

# EARLY INTERVENTION PROGRAM

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## FIRST QUARTER SUMMARY 2023



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## Early Intervention Program Summary

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## Early Intervention Program Description

The NYPD's Early Intervention Program ("EIP") is designed to utilize risk management strategies to intervene at the earliest possible opportunity in order to support employee wellness and professional development by attempting to identify and mitigate factors that may lead to negative performance issues, employee discipline, or negative interactions with the public. EIP is a non-disciplinary program and is not punitive in nature. At its core, it is designed to mentor and coach officers, providing support to ensure that each officer is performing his or her job in a way that scrupulously adheres to the legal, moral, and ethical principles to which the Department subscribes by remedying issues as soon as they are identified.

## EIP Review Process

EIP aims to identify potentially at-risk officers based on a list of thresholds, which are outlined below. Upon crossing an EIP threshold, the uniformed member of service ("UMOS") undergoes review by the Professional Standards Bureau, and, although the threshold is what triggered review, EIP is intended to address any area of the UMOS's performance that may benefit from intervention. Therefore, review extends beyond the threshold incident(s) and encompasses a holistic review of the UMOS's tenure with the Department, including past and current assignments, any history of CCRB or IAB investigations, arrest history, performance evaluations, public interactions as seen on BWC videos, and any prior interventions, among other factors. The UMOS's Commanding Officer ("CO") will also be asked to make a recommendation regarding what interventions, if any, may be appropriate. The CO's recommendation and Professional Standards' analysis will then be presented to the Early Intervention Committee ("EIC"), who will make a final determination as to what interventions, if any, need to be implemented. The EIC is chaired by the Chief of Professional Standards and consists of executives representing the Chief of Department, Chief of Detectives, Chief of Patrol, Chief of Housing, Chief of Transit, Deputy Commissioner of Legal Matters, Deputy Commissioner of Equity and Inclusion, and Chief of Personnel. The EIC convenes quarterly to review UMOS who have crossed an EIP threshold. The EIC's decisions will then be communicated to the UMOS's CO and relevant stakeholders, which may include Borough Adjutants and other bureaus or units.

## Early Intervention Program Summary

### Thresholds

The following are thresholds that currently trigger review by EIP<sup>1</sup>:

1. Three or more declinations to prosecute (“DPs”) that fall within thirteen defined categories,<sup>2</sup> on three or more separate dates, in a 12-month period;
2. A judicial decision to suppress evidence as a result of an allegation of an unlawful stop, frisk, or search or racial profiling, including the use of racial slurs;
3. An adverse credibility finding;
4. A declination by the Law Department to represent or indemnify the UMOS in a lawsuit;
5. A judgment or settlement against the UMOS in a lawsuit alleging an unconstitutional stop or trespass enforcement or racial profiling, including the use of racial slurs, where there exists evidence that the UMOS violated a Department rule or regulation;
6. A profiling complaint or racial slur allegation;
7. A referral from a command, borough, bureau, or other internal division or unit;
8. A referral from a District Attorney’s Office or the Department of Investigation;
9. Three or more CCRB complaints in a 12-month period;
10. Five or more TRIs, five or more CCRB complaints, and an arrest or summons for P.L. §§ 195.05, 205.30, and 240.20;
11. Involvement in a vehicle pursuit or collision pursuant to PG 221-15 or 217-06;
12. MOS who made an arrest where the defendant is charged with P.L. §§ 195.05, 205.30, and 240.20.

### Interventions

Interventions may include, but are not limited to, the following:

- Training (e.g. Legal Refresher, Tactical Communication, BLASTT)
- Command-Level Mentoring
- Command-Level Instructions
- Enhanced BWC Supervision
- Coaching Session with Zone/Borough/Bureau-Level Executive

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<sup>1</sup> Thresholds derive from a combination of Local Law 68-2020/Administrative Code section 14-190, EIS Court Order, and internal policies and procedures. This list is not exhaustive of the information that is collected and utilized in the Early Intervention Program. Although crossing a threshold triggers review by EIP, intervention will not be deemed necessary in every instance. In fact, a majority of UMOS who are reviewed by EIP are not recommended any intervention.

