

EARLY INTERVENTION PROGRAM

QUARTERLY PUBLIC PROGRESS REPORT



Q2 2023



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Early Intervention Program Summary

Early Intervention Program Description

The NYPD's Early Intervention Program (EIP) is designed to intervene at the earliest possible opportunity in order to support employee wellness and professional development. This is accomplished by identifying and mitigating 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 by providing support to ensure each officer performs their duties in a manner that adheres to the mission and values of the Department.

EIP Review Process

EIP aims to identify at-risk officers based on a list of thresholds, which are outlined below. Upon crossing an EIP threshold, a comprehensive review of the member of service (MOS) is conducted by the Professional Standards Bureau. Although the threshold is what triggers review, EIP is intended to address any area of the MOS' performance that may benefit from intervention. Therefore, the review extends beyond the threshold incident(s) and encompasses a holistic review of the MOS' tenure with the Department, including past and current assignments, any history of civilian complaints, internal investigations, arrest history, performance evaluations, public interactions as seen on BWC video, and any prior interventions, among other factors. The MOS' 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 is then presented to the Early Intervention Committee (EIC), who will make a final determination as to what interventions, if any, will be implemented.

Early Intervention Committee

The Early Intervention Committee is chaired by the Professional Standards Bureau 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 MOS who have crossed an EIP threshold. EIC decisions are communicated to the MOS' CO, Borough Adjutants and other relevant stakeholders.

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Thresholds

The following are thresholds that currently trigger review by EIP¹:

1. Three or more declinations to prosecute (DPs) that fall within thirteen defined categories,² 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 MOS in a lawsuit;
5. A judgment or settlement against the MOS 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 MOS 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 twelve-month period;
10. Five or more TRI's, 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, based upon a referral pursuant to PG 221-15 or 217-06;
12. An arrest made by an MOS 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
- Coaching Session with Professional Standards Bureau Executive

¹ 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, an intervention will not be deemed necessary in every instance. In fact, a majority of MOS who are reviewed by EIP are not recommended any intervention.

² 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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- Change of assignment
- Referral to Health and Wellness Section
- 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 require their supervisor(s) view a greater number of their videos. This is generally monitored by reviewing the 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 also 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 an executive will generally participate in a one-on-one session with the executive for up to one hour. UMOS may also be referred for 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, placed on dismissal probation, or terminated.

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*³ 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 who have 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 complaints or NYPD investigations, or lawsuits, after entry into the program; and
- g. Number of UMOS placed on dismissal probation or terminated after entry into the program.

³ 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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Second Quarter 2023 Summary

In the second quarter of 2023, the Professional Standards Bureau reviewed 113 candidates, 16 of whom were previously assessed by EIP. Of the 113 candidates, 46 (40.7%) were recommended for intervention and 67 (59.3%) had no intervention recommended.

EIP Quarterly Comparison

On a rolling quarterly period, 2Q23 as compared to 1Q23 experienced a 68.8% decrease in candidates entering EIP. This is due to a decrease in the number of candidates who were reviewed for the declined prosecution threshold. The Professional Standards Bureau is actively revising its intake and review process to ensure the workflow across quarters is consistent (see Table 1).

Table 1: EIP Candidates 2Q23 vs. 1Q23 Comparison

	2Q23	1Q23	+/-	% Change
# Of Candidates	113	362	-249	-68.8%
<i>Biased Policing Allegation</i>	74	69	5	7.2%
<i>Vehicle Pursuit</i>	24	20	4	20.0%
<i>Referral</i>	8	6	2	33.3%
<i>Declined Prosecution</i>	5	266	-261	-98.1%
<i>Adverse Credibility Finding</i>	3	0	3	*.*
<i>OGA/Resisting Arrest/Disorderly Conduct</i>	3	0	3	*.*
<i>CCRB</i>	1	0	1	*.*
<i>Suppression</i>	1	0	1	*.*
<i>Declination to Represent/Indemnify</i>	0	1	-1	-100.0%
<i>Force</i>	0	1	-1	-100.0%
<i>Judgement/Settlement in Civil Litigation</i>	0	0	0	*.*

