

Deliberative and Pre-decisional

Chapter 2. Law Enforcement Recruitment and Training

While law enforcement is a noble profession, it is a demanding one that requires enlisting the most committed, skilled, and virtuous public servants who are qualified and equipped to perform civic duties of extraordinary difficulty and importance. If the rule of law depends on the trust that laws will be enforced with fairness and vigor, then it also depends on the confidence that law enforcement are up to the job of keeping communities safe in a variety of social environments and against an array of criminal threats.

Across the country, however, law enforcement agencies continue to confront challenges in recruiting, retaining, and training officers. Increased demands on law enforcement are making the job more challenging and creating barriers to establishing and maintaining a well-trained workforce. The proliferation of criminal threats and social duties confronting the police has correlatively strained officer health and morale to the detriment of law enforcement resources and personnel. Agencies have to be able to recruit effectively from their communities, to attract and hire qualified individuals who will be able to excel in the work of law enforcement. In addition to recruiting qualified individuals they also need to retain experienced and trained officers to maintain a high level of effectiveness and prevent them from losing valuable investments of time and resources made into developing officers. The quality and nature of the training staff receive through the duration of their law enforcement career also affects officer retention and has a direct impact on the effectiveness of a law enforcement agency.

This chapter offers recommendations to help support law enforcement executives recruit qualified applicants, provide sufficient and ongoing training for officers, and retain officers throughout their agencies.

2.1 Recruitment

One of the most important challenges facing the law enforcement field today is sustaining staffing levels. As attrition increases and officers pursue careers elsewhere, the demand for qualified officers exceeds the supply of people who enter the law enforcement profession at the local, state, and federal levels. Many law enforcement agencies struggle with recruiting qualified candidates. One of the challenges, for example, is that while the economy grows and other industries flourish, there is increased competition for recruitment.¹ Changes to certain recruitment strategies could help alleviate some of those challenges. Additionally, agencies should explore ways to strengthen benefits and pay to attract the highest quality candidates.

Finding the right people to fill open positions generally requires a sound recruitment strategy, even for small agencies. In response to the dynamic set of conditions that affect the labor pool, law enforcement agencies should develop a comprehensive recruitment program based on a written recruitment strategy. Rather than “selecting out” officers based on undesirable background or characteristics, agencies should “select in” officers based on desirable traits.

Diverse workforces can be more effective, creative, and resilient than homogenous workforces, and teams with broader perspectives result in better decision-making and problem-solving practices.² Recruiting a diverse pool of candidates includes qualified individuals from different races, genders, ethnicities, and cultural backgrounds.

Effective recruitment practices can engender trust, and develop good relations with their communities and ensure that the officers they hire can best serve those communities. Recruitment efforts should start in the community, and law enforcement agencies should consider developing youth programs to attract younger generations. This could include Explorer programs, internships through local schools, cadet academies, university partnerships, and youth mentorship programs that foster special relationships between young

¹ Ouriel, “Beards, Tattoos Help.”

² Kevin P. Morison, *Hiring for the 21st Century Law Enforcement Officer: Challenges, Opportunities, and Strategies for Success* (Washington, DC: Office of Community Oriented Policing Services, 2017), <https://cops.usdoj.gov/RIC/Publications/cops-w0831-pub.pdf>.

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adults and departments.³ Not only do these programs develop enthusiasm for a law enforcement career, but can also build relationships between law enforcement agencies and the communities they serve.⁴

There are fiscal considerations with regards to recruitment policies and practices. The cost of sound recruiting and screening processes may burden an agency with a smaller budget, however this expense should be viewed as a critical, long-term investment. The initial “upfront” costs can save money in the long run by increasing retention. When a single employee chooses to leave an agency, costs associated with recruiting, hiring, training, and equipment increase. In addition, immediate budget shortfalls may occur through unexpected overtime costs to maintain minimal shift coverage.

In addition to ensuring adequate pay and benefits for recruitment, agencies must also consider paths for professional development, which often motivates recruits and younger law enforcement officers.⁵

[CROSS REFERENCE RESPECT FOR LAW ENFORCEMENT]

Law enforcement agencies should also consider leveraging technology when developing recruitment strategies. This will ensure reaching a broader population of potential applicants.

