

HEARING THIRTEEN

Accreditation and Standards

June 30, 2020

The following summary is intended to provide an overview and highlights of the testimony and discussion during the hearings. For a full and detailed account of the hearings, please refer to the [Commission website](#) and the audio recordings and transcripts located there.

Accreditation and Standards in Law Enforcement, June 30, 2020

First Panelist: *Dean Register, Director, Florida Department of Law Enforcement, and Director, Peace Officer Standards and Training, Florida State*

Highlights:

- Five key components are required to build and maintain a successful accreditation process: Any successful accrediting entity must (1) have a formal structure, (2) maintain their independence, (3) maintain up-to-date with state and national trends, (4) have standards that are attainable by a wide range of agencies, and (5) hold the participating agencies accountable.
- First, legitimacy: The Florida Accreditation Program is supported by state statute. It subsequently created extensive bylaws and a comprehensive policy and procedures manual for the accreditation process. It established clear objectives in 1995 that still guide the commission today. Those objectives are (1) establishing and maintaining standards that represent current professional law enforcement practices, (2) increasing effectiveness and efficiencies, (3) establishing standards that address and reduce liability, and (4) establishing standards that make an agency and its personnel accountable to the community they serve.
- Second, independence: The accrediting body needs to have some independence. Florida statute 943.125 states the Florida Accreditation Commission shall remain independent from any law enforcement agency. The people who make up the commission include command staff members, accreditation managers, and other invested parties from accredited agencies across the state. Assessment teams are formed with consideration of diversity and possible conflicts of interest.
- Third, remaining relevant and current: Current Florida standards are the results of over 20 years of continuous development. The Standard Review and Interpretation Committee comprises command staff members, accreditation practitioners, and other invested parties. This committee meets three times a year and makes recommendations to the commission regarding new or amended standards.
- Fourth, attainable and undue burdens: The fiscal impact of accreditation are not unavoidable. However, when writing standards, we cannot make them to where a common agency cannot comply with them. Specific procedures or processes, hardware, software, infrastructure, and other requirements should be carefully evaluated. For example, one agency may spend \$100,000 on a learning management system to track its training to meet a standard, but maybe a smaller agency can do the same with an Excel spreadsheet and filing cabinet.
- Fifth, accountability: Successfully navigating the re-accreditation process is a true test. We come back three years later with an assessment team from an independent body that reviews the agency from one end to the other to confirm their compliance with the standards. When agencies

fall outside of the standards and compliance, the process must have a means to monitor, re-evaluate, and bring those agencies back on board. Sometimes an agency must lose its accreditation.

Second Panelist: *Michael Adkinson, Sheriff, Walton County (Florida) Sheriff's Department*

Highlights:

- There are approximately 18,000 law enforcement agencies in the United States of which roughly 838 are accredited. Less than 1 percent of agencies in this country hold some form of accreditation.
- Not all accreditation is created equal. The three most important about accreditation are transparency, accountability, and the quality of standards.
- Transparency: The kids at a historically black college had a lot of anger about certain policies and practices. But when I explained the contextual reasons behind some of these things, many kids understood and agreed with certain practices. One asked why isn't anyone telling the public this. That is our failure as a profession—not being open about how and why we're doing things. To build a currency of trust, you have to be transparent. Accreditation provides that opportunity when your policies are publicly reviewed and when you're held accountable.
- Accountability: Agency accountability provided by an independent accreditation commission is critical. It's powerful to see mayors, police chiefs, sheriffs, and county commissioners standing up and accepting responsibility for their organization, whether that is an action improvement plan, the worst-case scenario, or the taking of accreditation. Some organizations are strictly fee backed. We need to watch and guard against that. The independence of an accreditation commission and their review ensures agency accountability by relieving them of undue bias.
- The commission isn't just about when agencies do things wrong. Agencies have highlighted reimaged policies and innovative, technical things that benefited the citizens we serve.
- With the early intervention program, if an officer gets a certain number of complaints in a defined period of time for rudeness, it automatically triggers a review. We have a chance to see if this is a training issue, if something else is going on, if we have a problem here, etc. The program also gives us chance to say maybe you need to find another career in a fair and unbiased manner, before it becomes a major issue.
- An educational-based discipline program allows us to make deputies and officers better, not bitter, which benefits the public we serve as well as our staff members.

Recommendations:

- The one singularly most important recommendation is that state commissions be independently, statutorily chartered and have the funding necessary to conduct themselves in a manner that upholds the best and brightest in our public policies and accountability.

