APPENDIX F

December 12, 2022 Technical Assistance Letter
from the Office of the Illinois Attorney General
to the Joliet Police Department
re: Early Warning System

December 12, 2021

Via Email

Robert Brown
Interim Chief of Police, Joliet Police Department
c/o Sabrina Spano, Corporation Counsel, City of Joliet
150 W. Washington St.
Joliet, Illinois 60432
rbrown@joliet.gov
sspano@joliet.gov

**Re: Investigation of the Joliet Police Department –
          Implementation of an Early Warning System**

Dear Chief Brown,

When the Illinois Attorney General's Office opened its pattern and practice investigation of the Joliet Police Department ("JPD"), we committed to promptly informing the City of Joliet ("City") and JPD of serious systemic issues that require immediate attention. We made this commitment with the understanding that the City and JPD would seek to address such concerns as soon as they are identified, rather than waiting until we issue our written findings. Although our investigation is not yet complete and we are still months away from issuing written findings, we write to inform you of an issue requiring your immediate attention: JPD's Early Warning System ("EWS").[1]

---

[1] JPD refers to its system as an Early Warning System, and, to avoid confusion, this letter uses JPD's terminology. However, the more current terminology is "Early Intervention System," which highlights the system's focus on wellness and prevention. *See* Karen Amendola, *et al.*, *Best Practices in Early Intervention System Implementation and Use for Law Enforcement Agencies*, NATIONAL POLICE FOUNDATION, Nov. 2018, at 1. https://www.policefoundation.org/publication/best-practices-in-early-intervention-system-implementation-and-use-in-law-enforcement-agencies/.

500 SOUTH SECOND STREET, SPRINGFIELD, ILLINOIS 62706 · (217) 782-1090 · TTY: (217) 785 -2771 · FAX: (217) 782-7046
100 WEST RANDOLPH STREET, CHICAGO, ILLINOIS 60601 · (312) 814-3000 · TTY: (312) 814-3374 · FAX: (312) 814-3806
1001 EAST MAIN, CARBONDALE, ILLINOIS 62901 · (618) 529-6400 · TTY: (618) 529-6403 · FAX: (618) 529-6416

We have learned that JPD's Early Warning System does not facilitate effective identification of officer conduct that may require intervention to reduce the risk of a tragic outcome. Given the importance of an early warning system to the effective operation of the Department, officer wellbeing, public safety, and risk management, we urge the City and JPD to immediately secure outside expertise to redesign or replace the current system with a functioning and reliable early warning system.[2]

On December 1, 2021, members of our Office met with JPD's Deputy Chief of Administration and the Lieutenant in charge of the Internal Affairs Unit to discuss JPD's Early Warning System. Based on this meeting, and our review of JPD's relevant policy (G.O. 5-18) and related materials, we have identified fundamental deficiencies in JPD's Early Warning System that prevent it from effectively serving its intended purpose. While the Deputy Chief and Lieutenant demonstrated a commitment to improving JPD's Early Warning System, which predates them both, outside expertise may be necessary for JPD to design and implement a robust early warning system that functions as intended.

An effective early warning system is a critical management tool for police departments. The goal of such a system is to identify officer behavior or conduct that are early indicators of potential problems. This allows supervisors to prevent more serious misconduct through non-disciplinary intervention and support. Early warning systems are widely considered a best practice for promoting officer wellness, performance, and police accountability. It is not intended to be a punitive tool. A properly functioning early warning system can reduce problem behaviors, guard against unnecessary or excessive uses of force, and reduce complaints by community members.[3]

Typical early warning systems rely on a variety of performance metrics collected in a database. They utilize software to analyze the data to identify patterns of behavior based on objective policy guidelines and parameters suited to the particular department. The behavior making up the patterns may or may not be a violation of policy or otherwise problematic, but may indicate that an officer is at risk of engaging in conduct that may harm the department, the officer, or the community. Once the software identifies one of the patterns specified by the guidelines and parameters, it generates a notification that goes to the officer's supervisor. If intervention is warranted, the supervisor can provide the officer with appropriate resources to remedy the issue, including supplemental training, coaching, counseling (by a supervisor or a mental health professional as appropriate), or reassignment.