<sup>2</sup> The thirteen DP categories include (1) complainant or witness failed to positively identify defendant; (2) incorrect or missing paperwork; (3) insufficient evidence; (4) lack of element of crime; (5) lack of jurisdiction; (6) lack of nexus between defendant and crime; (7) mere presence of defendant at location; (8) no personal observation of violation by arresting officer; (9) potential search and seizure issues; (10) unavailability of arresting officer; (11) prosecutorial discretion; (12) summonsable offense; and (13) potential stop and question issues.

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- Coaching Session with Professional Standards Executive
- Change of assignment
- Referral to Health and Wellness
- Referral to Performance Analysis Section
- Referral to an internal unit or external agency for further investigation

For those UMOS ordered to undergo training, the length of the training ordered is case-specific but can vary from approximately one hour to two full days. UMOS ordered to undergo enhanced BWC supervision requires their supervisor to review a greater number of their subordinate's body-worn camera videos than what is usually required. This is generally done by number of videos viewed over a 30-day period. For those UMOS ordered to undergo some form of command-level mentoring, the length of that monitoring varies and is again case-specific. Command-level re-instruction in Department policy is handled by an appropriate supervisor of the UMOS—for example, an immediate supervisor, training sergeant, integrity control officer, executive officer, or commanding officer. UMOS ordered to meet with a high-ranking executive either within or outside their command will generally participate in a one-on-one session with the executive for up to one hour. UMOS may also be referred for possible monitoring, which lasts for a minimum of one year. It should be noted that multiple interventions can be ordered for a single UMOS when warranted.

## EIP Reporting

The Professional Standards Bureau maintains records of UMOS who have been screened and evaluated in EIP. The Bureau tracks whether UMOS reviewed have subsequently received CCRB complaints, become the subject of an internal investigation, been placed on monitoring, terminated, or placed on dismissal probation.

Local Law 68-2020 requires that the Department submit a report to the Mayor and the Speaker of the City Council by January 31 of each year on the Department's use of early intervention during the previous year. Further, a court order in *Floyd v. City of New York*<sup>3</sup> requires quarterly reporting on a number of metrics including:

- a. Number of UMOS assessed by threshold triggered;
- b. Number of UMOS triggered more than once;
- c. Number of interventions or remedies directed, categorized by type and duration;
- d. Number of UMOS completed the program;
- e. Number of UMOS subject to early intervention who continued to be flagged for monitoring once the recommended intervention was complete;
- f. Number of UMOS who become the subject of Civilian Complaint Review Board or NYPD investigations, or lawsuits, after entry into the program; and
- g. Number of UMOS terminated or placed on dismissal probation after entry into the program.

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<sup>3</sup> See *Floyd v. City of New York*, 08-cv-1034 (AT), Dkt. 767, Order at 2-5 (S.D.N.Y. June 2, 2020).

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### First Quarter 2023 Summary

In the first quarter of 2023, the Professional Standards Bureau reviewed 362 candidates, 83 of whom were previously assessed by EIP. Of the 362 candidates, 55 (15.2%) were recommended for intervention and 307 (84.8%) had no intervention recommended.

### EIP Quarterly Comparison

On a rolling quarterly period, 1Q23 as compared to 4Q22 experienced an increase of 297.8% in candidates entering into EIP. The increase in this quarter is driven by the rise in decline prosecutions, which accounts for 73.2% of the candidates. Nevertheless, there was a 100.0% decline in Adverse Credibility Finding and Suppression as there were no candidates in those two threshold categories for this quarter (see Table 1).

