

Local Law 68-2020 requires that the New York City Police Department (“NYPD” or “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. This report covers the year 2020.

Police officers hold a unique position in our society. They are responsible for the safety and security of all of those who live in, work in, and visit the city. Whether they are responding to a call of a crime in progress or a cry for assistance due a medical or other type of emergency, they are a critical component of local government that people frequently interact with and rely upon for help. At the same time, they are given enormous discretion in how to perform their work. They are entrusted with the power to seize property, restrict the freedom of individuals, and, under appropriate carefully delineated circumstances, to use force in the course of their duties. With this vast discretion comes vast responsibility, that is, to perform their duties and exercise their authority within the bounds of the law and Department policy. The Early Intervention Program is just one of many efforts the Department is undertaking that are designed to ensure that our officers are performing their policing functions in concert with the Department’s commitment to serve the public to the best of its ability.

While the NYPD has historically had a number of programs that have addressed issues of potentially at-risk officers, these programs have never been consolidated nor tracked in a unified way until now. The NYPD’s Early Intervention Program (“EIP”) now unites these previous disparate efforts. EIP is a non-disciplinary program, although entry into the program may be engendered by a pending or completed disciplinary action. 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 which may lead to negative performance issues, employee discipline, or negative interactions with the public. EIP is neither punitive nor disciplinary in nature. At its core, it is designed to mentor and coach officers to provide support to as 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 correcting issues as soon as they are identified.

Under the Department's Early Intervention Program, when a designated threshold is triggered, Risk Management Bureau ("RMB") staff prepare an overview of the officer and their commanding officer is asked to make a recommendation regarding potential intervention to the Early Intervention Committee (the "Committee"). The commanding officer is asked to consider their prior experiences with the officer, both positive and negative, the officer's tenure with the Department, the facts of the underlying incident, and the effectiveness of any prior interventions prior to making a recommendation to the Early Intervention Committee.

The Early Intervention Committee is chaired by the Deputy Commissioner of RMB and is also composed of executive-level personnel representing the Deputy Commissioner of Legal Matters, the Deputy Commissioner of Equity and Inclusion, the Chief of Department, the Chief of Detectives, the Chief of Patrol, and the Chief of Personnel. The Committee met for the first time in August 2020 and was then convened once a month for the remainder of the year. When evaluating an officer, the Committee considers all relevant details relating to the incident or incidents that caused the officer to meet the designated threshold as well as their overall tenure with the Department, including whether the officer has previously been presented to the Committee.

The commanding officer and the Committee have a number of potential interventions to choose from including training, mentoring, enhanced supervision, ongoing review of the officer's body-worn camera footage, conferral with command or bureau leadership, or change in assignment. The Committee may also decide that no intervention is necessary. Where necessary, officers may be referred for a determination of whether or not monitoring is appropriate, to the Health and Wellness Section for an assessment, to the Internal Affairs Bureau for potential disciplinary action, or to a District Attorney's Office for potential criminal investigation.

After the Committee makes a final decision regarding potential intervention, that decision is documented and sent to the commanding officer for implementation. Commanding officers are required to document the implementation of any intervention that has been ordered within thirty business days of receiving the Committee's final decision.

In addition to the information collected pursuant to Local Law 68-2020, the Department's Early Intervention Program also collects information regarding certain declinations to prosecute as well as Law Department declinations to indemnify or represent officers in civil lawsuits alleging an unconstitutional stop, unconstitutional trespass enforcement, or racial profiling or slurs.¹

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.

¹ See *Floyd v. City of New York*, 08-cv-1034 (AT), Dkt. 767, Order at 2-5 (S.D.N.Y. June 2, 2020).