

February 17, 2023

Hugh T. Clements, Jr.  
Director, Office of Community Oriented Policing Services  
U.S. Department of Justice  
145 North Street NE  
Washington, DC 20530

**Re: Revisions to the National Accreditation Standards**

The NAACP Legal Defense and Educational Fund, Inc. (LDF)<sup>1</sup> submits commentary and recommendations for the National Accreditation Standards (“Standards”) pursuant to Section 19(c) of Executive Order 14074.<sup>2</sup> Attached to this letter, please find a copy of the draft Standards with our revisions incorporated (Attachment 1).

Accrediting bodies play a critical role in setting law enforcement standards, and the Executive Order’s requirement to establish national standards for accreditation provides an important opportunity. Law enforcement policies have too often been based on the bare requirements of law. When these minimal standards are violated, officer conduct can result in violations of constitutional rights. Accrediting bodies should require higher standards to reduce law enforcement violations and better protect the safety, dignity, and rights of all people. Below, we explain the need for several of the items that we propose as additions to the Standards.

**I. Accrediting Bodies Must Incorporate Anti-Discrimination Principles and the Value of Human Life into Its Mission and Leadership.**

Independent credentialing bodies must commit to prioritizing the protection of human life and preventing discriminatory and otherwise unlawful policing, which is counterproductive for public safety. To ensure that accrediting bodies are clear and unambiguous about their duty to the public, they should be required to adopt these values in a clearly worded mission statement. Furthermore, their leadership structures must include substantial representation from those who are disproportionately harmed by discrimination and police misconduct—particularly Black and Brown people, members of the LGBTQ+ community, and people with disabilities—as well as organizations engaged in civil rights, community advocacy, and public defense.

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<sup>1</sup> Since its founding in 1940, LDF has used litigation, policy advocacy, public education, and community organizing strategies to achieve racial justice and equity in the areas of education, economic justice, political participation, and criminal justice. It has been a separate organization from the NAACP since 1957. LDF’s work to address police violence and misconduct dates back to its inception. *See, e.g., Shepherd v. Florida*, 341 U.S. 50 (1951) (reversing the wrongful interracial rape convictions of Black men, who were brutally beaten by sheriff’s deputies in an attempt to force confessions). Today, LDF’s Justice in Public Safety Project uses litigation, policy advocacy, research, community organizing, and strategic communications to transform public safety systems, advance police accountability, and prevent and remedy the impact of racial bias in public safety.

<sup>2</sup> Exec. Order No. 14074, 87 Fed. Reg. 32945 (May 25, 2022) (“The Attorney General, in formulating standards for accrediting bodies, shall consult with . . . civil rights and community-based organizations”)

## II. Additional Standards Should be Required for Law Enforcement Agencies.

Accrediting bodies play an important role in setting standards to prevent significant concerns in law enforcement that pose a threat to our multi-racial democracy, such as the disproportionate impact of police violence on Black and Brown communities,<sup>3</sup> the recruitment of officers by anti-governmental groups,<sup>4</sup> and a movement of sheriffs who claim their authority is supreme over federal and state law.<sup>5</sup>

Accrediting bodies must mitigate these threats by holding law enforcement agencies to appropriate standards for the employment, training, supervision, and discipline of officers. Too often, candidates with significant red flags are hired, and officers that are unfit to serve are permitted to remain employed or find employment at different agencies.<sup>6</sup> These failures have resulted in losses of life through fatal uses of force by officers and further loss of trust between communities and law enforcement agencies.<sup>7</sup> Accrediting bodies must address these concerns by defining the characteristics that render an applicant or officer unfit to serve, requiring stringent pre-employment screening processes, and imposing a duty on agencies to monitor current employees for problematic behavior. They must also ensure that officers are not allowed to receive training from extremist organizations or other groups that promote potentially unlawful practices and promote ideas contrary to the agency's mission statement as discussed above.

### a. Agencies must properly vet candidates for misconduct and lack of fitness to serve.

Too many law enforcement agencies do not use sufficient screening procedures that adequately protect the public from the hiring of candidates with a history of discriminatory, abusive, or violent conduct.<sup>8</sup> Background checks and psychological evaluations must be comprehensive enough to screen out candidates with fitness issues that are not readily apparent. For example, a candidate's prejudice against a racial minority might not be evident from his criminal record or employment history, but could be revealed by social media activity or psychological evaluations that properly screen for such characteristics.