**Table 1: EIP Candidates First Quarter 2023 versus Fourth Quarter 2022 Comparison**

	4Q22	1Q23	+/-	% Change
<b># Of Candidates</b>	<b>91</b>	<b>362</b>	<b>271</b>	<b>297.8%</b>
<i>Biased Policing Allegation</i>	74	70	- 4	- 5.4%
<i>Decline Prosecution</i>	0	265	265	**.*
<i>Declination to Represent/Indemnify</i>	0	1	1	**.*
<i>Referral</i>	1	7	6	600.0%
<i>Vehicle Pursuit</i>	2	20	18	900.0%
<i>Adverse Credibility Finding</i>	11	0	- 11	- 100.0%
<i>CCRB</i>	0	0	0	**.*
<i>Suppression</i>	14	0	- 14	- 100.0%
<i>Force</i>	0	0	0	**.*
<i>Judgement/Settlement in Civil Litigation</i>	0	0	0	**.*
<i>OGA/Resisting Arrest/Disorderly</i>	0	0	0	**.*

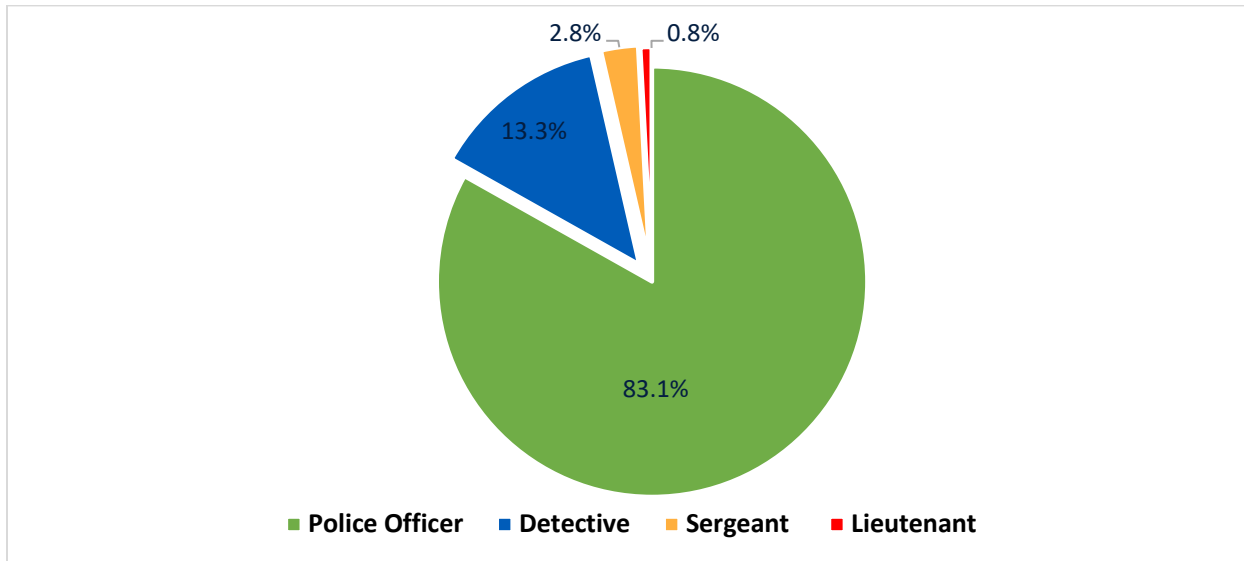
Note: (11) candidates crossed two thresholds in 4Q23.  
 (1) candidate crossed two thresholds in 1Q23.

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### EIP Candidates by Rank

At the time of entry into the Early Intervention Program for 1Q23, the 362 candidates include ranks of 301 Police Officers, 48 Detectives, 10 Sergeants, and 3 Lieutenants. The rank of Police Officer comprised 83.1% of the population in the program (see Figure 1).

