,
14. Resisting arrest cases,
15. Use of force incidents,
16. Requests for transfer to another supervisor, and
17. Violations of policy.

## **How to Decide**

The first step is to get the opinion of others. Which of these you should track is important and should not be answered without the input and feedback of many people. If an administrator decides this without using a committee comprised of people who represent the vast majority of employees or by creating a “draft” list that is distributed to everyone for their feedback, it’s a serious mistake. Buy-in from the troops is crucial and it is unlikely that you’ll get it if they aren’t involved in deciding this question. I believe that the following indicators should be mandatory for most agencies.

**Citizen compliments** – B.F. Skinner was right. The more positive reinforcement is given for doing things right, the more employees will continue to do it.

**Citizen complaints** – The need to know who has bad “customer relation skill is obvious. Nation wide, the single most common citizen complaint is simple rudeness.

**Driving awards** – Once again, it is vital that intervention does everything it can to reward the good performance.

**Driving pursuits** – You must do everything possible to prevent the deaths and multi-million dollar civil suits caused by car pursuits.

**Internal commendations** – Agencies usually do nothing more than send a copy of a commendation to the concerned worker. We can be better than that, but only if commendations are tracked.

**Overtime** – More officers are sent to prison for falsifying their overtime, more than any other specific crime. It must be tracked, without exception.

**Sick-time** – When someone becomes very depressed or disenchanted, they often start calling in sick. As such, this is a strong indicator of a possible need.

**Performance evaluations** – Direct supervisors are in the unique position to identify and document behavior that may indicate someone is in need of intervention. Evaluations that contain words such as hostility or depression can be tracked.

**Resisting arrest cases** – Tracking the number of resisting cases, by zone or district can indicate that someone is doing things that prompt citizens to resist. These officers may also have more resisting cases because they make the most arrests. One indicator by itself is seldom a good indication. Several indicators must be considered.

**Use of force incidents** – The need to track this is obvious.

### ***Citizen Comment, Compliments & Complaints***

Whether talking or writing, every time supervisors or administrators refer to intervention, the positive perspective should be accented. When listing the various categories that are tracked, the ones that are perceived as most positive should be emphasized. As an example, the title of

this page and the overall list of categories provided on the previous page have the more positive categories listed before the other groups.

Once again, the true desire of the department must be to intervene so people can be assisted in some way. Most law enforcement agencies are quick to jump all over an officer for something negative, like getting a citizen complaint. On the other hand, they usually don't give any where near the recognition when a citizen compliment comes in.

### **Citizen Compliments**

- ◆ **Compliments must be tracked and acknowledged.** As the upcoming section on thresholds will explain in more detail, when a predetermined number of written compliments are received by an employee within a particular time, more extensive recognition automatically occurs. *It is also crucial to make it easy for people to file compliments.*
- ◆ **Written compliments should be copied and presented to the concerned employee in the presence of others,** such as during “roll call,” a staff meeting or detective meeting.
- ◆ **Policies should require that compliments from citizens that are not in writing are recorded in writing** and treated as if they had been received in written form.

### **Citizen Complaints**

Procedures regarding complaints are also very important, but for different reasons. How complaints are dealt with has become the subject of both external and internal controversy.

- ◆ **All complaints, even those that are anonymous, should be tracked by the intervention process.** Anonymous complaints, by themselves, never warrant any form of discipline, however. They should be only tracked to trigger an internal investigation or to examine long-term patterns of behavior.
- ◆ **A complaint threshold number is determined.** The threshold is a predetermined number. When applied to the topic of complaints, it means when a certain number of complaints are received about a particular employee during a specified time, particular actions must immediately take place. An example would be, if a patrol officer receives three complaints within a calendar year, he must be interviewed by the departmental counselor.
- ◆ **Barriers to people filing complaints must be removed.**  
Administrators can do this by:
  - Making sure complaint report format is clear,
  - Ensuring that citizens have easy access to file them,
  - Checking to see that no instructions are confusing.
- ◆ **Decide who is allowed to accept complaints and then train them on the procedures.**
- ◆ **Discipline anyone who is arrogant or is intimidating to anyone wishing to file a complaint.**

- ◆ **Complainants should be provided with regular, written updates about their complaint.**
- ◆ **Sustained complaints should never be purged.**

### **Civil Suits**

During the 90s decade, the cities of Chicago, Detroit, Los Angeles, New York and Philadelphia have, collectively, paid approximately \$204,000,000 in civil judgments and settlements as a result of police misconduct. Even rookies know law enforcement is a common target of both attorneys and citizens.

Without exception, every civil judgment or settlement should be treated as an opportunity to improve upon the integrity of the department. This is accomplished by conducting a needs assessment of every case, at its conclusion. The procedure for doing this includes:

- Identifying and tracking the officers involved,
- Determining the root causes for what occurred,
- Acquiring the resources needed for correction,
- Implementing solutions and ensuring accountability for both the past and the future.