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<sup>3</sup> See, e.g., Christina Pazzanese, *How Unjust Police Killings Damage the Mental Health of Black Americans*, Harvard Gazette (May 13, 2021), <https://news.harvard.edu/gazette/story/2021/05/how-unjust-police-killings-damage-the-mental-health-of-black-americans/>.

<sup>4</sup> Letter from Legal Defense Fund to Attorney General Merrick Garland, DOJ Must Enhance Efforts to Address the National Security Threat Posed By Law Enforcement Officials With Ties to Anti-Governmental and White Nationalist Groups (Sept. 13, 2022), <https://www.naacpldf.org/wp-content/uploads/2022-09-13-LDF-letter-re-law-enforcement-ties-to-extremist-groups-SIGNED.pdf>.

<sup>5</sup> Letter from Legal Defense Fund to Associate Attorney General Vanita Gupta, Growing Threat of "Constitutional Sheriffs" to our Multi-Racial Democracy (Dec. 21, 2022), [https://www.naacpldf.org/wp-content/uploads/2022.12.20-LDF-letter-to-AAG-Gupta-AAG-Clar\\_Puneet-Cheema.pdf](https://www.naacpldf.org/wp-content/uploads/2022.12.20-LDF-letter-to-AAG-Gupta-AAG-Clar_Puneet-Cheema.pdf).

<sup>6</sup> See, e.g., Hilary Rau et al., *State Regulation of Policing: POST Commissions and Police Accountability*, 11 U.C. Irvine L. Rev. 1349, 1369-70 (2021); Vida B. Johnson, *KKK in the PD: White Supremacist Police and What to Do About It*, 23 Lewis & Clark L. Rev. 205, 218 (2019) (Anniston County Police Department was aware of lieutenant's ties to a hate group when he was hired); Ben Grunwald & John Rappaport, *The Wandering Officer*, 129 Yale L.J. 1676 (2020).

<sup>7</sup> See, e.g., Grunwald, *supra* note 6.

<sup>8</sup> Rau, *supra* note 6, at 1366-73.

Furthermore, agencies should be strictly prohibited from hiring officers who have been decertified or terminated in any jurisdiction for reasons that bear on their fitness to serve. The need for this standard is demonstrated by numerous cases of once-terminated officers gaining employment in other jurisdictions, only to commit grave acts of misconduct.<sup>9</sup> In the interest of public safety, officers whose actions have proven they are unfit to serve as an armed law enforcement officer must not be allowed to move from one agency to another.<sup>10</sup>

**b. Accountability systems must provide appropriate discipline for officers who have committed misconduct or demonstrated a lack of fitness to serve.**

Too often, law enforcement agencies lack well-functioning internal accountability systems to ensure that officers are held to appropriate standards of integrity, and that officers who have demonstrated a lack of fitness to serve through misconduct or otherwise unacceptable behavior are appropriately disciplined. This failure to hold officers accountable has led to far too many injuries and deaths of disproportionately Black and Brown people. For example, in 2013, New York City settled a lawsuit that alleged severe misconduct by NYPD officer Daniel Pantaleo; he remained on the force and killed Eric Garner with a chokehold in 2014.<sup>11</sup> Prior to killing Laquan McDonald in 2014, Chicago police officer Jason Van Dyke had over 20 misconduct complaints in the Citizens Police Data Project database, and a civil jury ruled for the plaintiff after a 2007 incident in which he committed excessive force, assault, battery, and illegal seizure.<sup>12</sup> Agencies must prioritize public safety by ensuring appropriate discipline, including termination where warranted, for officers who commit serious misconduct on the job.

In the modern age of social media, agencies must also do more to monitor their officers for off-duty behavior that demonstrates a lack of fitness to serve. There have been many documented incidents across the country of officers posting bigoted or violent content online that proves their inability to protect the public and carry out their duties in a professional, unbiased manner.<sup>13</sup> Agencies must make every reasonable effort to detect off-duty behavior that bears on an officer's fitness, and they cannot hesitate to appropriately discipline officers that demonstrate violent, discriminatory or unlawful tendencies, including termination where warranted.

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<sup>9</sup> See Grunwald, *supra* note 6, at 1680-83.