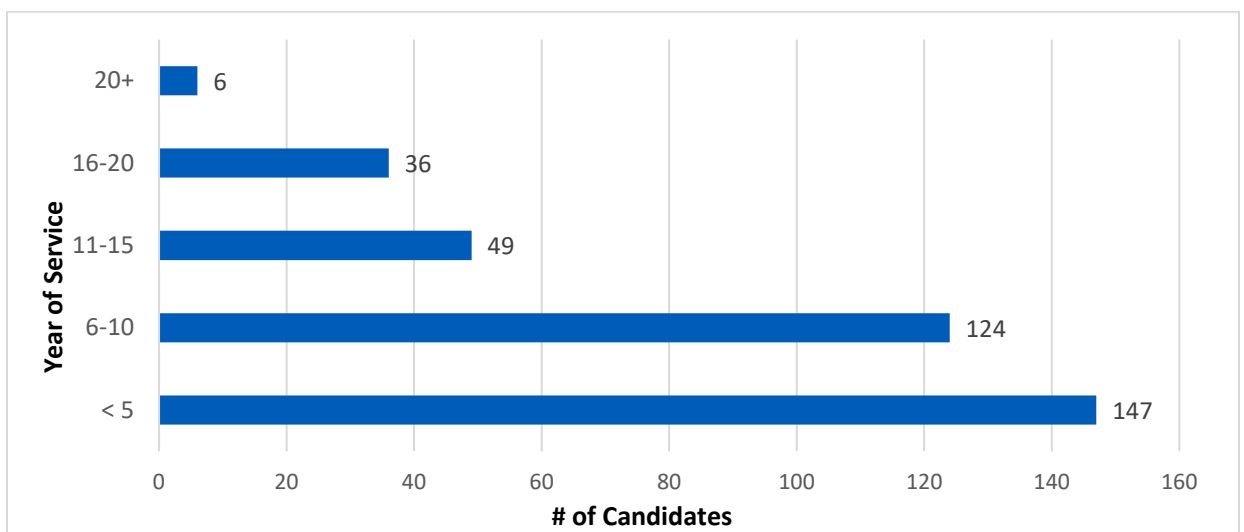
**Figure 1: 1Q23 Candidates by Rank**



### EIP Candidates by Years of Service

Of the 362 candidates presented to the Early Intervention Committee (“EIC”) for 1Q23, the majority of the candidates, which accounts for 40.6%, had less than five years of service with the Department (see Figure 2).