### **Discharge of Firearms**

Tracking the discharge of firearms may or may not be a critical category for a particular agency. Some departments have never experienced any form of the use of force becoming an issue of concern. There's one thing for certain however, many agencies have wished that they had tracked the discharge of firearms, for it would have identified officers who openly showed a disregard for the safe use of their firearm.

Most agencies require written documentation for the discharge of a firearm. This does not mean they effectively identify important patterns in the use of firearms. There's a big difference.

### **Driving**

Driving, as it relates to law enforcement, is much more complicated and important than most people believe. It's complicated because of the expense associated with training and emotions related to pursuits. It is important because hundreds of people die each year in law enforcement involved accidents. One of the root causes for driving misconduct is that most officers receive very little driving training. To make matters worse, the training usually focuses on the psychomotor skills aspect, rather than the decision-making component.

### **Driving Awards**

This important category is often overlooked. B.F. Skinner would be upset to learn this, since people tend not to continue desired behavior if they don't receive positive reinforcement for doing it. Fortunately, this isn't hard to track. An example would be a automatic threshold like no accidents, where the officer is at fault within five years. In such a case eight hours of comp time would be awarded.

## **Accidents and Pursuits**

Tracking traffic accidents and pursuits is relatively simple. Like other categories, a predetermined threshold should be established to automatically prompt actions such as remedial driving training for further investigation. When an officer is involved in an accident it is analyzed to determine variables such as:

- ◆ Was policy followed,
- ◆ The identity of the officers involved,
- ◆ The degree of danger to others,
- ◆ The number of previous accidents/pursuits involved in,
- ◆ The weather and road conditions.

Both of these topics are vital, but for very different reasons. Internal commendations are important because they can be the source of great pride and honor. Grievances, on the other hand, are often devastating to the overall morale of an organization, as accusations and bitter feelings among fellow workers usually result.

## **Internal Commendations**

Depending upon the size of the agency, there are many ways to generate the most benefit from internal commendations. Unless a department is unique, communication is the organization's most serious problem. Effective meetings are always one of the most effective ways to overcome poor communication. As a result, publicizing internal commendations during meetings should be required. Employee newsletters, the city-wide citizen newsletter, credit for promotions and transfers, permanent copies in personnel files and copies on bulletin boards should be used, in addition to merely tracking how many someone receives.

## **Internal Grievances**

The time tested leadership rule that you give praise in public, and criticize in private, applies here. Grievances between employees or between employees and the administration are usually dealt with best if the number of people involved is kept to a minimum. Few circumstances within a law enforcement agency could be more destructive than internal grievances. Since the vast majority of agencies are less than 50 employees, the frequency of grievances filed is relatively low. As such, tracking them usually doesn't make much sense for smaller departments. Larger ones should track the who, what, and why.

## **Overtime, Sick Time, Court Time**

At first glance, it may not appear these categories have much ethics related importance. Each does, and for most agencies, they should be tracked as part of the intervention process.

## **Overtime**

Research conducted by the *National Institute of Ethics* revealed the single most common felony committed by officers between 1991 and 1995 was falsifying records (19.9% of 2,296 officers who were totally decertified.) Most of these officers committed theft by falsifying their overtime. Thus, this must be a mandatory topic for any intervention process.

## **Sick Time**

The statistic is important for a different reason. The use of sick time can be a good barometer for how people feel about their job, life or organization. The dramatic increase of sick time use by a particular employee, combined with other factors may be a signal, a warning of an unknown problem. A large use of sick time by entire divisions or shifts may be an indicator of significant leadership difficulty, such as low morale.

## **Court Time**

There have been examples of huge misconduct involving the misuse of court time. The largest was the 1998 scandal commonly referred to as “collars for dollars.” Patrol officers from the Miami Beach and Metro Dade police departments routinely marked officers down on DWI/DUI arrest reports so they would receive court time even though they had nothing to testify about. It fell apart when the Miami Herald investigated.

## **Performance Evaluations & Resisting Arrest Causes**

### **Performance Evaluations**

This category is more complicated to track than the majority of topics. The reason is that in order to track valuable information contained within performance evaluations, line supervisors must accurately document useful data. Then it must be accurately transferred to the intervention data bank. In addition, the information is subjective, rather than objective, such as the amount of overtime used.

Even though it is challenging, the potential benefit is tremendous. Unfortunately, since intervention systems are new, only time will determine if the good outweighs the effort. The specific topics that would be valuable to track include: unusually good or bad cases interaction with others, extreme exhibitions of empathy, hostility, caring, anger, kindness or the lack of it.