2.1.1 The federal government should establish a comprehensive educational benefit for individuals who commit to a law enforcement career.

A well-educated and well trained law enforcement officer benefits not only the officer personally, but it also benefits the wider criminal justice system. To recruit and retain the most talented and qualified individuals into law enforcement, the Commission recommends that the federal government establish a suite of three educational benefits for individuals who commit to a law enforcement career.

First, the government should create a federal undergraduate law enforcement scholarship program, akin to an ROTC scholarship, that provides tuition benefits enabling individuals committing to a law enforcement career to obtain a college degree. Establishing a scholarship program for law enforcement, like ROTC, would help recruit more talented and qualified young individuals into the law enforcement field on a broad national level.

Additionally, the government should establish a loan forgiveness program specifically for law enforcement to offer loan forgiveness options for individuals who have already completed undergraduate degrees and carry student loan debt when they enter law enforcement. The model for this proposal can be found in the Department of Education’s Public Service Loan Forgiveness (PSLF) program. For PSLF, law enforcement officers have to make 120 on-time loan payments while working for a qualifying organization before they can have their debt forgiven and so, only 1.1 percent of people received student loan forgiveness for law enforcement as of June 2019.⁶ In addition, life and career changes affect eligibility, and people may not have paid off their student loans by the time they qualify for PSLF. Thus, the government should consider modifying PSLF’s requirements for law enforcement or establishing a specific loan forgiveness program for law enforcement so officers can qualify starting on day one of their job for loan forgiveness options.

Finally, the government should reestablish an education assistance program for law enforcement officers. This could be a hybrid that combines scholarship and loan forgiveness options to enable law enforcement officers to pursue undergraduate or advanced degrees, to help enhance their career, and perform their law enforcement obligations more effectively.

³ Morison, *Hiring for the 21st Century*.

⁴ Wilson et al., *Police Recruitment and Retention*.

⁵ Jeremy M. Wilson et al., *Police Recruitment and Retention for the New Millennium: The State of Knowledge* (Santa Monica, CA: RAND Corporation, 2010), <https://www.rand.org/pubs/monographs/MG959.html>.

⁶ Elyssa Kirkham, “The Ultimate Guide to Student Loan Forgiveness for Law Enforcement,” *Lending Tree*, November 28, 2019, <https://studentloanhero.com/featured/student-loan-forgiveness-law-enforcement-guide/#police>.

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2.1.2 Law enforcement agencies should consider their internally identified priorities along with the priorities of the community and collaboratively work with stakeholders to conduct a thorough assessment of what critical characteristics and traits qualify an individual as a candidate for employment with their agency and include examining their policies concerning tattoos, grooming standards, and past drug use.

The 1967 U.S. President's Commission on Law Enforcement and Administration of Justice (i.e., Johnson Commission) recommended that all police candidates be tested to determine "moral character" and "emotional fitness."⁷ The Johnson Commission noted that these tests should identify and measure personality characteristics. Personality assessments remain the most popular choice for pre-employment psychological evaluations.⁸ These assessments of candidate traits serve one of two functions: either "screening in" desirable characteristics or "screening out" undesirable qualities.⁹ Research demonstrates the relationship between personality assessments and police performance.¹⁰

However, the dominance of personality screening has overlooked the importance of assessing other important "soft skills" in policing.¹¹ Dr. Anne Li, Krigen, Associate Professor of Criminal Justice and Assistant Dean of the Henry C. Lee College of Criminal Justice and Forensic Sciences, states, "Certain skills that are likely necessary to effectively work in law enforcement, such as communication and dispute resolution, are generally not part of pre-employment testing. This speaks to the greater issue that the attributes tested for in current hiring processes do not align well with those needed to effectively practice law enforcement."¹² Law enforcement agencies should conduct a thorough assessment of what critical characteristics and traits qualify an individual as a candidate for employment with their agency. In doing so, agencies should consider the internally identified priorities, along with the priorities of the community. A 2016 joint forum with the Office of Community Oriented Policing Services (COPS Office) and Police Executive Research Forum highlighted a number of skills that agencies should consider when identifying critical characteristics and traits pre-employment does not currently screen for (see text box).