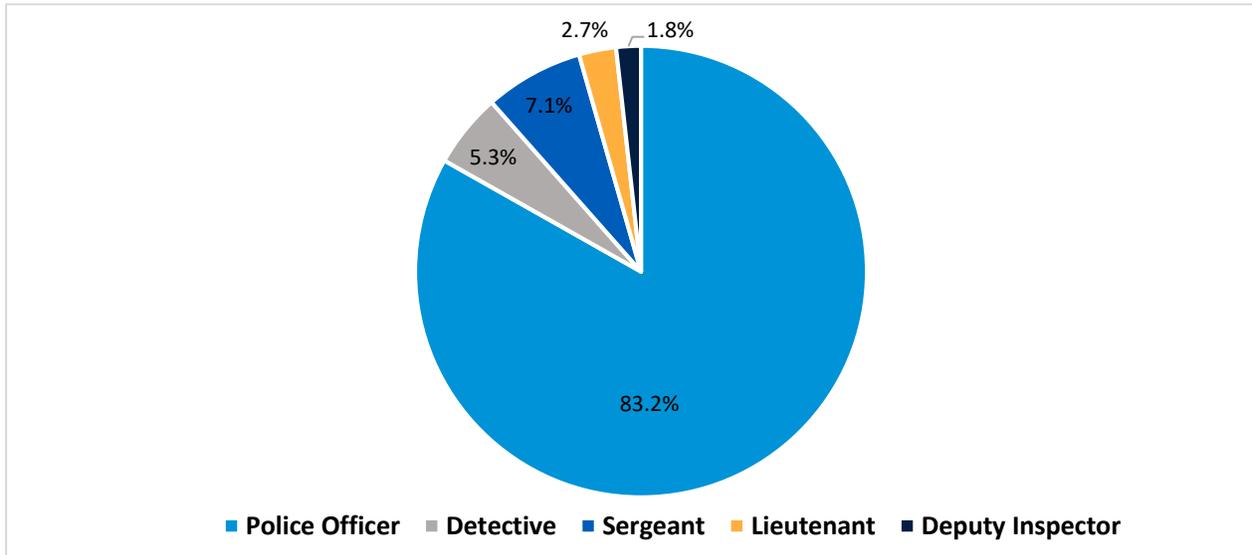
Note: Six candidates crossed two thresholds in 2Q23.
 One candidate crossed two thresholds in 1Q23.

Early Intervention Program Summary

EIP Candidates by Rank

At the time of entry into the Early Intervention Program for 2Q23, the 113 candidates include ranks of 94 Police Officers, 6 Detectives, 8 Sergeants, 3 Lieutenants, and 2 Deputy Inspectors. The rank of Police Officer comprised 83.2% of the population in the program (see Figure 1).

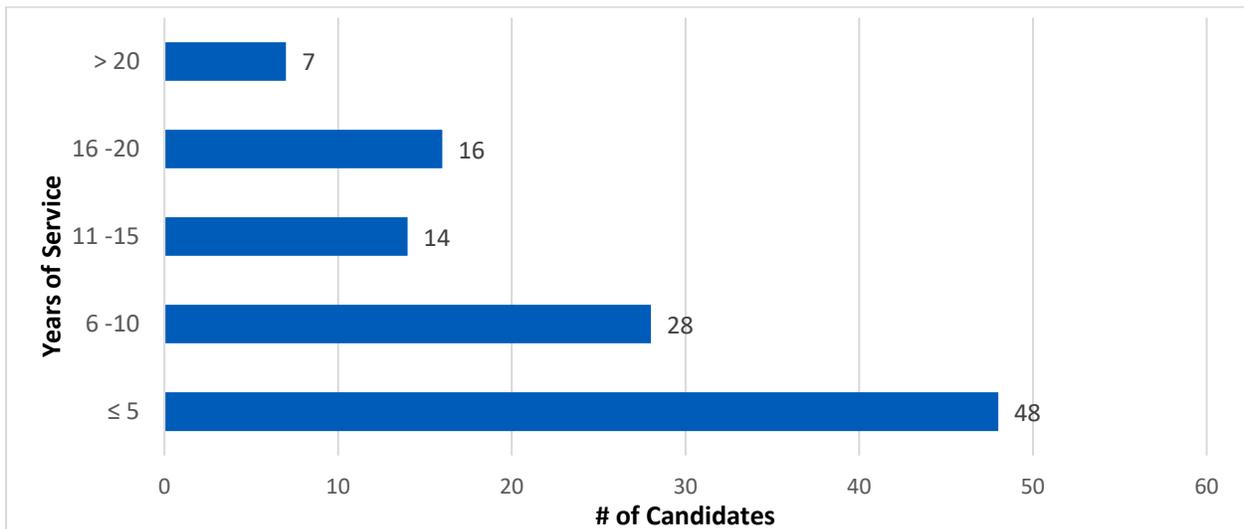
Figure 1: 2Q23 Candidates by Rank



EIP Candidates by Years of Service

Of the 113 candidates presented to the Early Intervention Committee already introduced for 2Q23, the majority of the candidates, (48 out of 113 or 42.5%) had five or less years of service with the Department (see Figure 2).