<sup>10</sup> Accreditation and Standards: Hearings before the President's Commission on Law Enforcement and the Administration of Justice (2020) (Testimony of Jeff Hughes), <https://www.justice.gov/archives/ag/page/file/1319441/download> ("I stress the need to mandate that every agency and every state be required to report to a national decertification database and mandate that every officer and agency use that database when hiring potential applicants who worked for another department. This way, you don't have cops with a less than desirable past jumping from one agency to another.").

<sup>11</sup> Kevin McCoy, *Choke-hold Cop Sued in Prior Misconduct Cases*, USA Today (Dec. 4, 2014), <https://www.usatoday.com/story/news/nation/2014/12/04/choke-hold-cop-pantaleo-sued/19899461/>.

<sup>12</sup> Elliot C. McLaughlin, *Chicago Officer Had History of Complaints before Laquan McDonald Shooting*, CNN (Nov. 26, 2015), <https://www.cnn.com/2015/11/25/us/jason-van-dyke-previous-complaints-lawsuits/index.html>.

<sup>13</sup> See, e.g., Johnson, *supra* note 6, at 223-24 (2019); William K. Rashbaum & Alan Feuer, *N.Y.P.D. Concludes Anti-Harassment Official Wrote Racist Online Rants*, N.Y. Times (Jan. 11, 2021), [nytimes.com/2021/01/11/nyregion/nypd-james-kobel-racist.html](https://www.nytimes.com/2021/01/11/nyregion/nypd-james-kobel-racist.html).

**c. Proper oversight of entities that provide continuing education and training.**

Law enforcement agencies must ensure that entities with anti-governmental or white nationalist ideologies are not permitted to train or educate its officers. For example, there is a troubling trend of officers around the country receiving training from groups associated with the “constitutional sheriff” movement.<sup>14</sup> This movement has been described by a federal official as “the biggest issue” in domestic extremism, and its leader has advocated for disobedience of federal law and is a former board member of the Oath Keepers, which led the January 6<sup>th</sup> insurrection at the Capitol.<sup>15</sup> Allowing such groups to participate in or sponsor the training of police officers poses a grave threat to federally protected values of equal protection and anti-discrimination. Accordingly, the Standards must impose a duty on agencies to prevent officers from participating in training courses operated by these dangerous organizations.

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Accrediting bodies can play a crucial role in reducing harmful police conduct and implementing standards that will better protect civil rights and human dignity. To meet this potential, they must incorporate the values of equal protection and the preservation of human life into their mission and leadership and impose higher standards of employment and training on the agencies that seek their approval. The revisions we propose represent important steps they can take toward ensuring safe, effective, and equitable public safety.

Thank you for your consideration. Should you have any questions, please do not hesitate to contact or David Moss, Legal Fellow at LDF’s Justice in Public Safety Project at [dmoss@naacpldf.org](mailto:dmoss@naacpldf.org) or Puneet Cheema, Manager of LDF’s Justice in Public Safety Project at [pcheema@naacpldf.org](mailto:pcheema@naacpldf.org).

Sincerely,



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NAACP Legal Defense and Educational Fund, Inc.

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<sup>14</sup> See, e.g., Maurice Chummah, *Does Your Sheriff Think He’s More Powerful than the President?*, USA Today (Nov. 3, 2022), <https://www.usatoday.com/in-depth/news/investigations/2022/11/03/county-sheriff-constitutional-power-richard-mack-oath-keepers/10627256002/>.

<sup>15</sup> James Tomberlin, “Don’t Elect Me”: *Sheriffs and the Need for Reform in County Law Enforcement*, 104 Va. L. Rev. 113, 128 (2018); Chummah, *supra* note 10.

# **Attachment 1**

## National Accreditation Standards

- LDF’s suggested additions are written in **bold**.
- \* = standard has been moved from “should consider” to “must consider.”
- Excised portions are noted with a ~~strike through~~.

*Compliance with these standards does not ensure compliance with federal, state, or local law, and shall not constitute a defense in any federal lawsuit. Nothing in these standards is intended to be (or may be) used by third parties to create liability by or against the United States or any of its officials, officers, agents, or employees under any federal law. The standards are not intended to (or do not) confer any right on any third-person or entity seeking relief against the United States or any officer or employee thereof. No person or entity is intended to be (or is) a third-party beneficiary of these standards, or, with respect to them, such a beneficiary for purposes of any civil, criminal, or administrative action.*

The following standards will be used to determine if a law enforcement agency accreditation entity qualifies as an authorized, independent credentialing body as described in Section 19 of Executive Order (EO) 14074, Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety, May 25, 2022. These standards further the policies in sections 3, 4, and 7 through 10 of EO 14074 as required by section 19 of the order. Compliance with these standards alone will not necessarily allow a law enforcement agency to obtain accreditation from a state or national independent credentialing body, as such bodies may require adherence to additional policies and procedures.