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The COPS Office's forum highlighted traits for an ideal recruit:

- analytical
- a skilled communicator
- streetwise and possessing common sense
- a problem solver
- a change maker
- adaptable
- culturally competent
- a strong advocate for human rights
- well-educated
- compassionate

⁷ U.S. President's Commission on Law Enforcement and Administration of Justice, *The Challenge of Crime in a Free Society* (Washington, DC: U.S. Government Printing Office, 1967), 110, <https://www.ncjrs.gov/pdffiles1/nij/42.pdf>.

⁸ Peter Weiss and Robin Inwald, "A Brief History of Personality Assessment in Police Psychology," in *Personality Assessment in Police Psychology: A 21st Century Perspective*, ed. Peter Weiss (n.p.: Charles C. Thomas Press, 2010).

⁹ Paul Detrick and John Chibnall, "NEO PI-R Personality Characteristics of High-Performing Entry-Level Police Officers," *Psychological Services* 3, no. 4 (2006).

¹⁰ Michael Aamodt, *Research in Law Enforcement Selection* (Boca Raton, FL: Brown Walker, 2004).

¹¹ Michael Pittaro, "The Importance of Soft Skills for Criminal Justice Professionals," *In Public Safety*, September 21, 2018,

<https://inpublicsafety.com/2018/09/the-importance-of-soft-skills-for-criminal-justice-professionals/>.¹² Anne Li Krigen, Associate Professor and Assistant Dean, Henry C. Lee College of Criminal Justice and Forensic Sciences, public comment to President's Commission on Law Enforcement and the Administration of Justice, April 30, 2020.

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- a visionary¹³

[END TEXT BOX]

Law enforcement agencies should also examine their policies related to facial hair, nail polish, women's hair (especially policies affecting minority women), tattoos, and general appearance. Policies that are overly restrictive or prohibitive reduce the size of the potential applicant pool.¹⁴

2.1.6 Law enforcement agencies should develop a comprehensive marketing strategy for recruitment.

The marketing strategy could include branding such as: using the agency's mission to create a clear understanding of the career for which the candidate is applying; advertising the strengths and benefits of the agency to entice recruits; creating an introduction video from agency leadership that welcomes potential recruits and invites them to learn more about opportunities in the agency; and using testimonials from officers, sergeants, lieutenants, and other positions to describe the equipment, training, and culture. Local labor and representative organizations, along with other community stakeholders or individuals who have had positive experiences with the agency, can complement these efforts by demonstrating that new recruits will have a voice at the agency. These organizations give potential recruits assurances that their rights will be protected as employees.

2.1.7 Law enforcement agencies should assure the validity of, and periodically audit, all testing instruments.

[CROSS-REFERENCE DATA AND REPORTING]

Law enforcement agencies should conduct a validation study whenever jobs and job requirements change significantly. They should consult with either police-testing specialists, college- or university-based psychologists, or private professional industrial psychologists regarding test validation.

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- Agencies should invest in face-to-face interviews that include scenario-based questions.
- Agencies should have candidates go on ride-alongs with officers and involve them in community engagement activities.
- States and individual agencies should adopt research- and evidenced-based physical fitness standards.
- Agencies should embrace physical fitness as a priority throughout officers' careers.
- Agencies should check candidates' social media accounts for any indicators or warning signs of explicit bias.
- Agencies should advise candidates about the role of the local labor or representative organization and how the organization engages with agency leadership.

[CROSS REFERENCE OFFICER HEALTH AND WELLNESS; RESPECT FOR LAW ENFORCEMENT]

[END TEXT BOX]

Law enforcement agencies should ensure that they assess each applicant in a valid, reliable, fair, and legally defensible manner.

¹³ James E. Copple, *Law Enforcement Recruitment in the 21st Century* (Washington, DC: Police Executive Research Forum, 2017), 5, <https://cops.usdoj.gov/RIC/Publications/cops-w0830-pub.pdf>.¹⁴ Wilson et al., *Police Recruitment and Retention*.¹⁵ Morison, *Hiring for the 21st Century*.¹⁶ Police Executive Research Forum, *The Workforce Crisis*.

¹⁴ Wilson et al., *Police Recruitment and Retention*.¹⁵ Morison, *Hiring for the 21st Century*.¹⁶ Police Executive Research Forum, *The Workforce Crisis*.