Figure 2: 2Q23 Candidates Relative to Years of Service

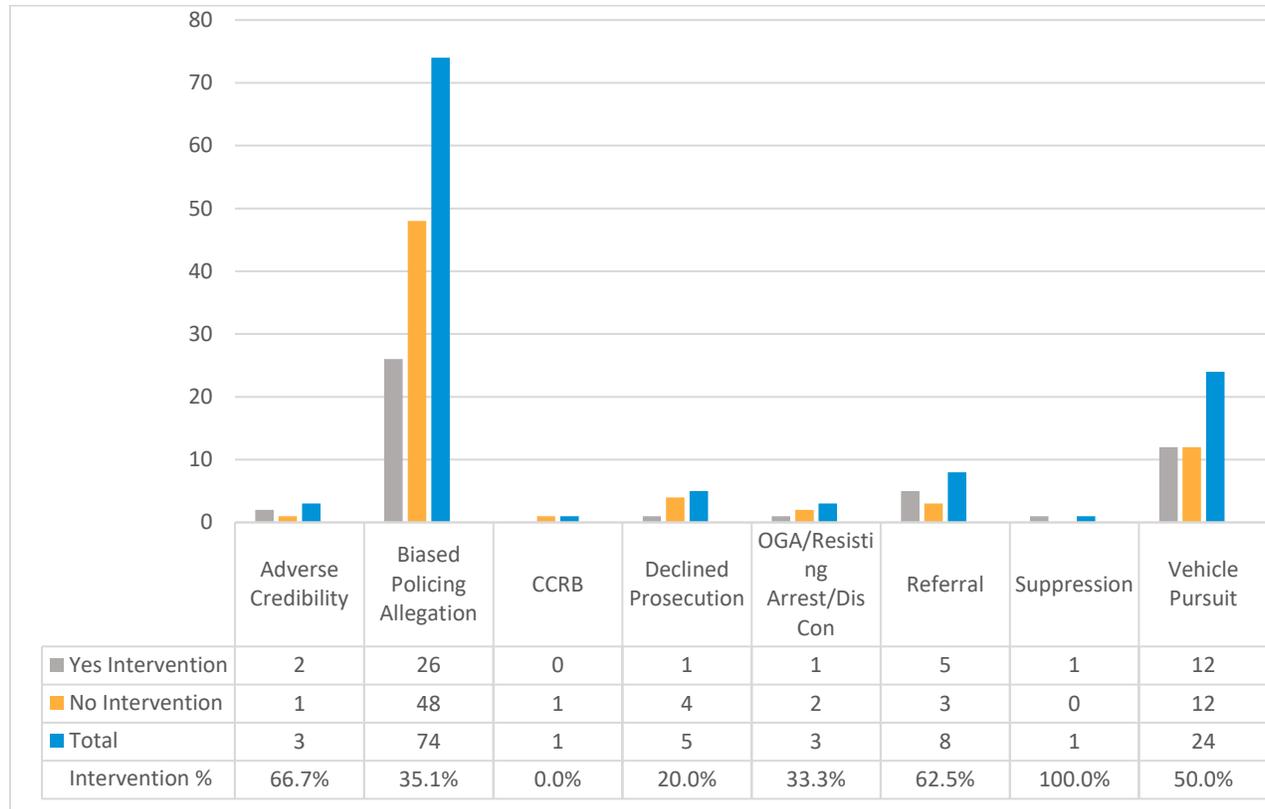


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EIP Candidates by Threshold

For 2Q23, 113 candidates crossed 119 thresholds in the categories of adverse credibility, biased-based policing allegations, CCRB complaints, declined prosecutions, arrests where the defendant is charged with Penal Law §§ 195.05, 205.30, and 240.20, referrals internally and/or externally, suppression, or vehicle pursuits or collisions. Biased-based policing allegations account for more than half (74; 62.2%) of the total threshold incidents for the second quarter (see Figure 3).