**Figure 2: 1Q23 Candidates relative to YOS**

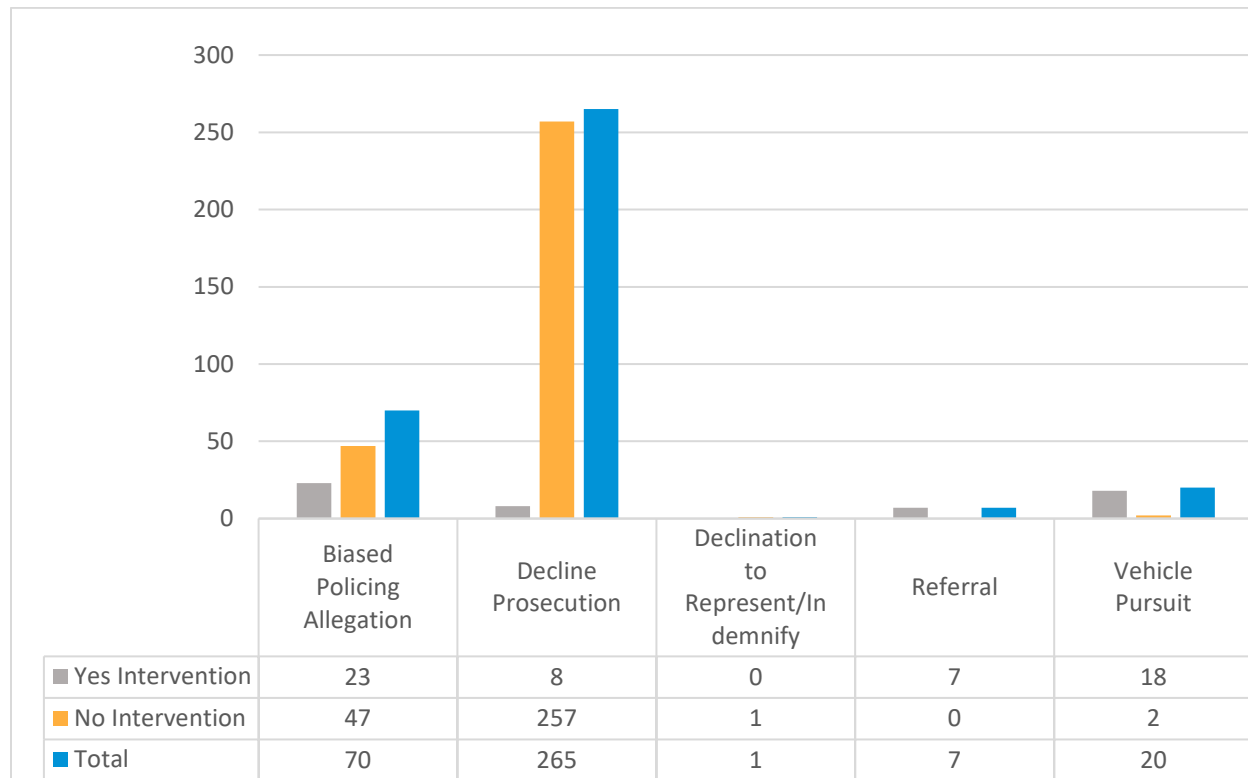


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### EIP Candidates by Threshold

For 1Q23, 362 candidates crossed 363 thresholds in the categories of biased-based policing allegations, declined prosecution, a declination to represent or indemnify the UMOS in a lawsuit, referrals internally and/or externally from the Department, and a vehicle pursuit or collision. Of the 363 threshold incidents, the percentage of directed interventions are as follows: biased-based policing allegations; 32.9%, declined prosecutions; 3.0%, a declination to represent or indemnify; 0.0%, referrals; 100.0%, and a vehicle pursuit; 90.0% (see Figure 3).

**Figure 3: 1Q23 Thresholds Incidents by Type**



Note: (1) candidate crossed two thresholds in 1Q23.