Certain metrics are essential to an effective early warning system. These may include: uses of force, vehicle pursuits, judicial suppressions of evidence, abuses of sick leave, domestic incidents, misconduct complaints, off-duty interaction with law enforcement, lawsuits, and consistent department policy violations.[4] Other metrics may be appropriate to JPD as well, and JPD must give careful consideration to including additional metrics based on the Department's

---

[2] Consistent with our commitment to conducting this investigation in as transparent a manner as possible, we will be posting this letter on our Office's webpage dedicated to this investigation: https://www.illinoisattorneygeneral.gov/joliet/.

[3] Samuel Walker, *et al.*, *Early Warning Systems: Responding to the Problem Police Officer*, NAT'L INST. OF JUSTICE, 2001, at 3. www.ncjrs.gov/pdffiles1/nij/188565.pdf.

[4] Amendola, *et al.*, at 4; Zoe Russek, *et al.*, *Early Intervention Systems*, UNIV. OF CHI. CRIME LAB, 2021, at 9. https://urbanlabs.uchicago.edu/attachments/32d00780dcf1082f6b49c678f2afa838c9105f0c/store/b551dd26ecaa556d96398cc4b4d2ca48ce57165a1c8187b5fc0d0a2f87b0/EIS.pdf.

particular circumstances. The variety of information gathered underscores that an early warning system should not be disciplinary. Instead, the unique value of an early warning system is that it can help *avoid* problems before they occur, while at the same time supporting officer wellness and officer and community safety.[5]

Below we identify some of the major deficiencies we have identified with JPD's current EWS policy and system. This list is not exhaustive, but rather sets out the most critical concerns that need to be promptly addressed. We urge the City and JPD to invest time and resources, including by engaging external expertise, into developing a better policy, training, and system.

<u>Issues with JPD's Current Early Warning System</u>

1. JPD must invest resources to support a robust and reliable Early Warning System.

Until very recently, JPD has made little serious effort to implement its existing Early Warning System policy or make any meaningful use of the information it was gathering in IAPro, the Department's early warning and internal affairs case management software system. There are no records of any remedial or corrective actions taken pursuant to JPD's policy, nor any indication that JPD carefully reviewed alerts generated by IAPro. Annual evaluations of JPD's Early Warning System, which are required by G.O. 5-18 § 5, contain identical, boilerplate language several years in a row. Responsible and effective leadership requires a thorough and thoughtful approach to early intervention. We also urge JPD to assess its technology needs in this area and make upgrades accordingly.

2. JPD must give clear policy guidance and provide training on its Early Warning System.

JPD's Early Warning System policy calls on supervisors to take one set of actions in response to behavior they observe and members of Internal Affairs to take different actions in response to alerts generated by IAPro. G.O. 5-18 §§ 3.1-3.4. The policy asks supervisors to "be attuned to potential problems that may negatively affect a member's work performance and use indicators to determine whether there is a pattern of activity that indicates the existence of a problem." § 3.1. But the policy does not provide any guidance regarding what supervisors should be looking for, what the "indicators" are, or how to identify a "pattern of activity that indicates the existence of a problem." There is likewise no guidance for members of Internal Affairs, who are responsible for reviewing alerts generated by IAPro and the incident(s) that caused the alert. § 3.4. The policy directs Internal Affairs to look for "some type of performance issue" without any guidance as to what that means. JPD needs to provide clear, objective criteria and policy guidance.[6]

This written guidance must be coupled with training. As we understand it, JPD currently provides no training to supervisors or to members of Internal Affairs on the Department's Early Warning System. It is essential that JPD provide this training. The training should help supervisors

---

[5] Amendola, *et al*., at 2; Samuel Walker, *et al*., *Supervision and Intervention within Early Intervention Systems: A Guide for Law Enforcement Chief Executives*, U.S. DEPT. OF JUSTICE, OFFICE OF COMMUNITY ORIENTED POLICING SERVICES, Dec. 2005, at 1. https://cops.usdoj.gov/RIC/Publications/cops-p105-pub.pdf.

[6] There is no "off the shelf" policy for early warning systems, and JPD's Early Warning System policy must be specifically tailored to JPD and the Joliet community. However, by way of illustration, we direct JPD's attention to other jurisdictions, such as Baltimore, https://www.baltimorepolice.org/transparency/bpd-policies/1707-early-intervention-system, and Chicago, https://directives.chicagopolice.org/#directive/public/6180.

and others understand the purpose of an early warning system, how it is distinct from discipline and formal performance reviews, what their responsibilities are within the system, and what specific, objective criteria should guide their performance of those responsibilities.