Figure 3: 2Q23 Threshold Incidents by Type



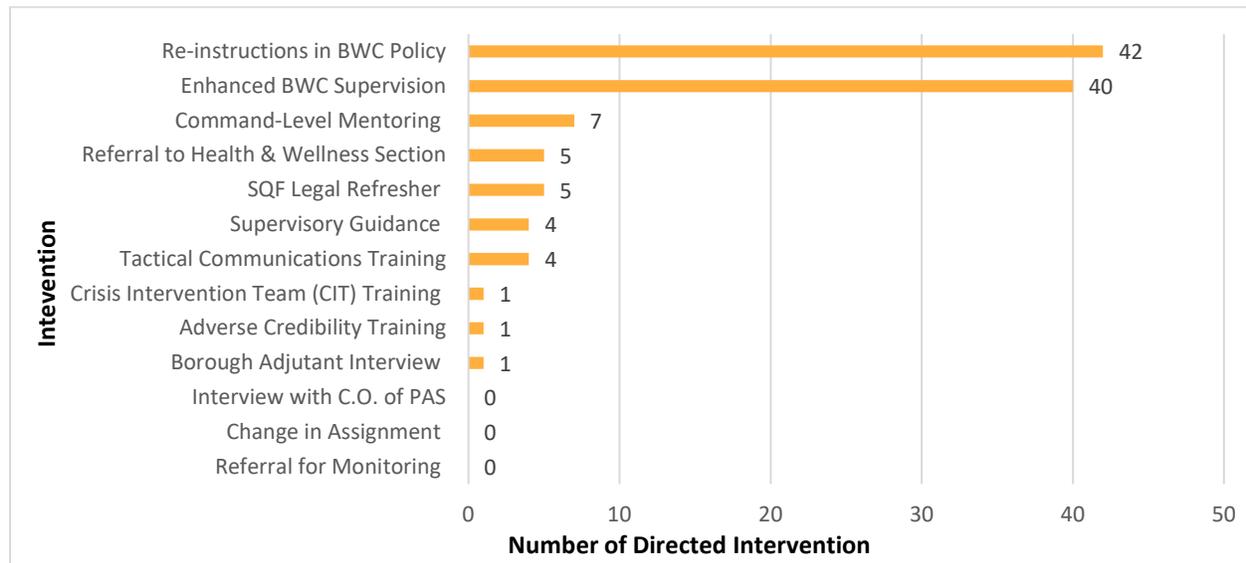
Note: Six candidates crossed two thresholds in 2Q23.

Early Intervention Program Summary

EIP by Directed Interventions

For 2Q23, 110 interventions were directed to 46 of the 113 candidates that entered into the program. Of the 46 candidates, 41 of them were given multiple interventions for the thresholds crossed (see Figure 4).

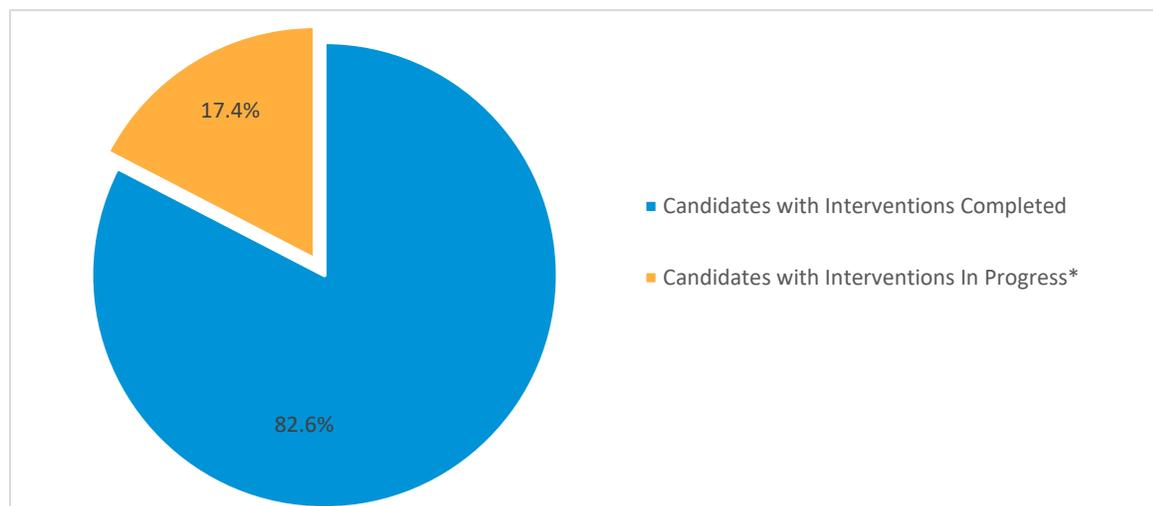
Figure 4: 2Q23 Directed Interventions



Completion Status of EIP Candidates for Directed Interventions

The current completion status for directed interventions is 82.6%. Of the 110 interventions ordered collectively for all 46 candidates, 79 of those interventions were fully completed for 38 candidates. This amount does not reflect the 8 pending candidates who may have multiple interventions, some of which may not have yet been completed (see Figure 5).