### **I. Standards for independent credentialing bodies**

**To qualify as an authorized, independent credentialing body, the entity must incorporate the following standards.**

- 1. The body must adopt a statement of purpose, which includes an expression of its core responsibility to promote the value of human life, protect people’s civil rights, prevent discriminatory or otherwise unlawful law enforcement conduct, and promote the resolution of issues in communities without arrest where possible.**
- 2. The body’s senior leadership must include substantial representation of the public, including members of communities that disproportionately experience discriminatory policing, particularly members of Black, Latinx, LBGTQ+, Muslim, and other minoritized communities. Further, leadership should include substantial representation of community-based organizations, civil rights organizations, and public defense offices.**
- 3. The body must maintain a publicly accessible online database of law enforcement agencies that have been accredited.**

## II. Standards for accrediting law enforcement agencies

The independent credentialing body must conduct an independent assessment of a law enforcement agency's compliance with applicable standards as part of the accreditation process and not rely on the agency's self-certification alone. [Sec 19 (c)]

The independent credentialing body must require an accredited law enforcement agency to successfully renew their accreditation status not less than every four years.

The independent credentialing body must require, at a minimum, the following standards for law enforcement agency accreditation. **The standards identified below shall be implemented consistent with all applicable laws.**

1. **The agency has adopted a statement of purpose, which includes an expression of its core responsibility to promote the value of human life, protect people's civil rights, and prevent discriminatory or otherwise unlawful conduct.**
2. **The agency adopts and implements a directive that encourages officers to exercise alternatives to arrest. The directive instructs officers to resolve issues in communities without arrest where possible and clearly defines arrest as a measure of last resort.** [TFR 2.2.1]
3. **The agency has implemented a policy to work with local governmental bodies to develop restorative justice programs, mediation, and alternative mechanisms for dispute resolution to reduce reliance on law enforcement, and works to evaluate and identify 911 calls that are appropriate for resolution without the involvement of law enforcement officers.**
4. The agency has a recruitment plan to hire officers who are representative of the communities they are sworn to serve, including recruits who live in or are from these communities. [Sec 3(a)(i); TFR 1.8]<sup>16</sup>
5. The agency has a written directive that defines the promotion process for officers, which includes, at a minimum, the officer's annual performance evaluation, **evaluation of complaints against the officer, a review of racial disparities in the officer's use of force, stops, searches, arrests, or other enforcement activity, and whether the officer's performance has been in accordance with standards in numbers 1 and 2 above.** [Sec 3(a)(ii); TFR 5.3]
6. The agency has a retention plan for officers that includes mentorship and leadership development opportunities. [Sec 3(a)(ii); TFR 5.3]

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<sup>16</sup> Note: TFR refers to the Final Report of the President's Task Force on 21st Century Policing and the standard reflects the recommendation number from the report.

7. The agency has a written directive that requires the performance evaluation of all officers and supervisors to be conducted and documented at least annually. [Sec 3(a)(ii)]
8. The agency has a written directive that describes the performance evaluation procedures, which includes, at a minimum, an assessment of an officer's adherence to agency policies **and the principles outlined in 1 and 2 above**. For supervisors, the performance evaluation includes, at a minimum, an assessment of the supervisor's effectiveness in addressing misconduct by officers they supervise **and whether officers under their supervision promote the principles in 1 and 2 above**. [Sec 3(a)(iii)]
9. The agency has a written directive that describes all elements and activities of the selection processes for all officers. [Sec 3(a)(iv)]
10. **The agency has a mechanism to properly vet applicants, which includes comprehensive background checks and psychological evaluations of each candidate for officer positions conducted prior to appointment. Such background checks include, among other things, a review of the officer's social media accounts and their membership in anti-governmental or white supremacist groups, bias based on protected categories, or lack of fitness for public service. Such psychological evaluations consider, among other things, whether the candidate has a history of activity that might adversely affect performance, including any indicia of discriminatory, abusive, aggressive, or violent behavior.**
11. Additionally, the background investigation of each candidate for officer positions must include:
  - a. verification of qualifying credentials;
  - b. criminal history report;
  - c. verification of personal and professional references;
  - d. education verification;
  - e. employment history verification;
  - f. a review of relevant national or state decertification if available; and
  - g. consistent with the First Amendment and all applicable laws, screening to identify behavior that promotes unlawful violence or unlawful bias against persons based on race, ethnicity, national origin, religion, sex (including sexual orientation and gender identity), disability, **housing status, and immigration status. Such screening includes online and social media content.** [Sec 3(a)(iv)]
12. **The agency is required to disqualify applicants when there is evidence of misconduct or lack of fitness for public service. Such evidence includes any history of discrimination, professional misconduct, excessive force, sexual harassment or misconduct, dishonesty, criminal history, domestic or other violence, associations with white supremacist groups or anti-governmental groups, or other conduct that would cause a reasonable person to believe that the officer cannot perform the**



