

# EARLY INTERVENTION PROGRAM

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## 2023 ANNUAL PUBLIC PROGRESS REPORT





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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.

## Early Intervention Program Summary

### Thresholds

The following are thresholds that may 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 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
- Change of assignment
- Referral to Health and Wellness Section

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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, 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.

<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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- 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<sup>3</sup> 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. 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<sup>4</sup>. This report covers the year 2023.

## 2023 Annual Overview

The Early Intervention Committee (EIC) met four times throughout the year of 2023 for candidates screened in the Early Intervention Program (EIP) (see Figure 1). The Professional Standards Bureau reviewed 765 candidates in total; 168 (22.0%) of which were recommended for intervention and 597 (78.0%) had no intervention recommended. Additionally, 160 of those candidates were previously assessed in the EIP.

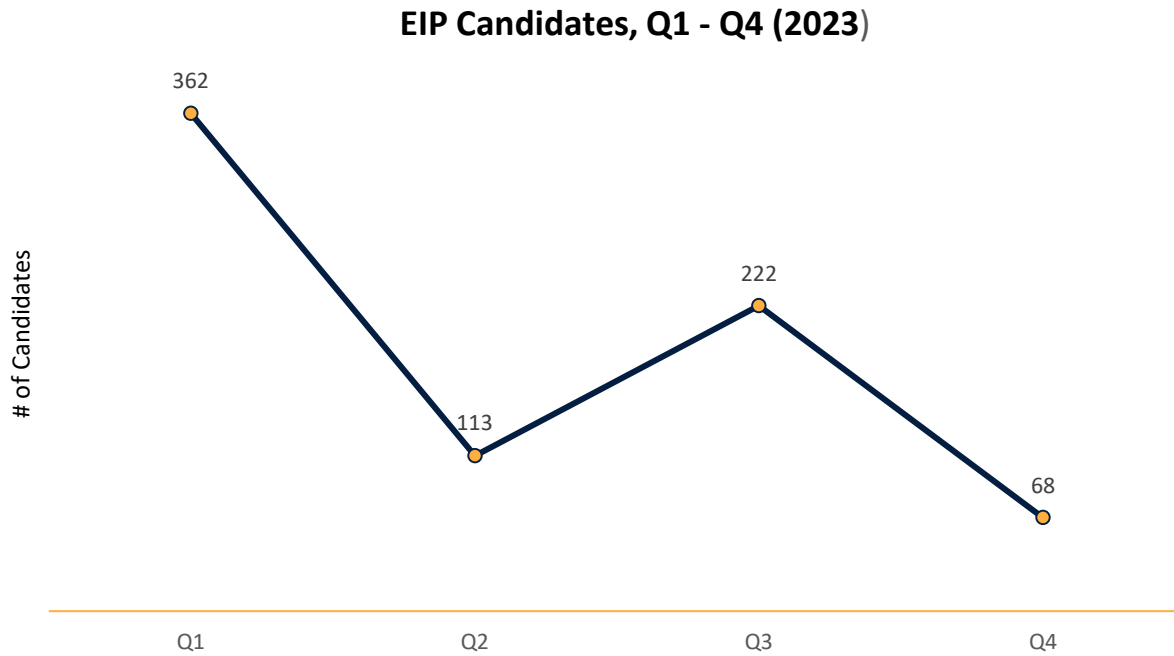
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<sup>3</sup> See NYC Administrative Code section 14-190 Early Intervention System.

<sup>4</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).