Figure 5: 2Q23 Candidates relative to Intervention Completion Status



Note:

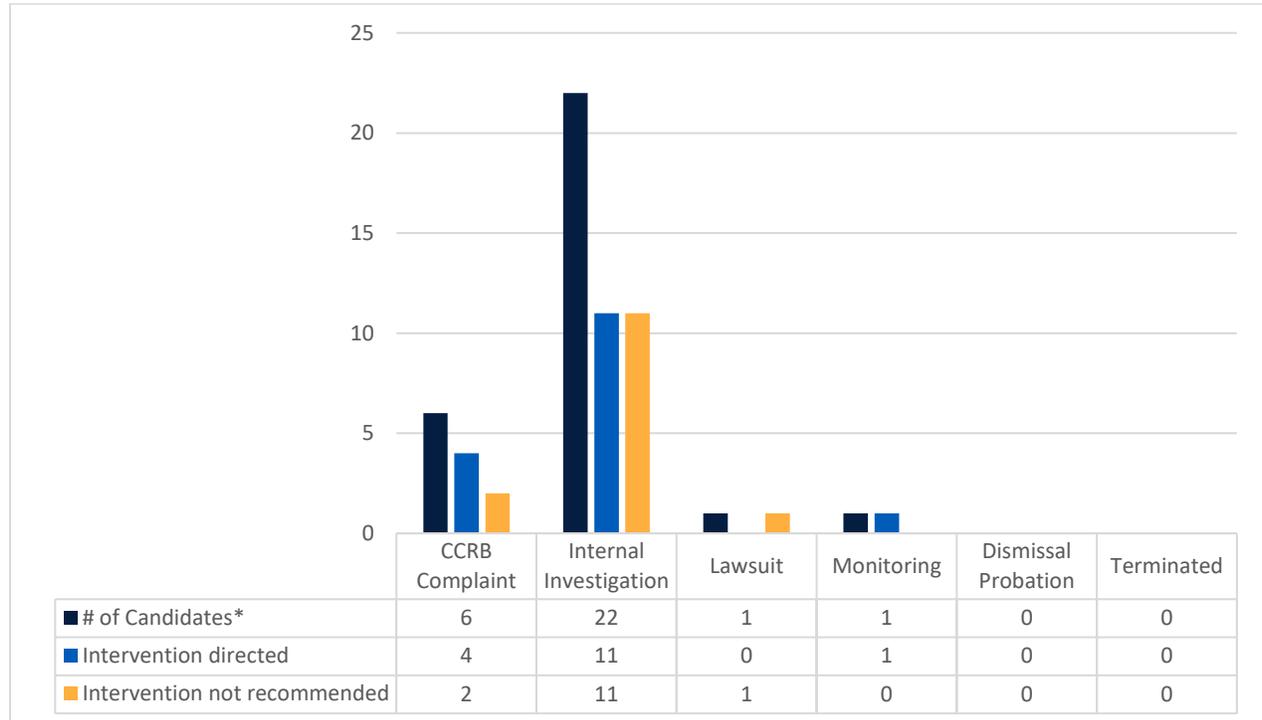
*Tactical Communications Training is scheduled to resume September 2023

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Status of EIP Candidates – Post Assessment

A post - EIP assessment of the 113 candidates in 2Q23 shows 25 of them were subjected to either new CCRB complaint(s), new internal investigation(s), civil lawsuit, placed on monitoring, dismissal probation, and/or were terminated (see Figure 6).

Figure 6: 2Q23 Candidates Performance Status after EIP Assessment



Note: *Of the twenty-five candidates, five were subjected to multiple performance indicator(s) after the EIC review. One candidate was subjected to a civil lawsuit after the EIC review for an incident that occurred prior to 2Q23.

Conclusion

The Early Intervention Program will continue to evolve as the Professional Standards Bureau gathers feedback and gains more insight into the risk factors and the effectiveness of the various interventions. The goal is to establish a robust review and restorative process to ensure at-risk members are identified and provided with proper guidance and support to effectively perform their duties.