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2.1.8 Law enforcement agencies should consider offering recruitment and retention incentives.

Recruitment incentives help applicants offset the cost of entering the law enforcement field. A recent study showed, the most common recruitment incentive involved paying a recruit's salary while they attended the academy, followed by offering free training at the academy, college tuition reimbursement, health and fitness opportunities, and a stipend for fluency in a language other than English. The study also found that offering childcare assistance to a new recruit would better meet the needs of working families.¹⁶

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In the Dunwoody Police Department in Georgia, a new hire receives a \$4,000 hiring bonus: \$2,000 at their one-year anniversary and \$2,000 at their two-year anniversary. Additionally, an employee receives a \$1,000 bonus for each referral who is hired. The department also offers a monthly housing stipend of \$700 for employees who live in the city of Dunwoody.¹⁷

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2.1.9 Law enforcement agencies should reduce the time it takes to apply for and receive an offer from an agency.

With a wide range of applications processes (from six weeks to nine months or longer), law enforcement agencies are losing candidates to other job offers. To curb this recruiting issue, agencies should consider how they can reduce the hiring timeframe, without sacrificing the quality of the testing, screening, and selection processes. These include reducing inefficiencies within the background screening processes, considering the timing of conditional offers, and providing detailed preparatory instructions to candidates. .

2.2 Retention

Some turnover in an organization can be a positive to allow the organization and individuals to advance, facilitate change, become more diverse, and reduce poor performance. However, continual voluntary turnover can be detrimental to law enforcement agencies. Reducing agency attrition saves money through lowering recruiting and hiring costs and leads to a more experienced, effective, and efficient organization. Improving retention can also help alleviate the ongoing need to recruit.

A number of issues leads to attrition in law enforcement including: changing career expectations and job duties, the work environment, competitive salaries, benefit packages, the focus on employee well-being, among others. People also leave the field because of more attractive external opportunities, which often happens when an officer serves on a task force, works closely with a contract company, or becomes an expert in a product or skill set and then is offered a higher paid, lower stress job.

[CROSS-REFERENCE TO OFFICER HEALTH AND WELLNESS]

Agencies can adopt various initiatives to improve retention or to minimize the detrimental effects of attrition, including planning and analyzing employees' needs, reducing the financial impact of attrition, enhancing compensation and nontraditional incentives, engaging employees in ways to improve the agency, and improving organizational effectiveness through open communication and fair and transparent practices.¹⁸ Additionally, agencies should analyze who is likely to leave, when, and why.

2.2.3 Law enforcement agencies should increase staff engagement in the agency, allowing for both top-down and bottom-up input into policies, procedures, and operations.

¹⁶ Police Executive Research Forum, *The Workforce Crisis*.

¹⁷ Fidel Espinoza, Lieutenant, Dunwoody Police Department, GA, in discussion with Recruitment and Training Working Group, virtual meeting, April 1, 2020. ¹⁸ Wilson et al., "Police Recruitment and Retention."

¹⁸ Wilson et al., "Police Recruitment and Retention."

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Allowing everyone to have a voice in agency policies, procedures, and activities fosters a synergy of ideas and broader discussions. It also demonstrates that respect can be fostered at all levels of the agency. Employees who feel they have a voice in their agency are often more satisfied with their job than those who do not feel they have that voice.¹⁹ Agencies should leverage their relationship with the local labor or representative organization and make it clear to those members the role of their organization is respected and their voice is heard on workplace issues.

2.2.4 Law enforcement agencies should develop formal procedures for exit interviews to identify reasons for leaving.

Exit interviews can help identify where an agency's retention efforts fall short.²⁰ Exit interviews are cost effective (i.e., easy to conduct and take little time with minimal investment), obtain honest information delivered without fear of retaliation, and provide insight into the actual work environment. Such insights may include comments on leadership style and ways to improve the agency, and increased future retention once negative practices are corrected.²¹

Another possible strategy, in addition to exit interviews is for agencies to develop and conduct "stay" interviews to help identify reasons why employees are committed to the agency. Similar to job satisfaction surveys, stay interviews identify what employees value about their agencies and provide leadership the opportunity to view the agency from the line officers' points of view. They also help leadership ensure that employees value the core elements of the agency's mission and vision.