**duties of office in a fair and impartial manner.**

13. **The agency, and all entities conducting employment-related activities on behalf of the agency, must disclose to the appropriate certification agency any evidence it uncovers that a candidate or current employee may have a history of violence, discrimination, misconduct, or other disqualifying conduct, regardless of whether the candidate denies the allegations or offers evidence of subsequent rehabilitation.**
14. **The agency has a policy prohibiting the hiring of officers who are decertified in any jurisdiction, or who were refused certification in any jurisdiction, due to prior misconduct, evidence of lack of fitness to serve, or the negative results of a background check or psychological evaluation.**
15. The agency makes available to officers a wellness program designed to assist in the identification and resolution of concerns or problems (personal or job related), which may adversely affect an officer's personal or professional well-being or job performance. This includes suicide prevention and support for officers experiencing substance use disorders, mental health issues, or trauma from their duties. [Sec 4(a); TFR 6.2]
16. The agency has a written directive that prohibits the use of chokeholds and carotid restraints unless the use of deadly force is authorized by law when the officer has a reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the officer or to another person, and sworn officers have had in-service training on this directive. Chokeholds apply pressure to the throat or windpipe and restrict an individual's ability to breathe. The carotid restraint technique restricts blood flow to the brain causing temporary unconsciousness. [Sec 7(a)]
17. An agency has a written directive stating that officers will only use force that is **necessary, as a last resort**, to accomplish lawful objectives and apply de-escalation techniques when possible. [Sec 8(a)]
18. If the use of deadly force is authorized by law, the agency has a written directive that officers may use deadly force only when necessary, that is, when the officer has a reasonable belief that the subject of such force poses an imminent danger of death or serious physical injury to the officer or to another person. The written directive further states:
  - a. Deadly force may not be used solely to prevent the escape of a fleeing suspect;
  - b. Firearms may not be discharged from a moving vehicle except in exigent circumstances;
  - c. Firearms may not be discharged at a moving vehicle except under the following circumstances: (1) a person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or (2) the vehicle is operated in a manner that threatens to cause death or serious physical injury to the officer or others, and no other objectively reasonable means of defense appear to

exist, which includes moving out of the path of the vehicle;

- d. If feasible and if to do so would not increase the danger to the officer or others, a verbal warning to submit to the authority of the officer shall be given prior to the use of deadly force;
  - e. Prohibition of warning shots;
  - f. Officers will be trained in alternative methods and tactics for handling resisting subjects, which must be used when the use of deadly force is not authorized;
  - g. Deadly force should not be used against persons whose actions are a threat solely to themselves or property. [Sec 8(a)]
19. An agency has a written directive that establishes a duty to intervene for all officers to recognize and prevent or stop, as appropriate, any officer from engaging in excessive force or any other use of force that violates the Constitution, other laws, or agency policy on the reasonable use of force. [Sec 8(a)]
20. **The agency has a policy that limits foot pursuits to limited circumstances for violations of law involving violence, and where a suspect would not later be able to be identified.**
21. \*The agency has a written directive governing vehicular pursuits, including roles and responsibility of involved officers, supervisors, and when applicable, communication operators. [IACLEA 9.2.2; CALEA 41.2.2]
22. An agency has a written directive that requires appropriate medical aid is rendered as quickly as reasonably possible **whenever an individual requests it or when the need for it is evident.** [Sec 8(a)]
23. \*The agency has a written directive that requires officers to properly wear seat belts while operating an agency motor vehicle, **and to ensure that all passengers and persons in custody are secured with seatbelts and availed of all other reasonable transportation safety measures.** [TFR 6.6]
24. The agency has a written directive that requires all officers to receive in-service training, at least annually, on the agency's use of force policies, including legal updates, **and that assesses the effectiveness of each training.** [Sec 8(b)]
25. **The agency does not permit or provide training on any issues or courses affiliated with organizations that encourage disobedience of federal law or promote local law enforcement officials as higher authorities than state or federal officials. Such organizations include, but are not limited to, the Constitutional Sheriffs and Peace Officers Association (CSPOA) and Protect America Now.**
26. The agency has a written directive implementing a personnel early intervention system or