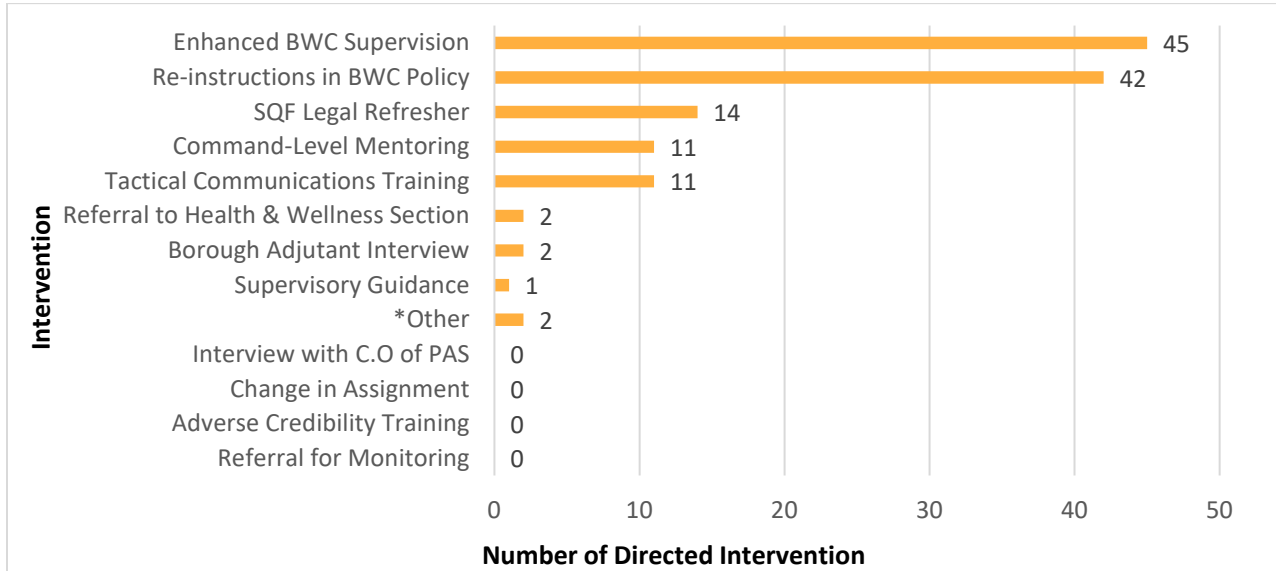


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### EIP Candidates by Interventions Directed

For 1Q23, 130 interventions were directed to 55 of the 362 candidates that entered into the program. Of the 55 candidates, 10 of them were given multiple interventions for the thresholds crossed (see Figure 4).

**Figure 4: 1Q23 Directed Interventions**

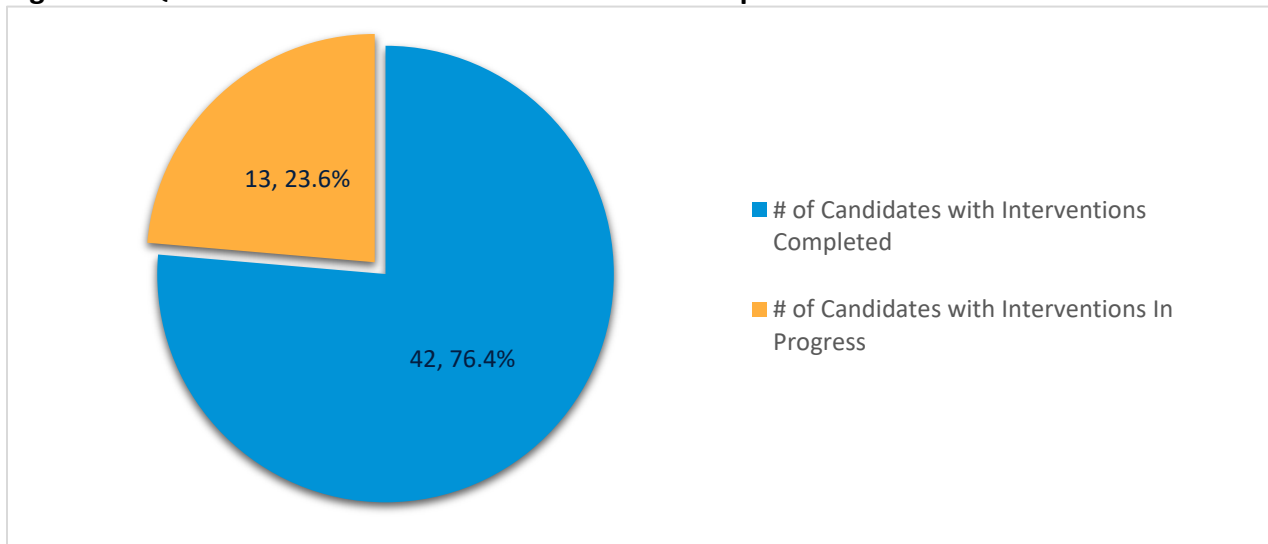


Note: \*Other includes interventions of the EDP Training Workshop and Joint Tactical (J-TAC) Training

### Completion Statuses of EIP Candidates Directed Intervention

The current fulfillment status level is at 76.4% for the 55 candidates that were ordered interventions. 23.6% of the candidates are pending for completion due to multiple interventions assigned are in progress (see Figure 5).