EIP Candidates by Quarter

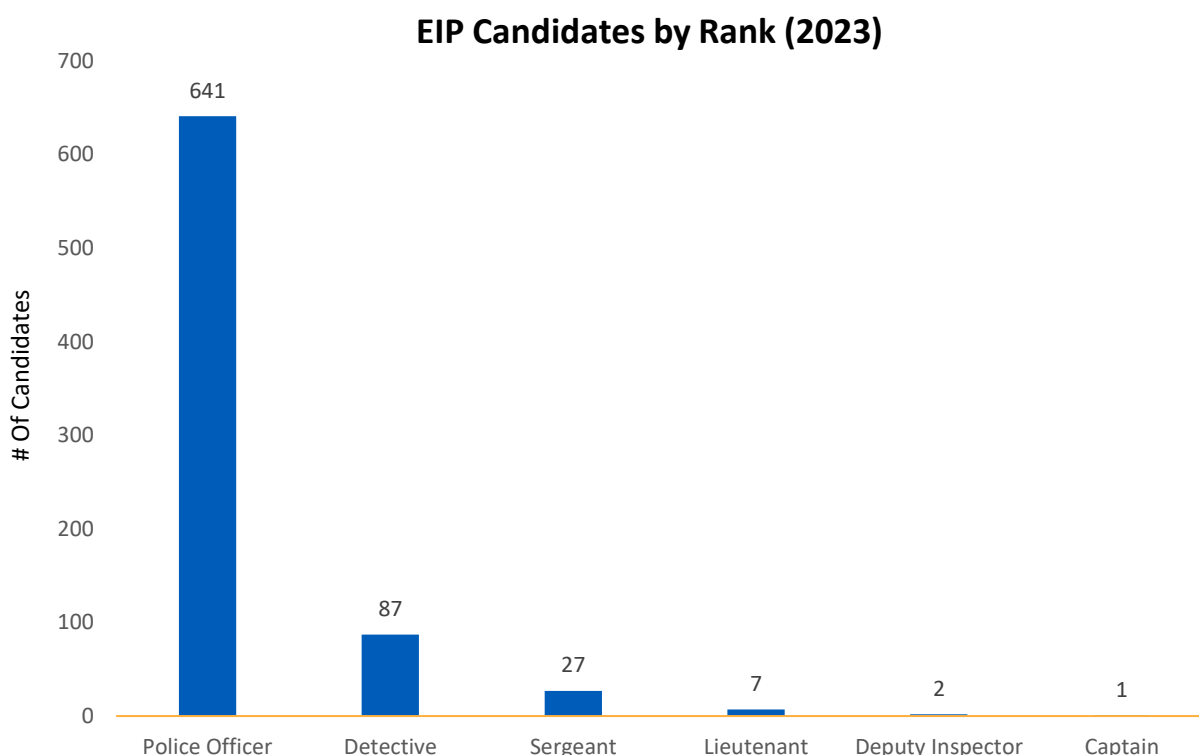
**Figure 1: Candidates Reviewed per Quarter**



EIP Candidates by Rank

For the year 2023, the rank of Police Officer remained the majority of the screened candidates that enter into the Early Intervention Program on a quarterly basis. Police Officers account for 83.1% of the overall population in the program, likely due to the nature of their job duties in interacting with the public (see Figure 2).

**Figure 2: Candidates by Rank**



**EIP Candidates by Threshold**

In 2023, 765 candidates met one or more of the thresholds categories collectively comprising 790 threshold triggers (see Table 1).