similar risk management tools to identify officers who may require agency intervention efforts. The directive shall include definitions of officer behaviors or actions for review. At a minimum this should include, consistent with the First Amendment and all applicable laws, use of force and bias against persons based on race, ethnicity, national origin, religion, sex (including sexual orientation and gender identity), or disability. [Sec 8(b)]

27. **The agency has stringent requirements for a well-functioning accountability system, including processes to easily file complaints online or at locations outside the agency's premises, to conduct independent, unbiased, and thorough investigations of officers for all complaints of misconduct, and requiring fair and appropriate discipline for sustained complaints.**
28. The agency has a written directive that establishes a disciplinary system for holding officers accountable for violating agency policies and procedures, to include:
  - a. procedures and criteria for using training as a function of **corrective action**;
  - b. procedures and criteria for using counseling as a function of **corrective action**;
  - c. procedures and criteria for taking punitive actions in the interest of discipline; **and**. [Sec 8(b); TFR 2.2]
  - d. **progressively more severe consequences for repeated infractions.**
29. **The agency has a policy for appropriate discipline, including termination, of officers who commit certain types of serious misconduct, including, but not limited to, excessive use of force, brutality, tampering with evidence, sexual assault, dishonesty, perjury, and witness tampering or intimidation, or where there is evidence of the officer's lack of fitness to serve as defined in [Section 3]. Termination pursuant to this section is required regardless of whether the underlying behavior takes place on-duty or off-duty. A criminal conviction or civil judgment is not required for termination pursuant to this section.**
30. **The agency has a mechanism for soliciting, collecting, and preserving information about officer misconduct and a lack of fitness to serve. Such information shall be solicited and collected from sources including, but not limited to, law enforcement agencies, the public, court records, newspapers and periodicals, social media, and other online sources.**
31. The agency has a written directive that prohibits officers from engaging in biased enforcement activity. The directive will include:
  - a. A clear definition of biased policing and/or enforcement, which includes law enforcement action based on the actual or perceived race, ethnicity, national origin, limited English proficiency, religion, sex (including sexual orientation and gender identity), or disability of individuals;
  - b. A prohibition of any biased policing;
  - c. A requirement that all officers receive entry-level training, as well as annual

training on biased policing, **with an assessment of the effectiveness of the trainings;**

- d. A requirement that all complaints of biased enforcement activity be recorded, investigated, and responded to **by independent, trained investigators;** and
  - e. A requirement that an annual review of all investigated complaints be conducted **and made publicly available** to identify trends or training needs. [Sec 9(a) – (c); TFR 2.13]
  - f. **Documentation of officers’ enforcement activities;**
  - g. **Data collection of officers enforcement activities and demographic categories of subjects engaged in a manner that permits analysis of data;**
  - h. **Periodic reviews, at least annually, of officers’ enforcement activity to evaluate for disparate impacts based on race or other protected categories, requirements that the agency devise a plan to continually decrease any disparate impacts found, and requirements that the agency make aggregated data publicly available.**
32. \*The agency has a written directive for policing mass demonstrations that includes provisions for:
- a. **Recognizing that law enforcement’s role in demonstrations is to facilitate protected First Amendment activity,**
  - b. Using a tiered protest response, starting with softer appearance and tactics,
  - c. Emphasizing de-escalation,
  - d. **Prohibiting the use of military equipment, including, but not limited to, tear gas and concussion grenades;**
  - e. **Avoiding the use of rubber bullets, and any other equipment used to incapacitate or injure, and**
  - f. Avoiding the use of mass arrest strategies, **including a prohibition against kettling.**<sup>17</sup> [TFR 2.7]
33. \*The agency has written procedures **to prohibit** strip and body cavity searches **in the field.** The procedures shall include:
- a. **Specific and limited circumstances when an officer has the authority to** conduct strip and body cavity searches with and without a warrant;
  - b. Provisions for privacy and search by, gender or gender identity and gender expression;
  - c. **A requirement to use the least intrusive means to achieve the legitimate law enforcement objective;**
  - d. Provisions for circumstances involving juveniles; and
  - e. **Public** reporting requirements. [TFR 2.12]