**Figure 5: 1Q23 Candidates relative to Intervention Completion Status**

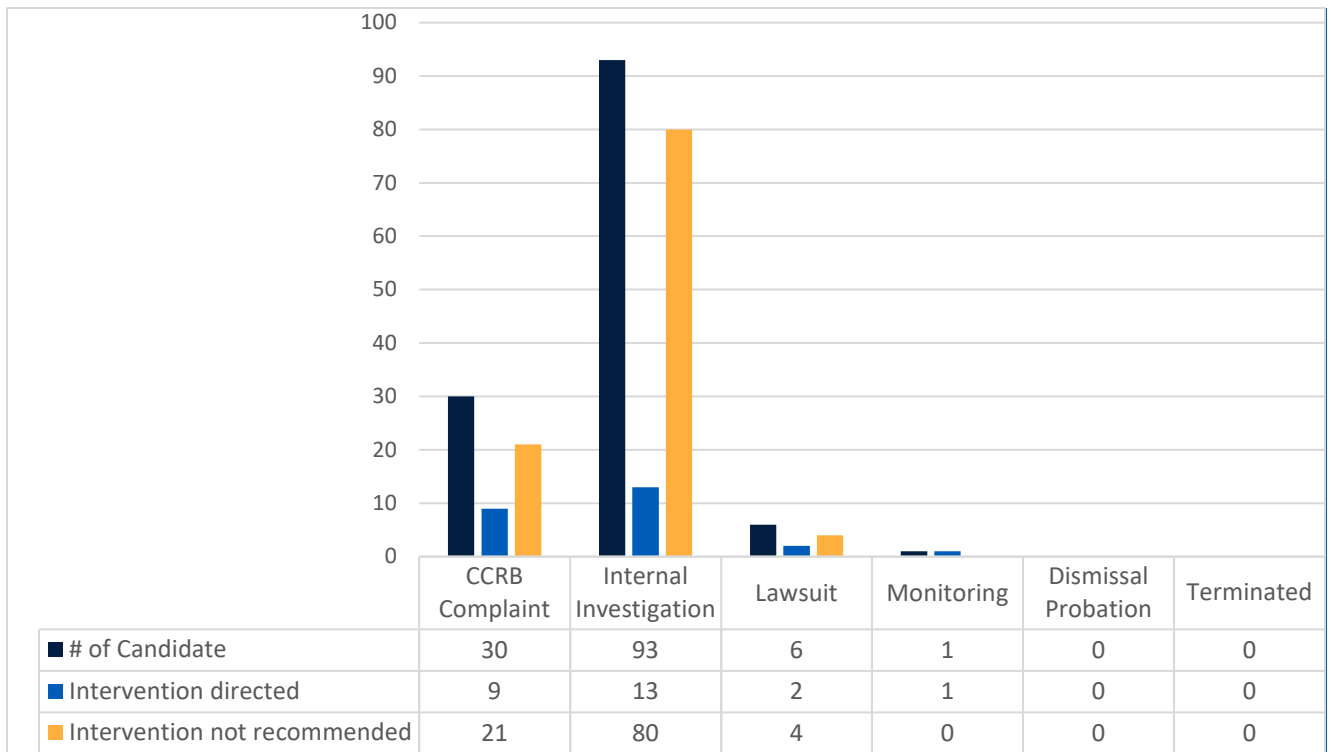


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### Statuses of EIP Candidates Post-Assessment

A post EIP assessment on the 362 candidates in 1Q23 shows 106 were subjected to either a new CCRB complaint(s), new internal investigation(s), civil lawsuit, placed on monitoring, dismissal probation, and/or were terminated (see Figure 6).

**Figure 6: 1Q23 Candidates Performance Status after EIP Assessment**



Note: (6) candidates were subjected to a civil lawsuit after the Early Intervention Committee, all of which are incidents that occurred prior to 1Q23.

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### Conclusion

The Department's Early Intervention Program will continue to evolve going forward. The Department will continue to improve the process as it gains more data on what non-disciplinary interventions work best to mentor and support members of the service, effectively serve the public better, and prevent officers from engaging in conduct that would merit discipline.