2.2.7 Law enforcement agencies should examine their salary and benefit packages and incentive programs to ensure that they are competitive in the field.

A recent study by the National Institute on Retirement Security shows that retirement and health benefits are closely tied to job satisfaction.²² According to the National Association of Police Organizations, "Cities that have downgraded their pension plans or switched to defined contribution plans have seen qualified, trained officers leave for other jurisdictions who provide defined benefit plans. They also find it harder to recruit new officers to replace those who have left."²³ Agencies should consult both informally and formally with their local labor or representative organization for their perspective through the labor management process.

According to a 2019 report from the Bureau of Justice Statistics, about half of law enforcement agencies in the United States have fewer than 10 officers, and a significant number of law enforcement agencies—approximately 70 percent—are smaller agencies that serve communities of fewer than 10,000 citizens.²⁴ When an officer departs from a smaller agency, it can sometimes take about two years to recruit and

¹⁹ Kristie Rogers, "Do Your Employees Feel Respected?," *Harvard Business Review*, July 1, 2018, <https://hbr.org/2018/07/do-your-employees-feel-respected>.

²⁰ Everett Spain and Boris Groysberg, "Making Exit Interviews Count," *Harvard Business Review*, April 1, 2016, <https://hbr.org/2016/04/making-exit-interviews-count>.

²¹ Kevin Mason, "Four Benefits of Conducting Exit Interviews," Genesis HR Solutions, July 27, 2015, <https://genesishrsolutions.com/peo-blog/four-benefits-of-conducting-exit-interviews/>.²² "Amid Worker Shortages, New Research Examines State and Local Employee Views on Their Jobs, Pay and Benefits," National Institute on Retirement Security, November 11, 2019, <https://www.nirsonline.org/2019/11/amid-worker-shortages-new-research-examines-state-local-employee-views-on-their-jobs-pay-and-benefits/>.

²² "Amid Worker Shortages, New Research Examines State and Local Employee Views on Their Jobs, Pay and Benefits," National Institute on Retirement Security, November 11, 2019, <https://www.nirsonline.org/2019/11/amid-worker-shortages-new-research-examines-state-local-employee-views-on-their-jobs-pay-and-benefits/>.

²³ National Association of Police Organizations, public comment to President's Commission on Law Enforcement and the Administration of Justice, March 10, 2020.²⁴ Hyland and Davis, *Local Police Departments, 2016*.²⁵ *President's Commission on Law Enforcement and the Administration of Justice: Hearing on Training* (May 13, 2020) (testimony of Bill Brueggemann, Sheriff, Cass County, Nebraska), <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>.

²⁴ Hyland and Davis, *Local Police Departments, 2016*.²⁵ *President's Commission on Law Enforcement and the Administration of Justice: Hearing on Training* (May 13, 2020) (testimony of Bill Brueggemann, Sheriff, Cass County, Nebraska), <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>.

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properly train a replacement. These challenges make it difficult for agency leaders to maintain appropriate staffing levels and generate job satisfaction and positive morale.

Law enforcement agencies should also consider extending traditional and non-traditional benefits to the families of their officers. Law enforcement agencies create a holistic approach to valuing employees when they include their families.

2.3 Training

The quality, regularity, and consistency of training opportunities prominently influence the effectiveness of everyday police work. Some—but not all—agencies require training in de-escalation, infuse officer wellness components into training, and ensure adult learning principles complement tactical skills. Some also allow officers to “try out” the profession or shadow another officer for up to a year and begin policing without prior attendance at an academy.

Irrespective of the specific training required, many officers support and desire ongoing professional development throughout their careers to advance in the field and stay relevant in their knowledge, skills, and abilities. Some agencies may lose qualified officers because of the lack of consistency in training. This loss equates to an increase in recruitment costs and an organizational budget loss stemming from the money spent to recruit, hire, and train those officers leaving the agency. It is especially challenging for rural agencies to provide the trainings needed for their officers to fulfill required training hours and to help their officers advance their skills.

2.3.1 The Department of Justice should collaboratively work with stakeholders to develop national minimum standards for annual online and in-person continuing education requirements to include the most significant areas and critical topics required as well as the minimum training hours required for each.