> 3. *JPD must carefully assess the data it collects and how it sets thresholds for Early Warning System alerts.*

Quality data is essential to an effective early warning system. JPD's current system relies on a limited set of high-profile incidents or events, including uses of force, vehicle pursuits, Internal Affairs investigations, and some lawsuits. This data is essential, to be sure. But JPD is not collecting other less obvious, but equally important, symptomatic information that can be critical to identifying problems *before* they occur, such as abuses of sick time, domestic incidents, judicial suppressions of evidence, and off-duty interaction with law enforcement. As an example, if an officer repeatedly takes sick leave linked with days off, that may be (but is not necessarily) a warning sign that the officer is experiencing personal problems, which could have consequences on the job. JPD's current system misses this information and other subtle variables that are equally valuable. It is important for JPD to identify the information that an early warning system tailored to the unique needs of JPD would capture.

In restructuring its early warning system, JPD needs to look carefully at its data collection more generally. Accurate, complete, timely, and consistently kept data is essential to a functioning early warning system. For example, any issue that a supervisor addresses should be recorded, aggregated with other system data, monitored, and evaluated. Unless *all* relevant data is in one place, the system will fail to provide a thorough picture of an officer's conduct, and potential problems will go undetected.

Additionally, JPD needs a deeper understanding of how to determine the criteria that will trigger alerts, how thresholds should be set, and how and when they should be evaluated and adjusted. The design of thresholds should be calibrated to the specifics of JPD and based on a statistical assessment of JPD officer conduct, the history of officers engaged in critical incidents, and a review of policies, procedures, and supervisory practices, along with other factors. The setting of thresholds will also be specific to job assignments and duties. For example, there may be a lower threshold for uses of force by a school resource officer as compared to a member of the tactical team conducting fugitive arrests. Established thresholds should also be periodically evaluated for effectiveness and adjusted accordingly.

> 4. *Supervisors should play a more integral role in JPD's Early Warning System.*

Under the current system, members of Internal Affairs receive alerts generated by IAPro and assesses whether a pattern of potentially problematic behavior exists, based on subjective criteria, by reviewing recent relevant reports on the officer. This presents two distinct but serious issues. First, the early warning system becomes a disciplinary mechanism, rather than a management and officer wellness tool. This undermines its effectiveness and trust among officers. Second, Internal Affairs will only see the data in the system and will not have a complete picture of the officer's conduct. Internal Affairs will be missing information that may be in the possession of a supervisor that might enhance or mitigate concerns. Currently, if Internal Affairs identifies a pattern, they notify the Deputy Chief of Administration. If the Deputy Chief of Administration

concurs with the finding of Internal Affairs, only then do they notify the officer's supervisors. The two separate tracks outlined for supervisors and Internal Affairs in JPD's current policy, *see* above at page 3, should be joined. It is important that JPD involve all supervisors in analyzing and responding to early warning system data and alerts early and often—not just when Internal Affairs determines there is an issue.

<u>Resources</u>

The resources below are a starting point for reforming early intervention at JPD. These materials can help you identify further issues as you assemble the resources to design a better system.

- The United States Department of Justice's COPS Office: https://cops.usdoj.gov/resources
- The International Association of Chiefs of Police: https://www.theiacp.org/resources/policy-center-resource/early-identification-system
- The National Police Foundation: https://www.policefoundation.org/
- The Police Executive Research Forum: https://www.policeforum.org/

In addition, we strongly encourage you to seek the assistance of outside professionals with experience in both law enforcement and data analysis to work with you in creating a new or revised early warning system that is effective and reliable. This is a critical task that requires specialized expertise, and given JPD's size, it may not be cost effective for the Department to develop this capacity internally.

Our investigation is ongoing and we will provide a report of our findings when it is complete. We look forward to highlighting JPD's progress toward a successful early warning system in that report, and we urge the City and JPD to begin that process as soon as possible.

For the State of Illinois,

Kwame Raoul
Attorney General

By: /s/ *Stevi Steines*
Senior Assistant Attorney General
Special Litigation Bureau
100 West Randolph Street, 11th Floor
Chicago, Illinois 60601

Cc: Jim Capparelli, City Manager for the City of Joliet
        Sherrie Blackburn, Deputy Chief of Administration