### **Resisting Arrest Cases**

Tracking this category can be valuable when determining if an officer has or does not have difficulty controlling anger, but only in combination with other indicators. In other words, if resisting arrests are tracked and the tracking process determines that an officer has twice the annual average, it may be an indicator that the officer is doing improper things to prompt those he arrests to resist.

On the other hand, the officer may have more resisting arrests because he or she is simply making more arrests than others. If this is the situation, you may be unjustly criticizing and demoralizing the best “street cop” you have. Use this only in combination with other indicators and track areas/zones independently.

### **Transfer Request**

This is one of the categories that virtually everyone feels should be tracked. From many perspectives, how often officers are using force needs to be continually documented, analyzed and used to prevent the misuse of force. No other group of people is given the legal right to injure or kill citizens, when legally justified. It is a right so important that administrators must do everything within their ability to ensure it is not violated.

## **Use of Force**

Excessive use of force, as defined by the IACP is “the application of an amount and/or frequency of force greater than what is required to compel compliance from a willing or unwilling subject.” Intervention systems have now made “everything within their ability” more extensive. All agencies should already require written use of force reports to be completed any time use of force occurs. Intervention simply mandates that these forms be transferred to the software and be used to intervene when appropriate. You may select to separate use of force into specific areas such as firearm, open-hand, side handle baton, K-9 bite, handcuffing etc.

## **Transfer Requests**

Although the number of requests for transfer to another unit or shift has seldom been tracked by administrators, it should be. Agencies, particularly larger ones, can use the tracking as an indicator of the quality of leadership in various areas of the department. Employees tend to request transfers to the best supervisors and away from those who treat them with a lack of dignity and respect. Over time, these patterns can be valuable.

As a profession, we are just now coming to understand and appreciate that the more employees believe they have been manipulated, used or degraded, the more misconduct will occur. The belief that they were treated badly is used to justify and rationalize their own unethical actions.

People seldom go from being a good worker to committing terrible acts overnight. It is a gradual transformation that virtually without exception, begins with small transgressions. Fortunately, it is this transformation that leaves a constant flow of signals.

## **Policy Violations**

One of the most visible indicators that someone is headed down the path of destruction lies in their history of policy violations. The key to taking advantage of this warning sign is for an administration to be willing to generate more work, then have the expertise to maintain an effective process.

Although a direct supervisor and those an employee works with every day can easily see the difference in both attitude and performance, history tells us that fellow employees have the best opportunity to intervene, usually don't. Thus, the tracking of policy violations becomes more important when those who could do something to help, don't.

The more violations are tracked, the more accurate the assessment becomes. This means even verbal reprimands should be included. As with other categories, a certain number of policy violations within a predetermined time period (a threshold) should trigger an automatic reaction to assist the worker.

## **The Monitoring System**

An intervention process is worthless unless there is an effective way to monitor and prompt the desired reaction. The crucial components to the monitoring system are:

- ◆ Selecting the right categories to monitor,
- ◆ Entering data about each category accurately,

- ◆ Deciding what your statistical thresholds will be,
- ◆ Deciding who will have access to monitoring data,
- ◆ Deciding how people will have access to monitoring data,
- ◆ Deciding when people will have access to monitoring data,
- ◆ Deciding where people will have access to monitoring data,
- ◆ Develop and implement pertinent monitoring policies.

### **Selecting the right categories**

The categories to be monitored must be selected wisely. The key to selecting the right categories is to identify your own integrity needs and consider what research has determined to be the most important. While the reasoning is presented earlier in this chapter, I recommend the following categories, at a minimum:

**Citizen compliments,**  
**Citizen complaints,**  
**Driving awards,**  
**Driving pursuits,**  
**Internal commendations,**  
**Overtime,**  
**Sick-time,**  
**Performance evaluations,**  
**Resisting arrest cases**

### **Entering data accurately**

As of now, very few agencies have already implemented computer intervention. This will be quickly changing, as everyone agrees this form of intervention is desperately needed. Those agencies that already have a program running, report the greatest weakness is entering the data correctly. Hold the person entering the data accountable and audit to ensure accuracy.

### **Deciding on your statistical thresholds**

The threshold is a predetermined number. When applied to the topic of complaints, it means that when a certain number of complaints are received about a particular employee during a specified time, particular actions must immediately take place. Thresholds are addressed more thoroughly later in this chapter.

### **Deciding who will have access**

Security and privacy of the data is critical. The guiding rule is that no one, under any circumstance, should have the ability to gain access to intervention category data without a clear, justified reason. As the fact finders, internal affairs is the most logical personnel to assume responsibility for inputting and managing the intervention data.

Generally, line supervisors will have access only to the data of the employees they supervise, as should mid level managers and upper administrators. Individual employees should be permitted to view their own data. The idea of printing the data for each worker to review each year has merit.