While this is currently a matter for each state to determine, a national minimum standard for annual continuing education would provide a baseline for law enforcement nationwide. Agencies could require additional areas and topics of study and additional hours beyond the minimum standard; however, all law enforcement would be required to meet the minimum standard, ensuring that law enforcement across the nation has the same threshold to maintain their professional knowledge, skills, and abilities.

National standards allow for a common process to develop law enforcement training, help manage quality control through a series of requirements and checkpoints, and they also establish clear expectations and outcomes. National standards ensure that courses are current, relevant, and applicable, and have comprehensive instructor and facilitator guides, methodologies, and tools. National standards also help prepare law enforcement courses for accreditation through national law enforcement training accreditation programs. Finally, establishing a national model for academy training based on best practices that determines the ideal number of instructional hours on specific areas and critical topics would guide academy instruction and delivery.

2.3.2 The Department of Justice should consider establishing a national law enforcement training center.

Establishing a national training center for law enforcement, where agencies could send their officers to receive standardized trainings from a national curriculum (see recommendation above on national training standards) could help advance law enforcement officers nationwide, especially from smaller and rural agencies who may not have access to more advanced training in their areas.²⁵ This center could also focus on providing e-learning and distance training courses which are accredited through state training commissions,

²⁵ *President's Commission on Law Enforcement and the Administration of Justice: Hearing on Training* (May 13, 2020) (testimony of Bill Brueggemann, Sheriff, Cass County, Nebraska), <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>.

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which would allow small, rural, and tribal agencies that may have fewer resources to receive certified training on critical topics.

2.3.3 The Department of Justice should develop and regularly update a comprehensive, standardized, and immersive training programs for law enforcement officers on stops, questioning, searches, and seizures.

The Fourth, Fifth, and Sixth Amendments to the U.S. Constitution are central to the criminal justice process and to the everyday activities of law enforcement officers. However, profound misunderstanding among the public, media, and law enforcement regarding the stopping, questioning, searching, and temporary detention of a possible criminal suspect has led many to believe that “stop, question, and frisk” is illegal or unconstitutional; it is not. The Department of Justice should develop a standardized immersive training program available to new recruits and for in-service training based on current laws and new legal precedents. This training should be taught from the perspective of a law enforcement officer using role play to depict real-life situations in the field that allows officers to comment on various critical decision points during an encounter. Scenario-based simulation that emphasizes how to apply appropriate and legal approaches ranging from routine traffic stops to encounters with armed suspects can enhance public and officer safety.

2.4 Use-of-Force Training and Policies

The most solemn responsibility a law enforcement officer has is to protect their own life or the life of another. In the course of carrying out this responsibility, the use of force may be required. While the use of force may take many forms, the most serious is the use of deadly force. This Commission and law enforcement officers across the country believe in the sanctity of human life and therefore the use of lethal force to save themselves or another life must be a last resort when all other options have failed.

In order to ensure officers appropriately fulfill this responsibility, proper and rigorous training is required. Improperly discharging this duty has significant consequences for public trust in law enforcement and for the rule of law. National events that transpired during the work of this Commission have only reaffirmed the importance that law enforcement officers receive appropriate training to use force. To ensure the appropriate use of force and to ensure all law enforcement agencies comply, President Trump issued the Executive Order (No. 13929) on Safe Policing for Safe Communities.²⁶ The Order directs the “Attorney General, among other tasks, specifically to certify independent credentialing bodies that meet standards to be set by the Attorney General that should address certain topics in their reviews, including policies and training regarding use-of-force and de-escalation techniques.” And states that the “Attorney General’s standards for certification shall require independent credentialing bodies to, at a minimum, confirm that: the State or local law enforcement agency’s use-of-force policies adhere to all applicable Federal, State, and local laws; and the State or local law enforcement agency’s use-of-force policies prohibit the use of chokeholds — a physical maneuver that restricts an individual’s ability to breathe for the purposes of incapacitation — except in those situations where the use of deadly force is allowed by law.”

The order also calls upon “state and local law enforcement agencies to constantly assess and improve their practices and policies to ensure transparent, safe, and accountable delivery of law enforcement services to their communities.” And recognizes that “independent credentialing bodies can accelerate these assessments, enhance citizen confidence in law enforcement practices, and allow for the identification and correction of internal deficiencies before those deficiencies result in injury to the public or to law enforcement officers.”