**Table 1: Triggered Thresholds per Quarter (2023)**

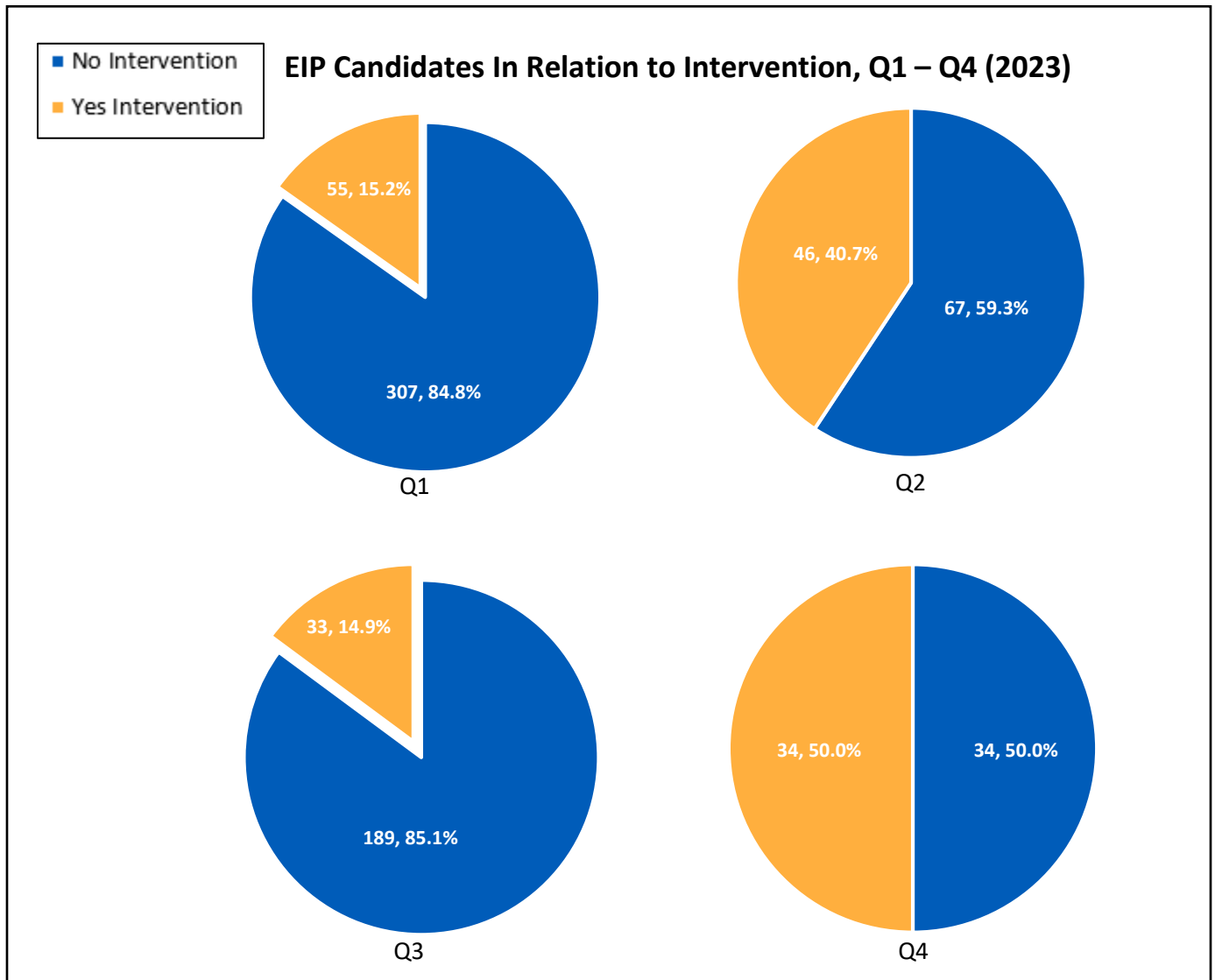
Thresholds	Q1	Q2	Q3	Q4
Adverse Credibility Finding	0	3	8	0
Biased Policing Allegation	69	74	38	11
CCRB	0	1	0	2
Declination to Represent/Indemnify	1	0	2	0
Declined Prosecution	266	5	152	23
Force	1	0	1	0
Judgement/Settlement in Civil Litigation	0	0	0	0
OGA/Resisting Arrest/Disorderly Conduct	0	3	20	20
Referral	6	8	2	4
Suppression	0	1	5	5
Vehicle Pursuit	20	24	7	8
<b>Total</b>	<b>363</b>	<b>119</b>	<b>235</b>	<b>73</b>

## Early Intervention Program Summary

### EIP Candidates with Interventions

In 2023, 765 candidates were reviewed for the Early Intervention Program; 168 (22.0%) of which were recommended for intervention and 597 (78.0%) had no intervention recommended (see Figure 3).