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<sup>17</sup> National Policing Institute and COPS Office. 2022. 21st Century Protest Response: Promoting Democracy and Advancing Community and Officer Safety. Washington, DC: Office of Community Oriented Policing Services. <https://cops.usdoj.gov/RIC/Publications/cops-p459-pub.pdf>

34. **\*The agency does not implement technology that infringes on privacy rights or results in racially disparate impacts.** Prior to the implementation of new technology, the agency conducts a review that examines the impact of the technology on privacy concerns **and racially disparate impacts likely to be caused by its use, solicits input from the public, including community-based organizations and civil rights groups,** and addresses any concerns in accordance with protections provided by constitutional law. **Any such review will be made publicly available for any technology that has been approved by the agency.** [TFR 3.1.2]
35. \*The agency has a written directive that requires external or independent criminal investigations in cases of officer use of force resulting in death, officer-involved shootings resulting in injury or death, or in-custody deaths. [TFR 2.2.3]
36. \*The agency shall provide to the public data regarding the composition of the department, including race, gender, age, other relevant demographic data, **years of experience, and county of residence.** [TFR 2.5]
37. \*The agency has a written directive on the collection, maintenance, and analysis of demographic data on all detentions (stops, frisks, searches, summons, and arrests) and reported crimes. Data should be disaggregated by school and non-school contacts, **as well as by the race, ethnicity, nationality, gender identity, sexual orientation and disability status of those impacted by the detention.** These data should be made publicly available, where the release does not compromise ongoing investigations [TFR 1.3.1; 2.6]
38. \*The agency has a written directive for the collection and use of officer misconduct data, including the submission of data to the National Law Enforcement Accountability Database. [Sec 5(b)(ii) and (iii); TFR 2.15]
39. \*The agency has a written directive for the collection of use of force data, including the submission of data to the FBI's National Use of Force Data Collection [Sec 6(a); TFR 2.2.4]
40. \*The agency has a written directive for the collection of deaths in custody data, including the submission of data to the Office of Justice Program's Deaths in Custody Reporting Act Data Collection.
41. \*The agency has a written directive to ensure that when serious incidents occur, including those involving alleged officer misconduct, the agency will communicate with citizens and the media swiftly, openly, and neutrally, respecting legal requirements for confidentiality. [TFR 1.3.2]

42. \*The agency makes department policies available for public review except where doing so would hinder public safety response operations. [TFR 1.3.1]
43. **The agency has a strict and well-enforced policy mandating full compliance with lawful public records requests, which encourages appropriate employees to cooperate and collaborate with those requesting information to ensure that requests are timely satisfied to the fullest extent of the agency's ability.**
44. \*The agency has a written directive that requires officers to identify themselves by their full name, rank, and command (as applicable) to individuals they have stopped, if safe to do so. The directive should require officers to state the reason for the stop and the reason for the search if one is conducted. [TFR 2.11]
45. The agency has a written directive that limits the use of unannounced entries, often referred to as "no knock entries," and includes the following requirements:
- a. Officers are generally required to "knock and announce" their identity, authority and purpose, and demand to enter before entry is made to execute a warrant in a private dwelling;
  - b. An officer may seek judicial authorization to conduct a "no knock" entry only if he/she has reasonable grounds to believe at the time the warrant is sought that knocking and announcing his/her presence would create an imminent threat of physical violence to the officer and/or another person;
  - c. If an officer did not anticipate the need for a "no knock" entry at the time the judicial warrant was sought, the officer may conduct a "no knock" entry only if exigent circumstances arise at the scene such that knocking and announcing the officer's presence would create an imminent threat of physical violence to the officer and/or another person; **and**
  - ~~d. Establishes the exceptional circumstances where no imminent threat of physical violence is present but an officer believes the evidence is so significant, and the risk of its destruction is so pronounced, that judicial authorization for a "no knock" warrant can be sought; and~~
  - e. Procedural guidance to ensure the safe execution of announced entries. [Sec 10(a)]

**\*\*Note:** We want to acknowledge that Subsection 45(d) is consistent with Executive Order 14074 and the Department of Justice Guidance issued on September 13, 2023. However, LDF does not believe it should be included in the National Accreditation Standards.