While Executive Order No. 13929 has yet to be implemented by the Attorney General, the Commission has reviewed the issue of police use of force and recommends certain measures to better train law enforcement. As stated at the beginning of this section, the Commission believes the sanctity of life is the foundation upon

²⁶ Executive Order on Safe Policing for Safe Communities, June 16, 2020; <https://www.whitehouse.gov/presidential-actions/executive-order-safe-policing-safe-communities/>

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which all use of force training programs along with an agency's operational and administrative policies rests. This is especially important in how the agency addresses use of force.

Use-of-force policies outline conditions and situations where an agency can authorize or justify uses of force. Training supports these policies and effectuates the legal framework created by statute and prevailing court decisions by preparing officers to use force through approved tactics and weapons. Excessive, inappropriate, or unauthorized uses of force can unnecessarily injure a subject and damage the relationship between law enforcement and their communities: now more than ever police conduct is under close scrutiny in modern society.

Agencies should devote training time to practice use-of-force techniques and develop weapons proficiency, while they balance the safety of their officers and community expectations of law enforcement conduct. This balance is difficult to achieve, as training competes with regular daily duties and limited resources. Too often, this results in agencies having to sacrifice training time and opportunities that reinforce the sanctity of life.

Many law enforcement agencies have adjusted their operating principles to elevate the sanctity of life while still addressing officer safety. More agencies have recognized the need to include training on de-escalation and defusing techniques, how to respond to mental health issues, and critical decision-making. These training opportunities give officers the confidence to consider their options when responding to a suspect's actions. Officers who may have once considered how much force was authorized in a given situation should now analyze if alternatives to force are reasonable and appropriate.

Agencies should regularly examine their training and policies to ensure that they provide support to their officers with guidance that is justifiable, legally defensible, and that demonstrates the agency's commitment to the sanctity of life and compliance with applicable standards.

Use-of-force training requires significant resources to establish and maintain the best practices of applying force. Between numerous state-mandated training topics, weapons qualifications, and required recertification of first aid and lifesaving skills, agencies are confronted with a lack of resources to provide crucial professional training development opportunities. Many agencies rotate topics on a yearly basis to cover critical skills and update operational procedures and processes to meet state or local retraining or recertification requirements. Local and state budget decisions have a direct impact on the quality and quantity of training development offered for all sizes of law enforcement agencies. All too often, the budget allocations leave agencies without the appropriate resources to meet the needs of training law enforcement professionals. However, agencies should ensure that, at minimum, their annual training program includes skills in de-escalation and defusing techniques.

2.4.1 Law enforcement agencies should include use-of-force models in their policies.

Use-of-force models describe an escalating series of actions that an officer may take to resolve a situation. A use-of-force model usually has many levels, and officers are instructed to respond with a level of force appropriate to the situation. An officer may move from one part of the force model to another as the need arises, possibly in a matter of seconds. Law enforcement should give preference to use-of-force models that allow officers to choose a level of force that is based on legal principles and provides a referential model of resistance to better guide lawful use of force. The model should also allow the officer to immediately resort to deadly force when objectively reasonable.

2.4.2 Law enforcement agencies should establish a use of force review panel that meets annually to conduct a thorough review of their use-of-force policies.

As a matter of practical necessity, agencies employ high-risk tactics in their operations. Shots fired at or from moving vehicles, warning shots, and dynamic room entries all elevate the risks of injury or death to officers, suspects, or bystanders.

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Agencies should establish a review panel that includes representatives from the agency's command staff, training officers, general counsel, and prosecutor. Some agencies may also choose to include members of the community, stakeholder groups, or other law enforcement agencies. The panel should review best practices and model policy examples, recent court decisions, changes in laws, training deficiencies or failures, and other considerations that have an impact on use-of-force policies.

Agencies should consider meeting regularly (e.g., quarterly or as appropriate for the agency) with representatives from the local prosecutor's office to review law enforcement use of force. The meetings may be used to review specific cases or to conduct policy reviews. These regular meetings should improve relationships among criminal justice personnel and provide a better understanding of law enforcement actions. Prosecutors can also be invited to view or participate in scenario-based trainings to create a deeper understanding of peace officer decision making under stress.