**Figure 3: Candidates Relative to Intervention per Quarter**



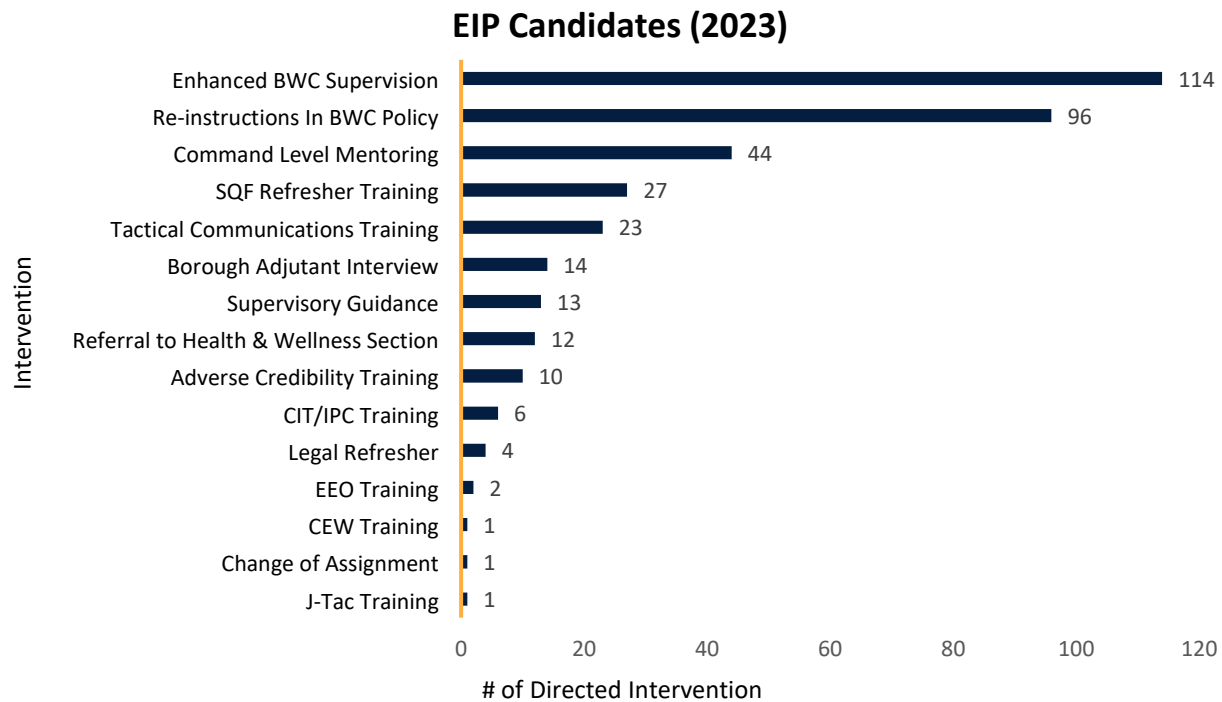


## Early Intervention Program Summary

### EIP Candidates by Directed Intervention

The Early Intervention Committee directed 168 candidates to receive 368 interventions throughout the year of 2023 with enhanced BWC supervision (114, 31.0%) and re-instruction in BWC policy (96, 26.1%) as the most frequently directed interventions (see Figure 4).

**Figure 4: Directed Interventions by Type**



### Intervention Status of EIP Candidates

For the year of 2023, 90.5% or 152\* of the 168 candidates have one or more completed interventions. This amount does not reflect the 16 pending candidates who have interventions that have yet to be completed. The Professional Standards Bureau continues to proactively monitor and follow up each candidate undergoing intervention(s) to ensure they complete the full process of the Early Intervention Program (see Table 2).

**Table 2: Candidates by Intervention Completion Status per Quarter (2023)**

Quarter	Number of Candidates for Intervention	Number of Candidates with One or More Completed Interventions	% Completed
Q1	55	55	100.0%
Q2	46	43	93.5%
Q3	33	26	78.8%
Q4	34	28	82.4%

Note: \* Twenty-three candidates partially completed their intervention(s)

## Early Intervention Program Summary

### 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.