46. The agency reports no-knock entries to the public on an annual basis. The public report should include the following:
- a. the number of no-knock entries that occurred pursuant to judicial authorization;
  - b. the number of no-knock entries that occurred pursuant to exigent circumstances;
  - and

- c. disaggregated data by circumstances for no-knock entries in which a law enforcement officer or other person was injured in the course of a no-knock entry. (Sec 10(c)]
- d. **Disaggregated data by the demographic information of the individual(s) who were the subject of the no-knock entry, as well as all other known occupants of the premises.**

The independent credentialing body should incorporate the minimum standards set forth above into their existing accreditation program and procedures. A separate credentialing process is not required. The independent credentialing body is responsible for establishing any additional standards and procedures beyond the required minimum standards for the law enforcement agency to successfully obtain accreditation. If a law enforcement agency is unable to meet any of the minimum standards set forth above, the agency must follow the independent credentialing body's process for requesting a waiver from the identified minimum standard if applicable.

### **III. Standards independent credentialing bodies should consider when accrediting law enforcement agencies**

An independent credentialing body should – but is not required to – consider incorporating the following standards in its law enforcement accreditation program.

1. **The agency prohibits the implementation of specialized crime-suppression units.**
2. The agency has a written directive for the collection and reporting of officer suicides, including the submission of data to the FBI'S Law Enforcement Suicide Data Collection. [Sec 4(c)]
3. The agency has a written directive for monthly reporting to the Law Enforcement Officers Killed and Assaulted Data Collection program of the FBI's Uniform Crime Reporting Program. [Sec 6(d)]
4. The agency has a written directive for monthly crime reporting (including hate crimes) to the National Incident-Based Reporting System of the FBI's Uniform Crime Reporting Program. [IACLEA 16.2.2; CALEA 82.1.4]
5. The agency has a written directive that establishes continuous security measures and procedures for receiving all in-custody and evidentiary property obtained by employees into agency control, which includes smart technology that is designed to prevent the tampering with or manipulating of evidence in violation of policy. [TFR 3.1.3]
6. The agency maintains a collaborative community involvement process that accomplishes the following:
  - a. Identifies current community concerns;

- b. Identifies potential problems that have bearing on law enforcement activities within the community;
  - c. Develops recommended actions addressing concerns and problems;
  - d. Provides annual reporting to the Chief Executive Officer; and [TFR 4.1]
  - e. **Makes that annual reporting publicly available.**
- 7. The agency assists in organizing community groups with an interest in crime prevention, to include:
  - a. establishing liaison with existing community organizations or establishing community groups where they are needed;
  - b. assisting in the development of community involvement policies for the agency;
  - c. publicizing agency objectives, community problems, and successes;
  - d. communicating crime trends and problems between citizens, businesses and the agency; and
  - e. supporting agency practices bearing on police community interaction. [TFR 4.5]
- 8. The agency has a written directive that prohibits officers' use of obscene or biased language as it can escalate minor situations. The directive should underscore the importance of officers treating individuals with respect and dignity. [TFR 4.4.1]
- 9. The agency has a written directive that promotes officer safety and wellness at every level of the organization. This includes the importance of physical and mental health. [TFR 6.2]
- 10. The agency provides every officer with individual tactical first aid kits and training **and conducts an assessment of the effectiveness of that training.** [TFR 6.4]
- 11. The agency makes available ballistic vests for all officers and establishes written guidelines for the wearing and availability of those vests. [TFR 6.4]
- 12. The agency has a written directive that requires the wearing of ballistic vests by officers engaged in pre-planned, high-risk situations as defined by the agency. [TFR 6.6]
- 13. The agency has a written directive requiring a minimum of 16 hours of in-service training to be successfully completed by all officers every year, including at a minimum, a codified course of firearms qualification, use of force (policy review), bias training, vehicular pursuit (policy review), and any legal updates. **The agency must also conduct assessments of the effectiveness of these trainings and take appropriate action when trainings are ineffective.** [IACLEA 6.3.1; CALEA 33.5.1]
- 14. The agency has a written directive requiring all new officers to complete a field training program for all new hires that is at least 160 hours **and conduct an assessment on the effectiveness of the training.** [IACLEA 6.2.2; CALEA 33.4]