Third Panelist: Jeff Hughes, Chief, Brentwood (Tennessee) Police Department

Highlights:

- In Tennessee, 200 plus agencies have 10 or less police officers, so the primary concern for these agencies is staffing and answering calls. Thus, the Tennessee Chiefs Association looked to develop a state program, TALEA, that would involve agencies that could not afford to be CALEA certified or didn't have the time and the resources that CALEA put on them.
- In TALEA, we have standards pared down to 164, compared to CALEA's 459. TALEA focuses on the core standards that address the high-risk critical tasks that impact law enforcement operations and crate exposure to liability litigation. TALEA also focuses on those that are weak in policy development or in areas of training and tries to get them some guidance and baselines to work toward improving within their own departments.
- We contracted with a third-party vendor to prepare legally sound policies that address every standard in our program. And that was paid for by our association. And we provide those policies to every chief in Tennessee at no cost.
- CALEA accredits about 5 percent of all law enforcement agencies in the country, but they account for about 25 percent of all officers, which shows that their target is larger departments. We are part of a national network called AccredNet, in which approximately 35 states participate. Networking with these other 35 states, it seems more agencies are involved in state programs than in CALEA, probably because state programs are more feasible for smaller agencies.

Recommendations:

- Accreditation incentives: We've got to look at ways for providing financial incentives to accredited agencies or to those agencies that want to become accredited. Accreditation is a voluntary process. Why would any agency want to take on that additional work? What is the value? That's the big hurdle in selling this to smaller agencies—understanding the internal and external benefits.
- Certifying credentialing bodies: Some state programs are tied to their chief's association, and some are private entities. We need to certify those credentialing bodies, so there are some universal norms in what law enforcement is trying to accomplish across the country.
- Use of force: We need to create a use of force database so we track this information and have real numbers, real data, as to what we're looking at nationally as it relates to law enforcement. We could report that through our state programs.
- National decertification database: 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.

Fourth Panelist: Time Bourgeois, Executive Director, Michigan Commission on Law Enforcement Standards

Highlights:

- Because of the rules and the code of federal regulations, not all academy applicants are screened against all databases right now. This issue has been unsuccessfully addressed in the past. There is a perceived difference in screening for licensing versus criminal justice. Licensing for criminal justice is a different matter; we are the gatekeepers for criminal justice employment.
- IADLEST has run a decertification index for the past 20 years, but a mandate to use it is lacking.
- Michigan has 583 agencies, of which 60 percent have 15 or fewer sworn officers. The relatively new Michigan Law Enforcement Accreditation Program is an effective, affordable means of accreditation; it has 108 standards, and it is a member of AccredNet.
- Funding is critical to make adopting standards and accreditation a reality. State and local law enforcement training was largely underfunded prior to the pandemic. Since then, state budgets have fallen off the cliff. The resources of the federal government are clearly needed here.

Recommendations:

- I recommend the development of nationwide standards for the selection, employment, training, licensing, retention, and revocation of licenses for law enforcement officers, and to incentivize their adoption by the states.
 - Those standards should include screening standards such as education, medical and nonmedical standards, psychological suitability, physical preparedness, and character fitness. We need a standard that allows full access to all state and federal criminal justice databases to screen applicants. Background investigations determine character fitness.
 - We need standards for a national decertification or license revocation index with mandatory reporting, including reporting voluntary relinquishment of a license or a certification in lieu of other sanctions. That helps stop problem officers from moving not only from department to department but also from state to state.
 - We need standards for continuing professional education, which is necessary for any profession, particularly one that is as demanding and ever-changing as law enforcement.
 - We need standards for physical readiness and medical and emotional health. Law enforcement is demanding physically, mentally, emotionally. We must help ensure officers are fit for duty in every way and receive care to remain that way.
 - We need standards for recruiting and community engagement. An agency needs to recruit members from the community it serves and reflect that community. We must also address socio-economic roadblocks to attracting recruits from all segments of society.
- I recommend that the Commission support the development of nationwide basic standards for the accreditation of law enforcement agencies, POST agencies, and training academies, and once again incentivize their adoption.
- Excellent, successful, professional programs are already in place. Thus, I recommend that the most cost- and time-effective method to move forward is to take stock of what currently exists, assemble, and where possible enhance best practices, and then incentivize their adoption.

Fifth Panelist: Vince Niski, Chief, Colorado Springs (Colorado) Police Department

Highlights:

- CALEA has offered our agency a framework for continuous self-assessment and improvement. Our participation in CALEA also provides the benefit of independent, informed oversight of our most important policies, practices, and training.
- There has been a tendency to place constraints on our officer's use of force to go way beyond the objective reasonableness standard from the U.S. Supreme Court. We should be cautious in piling requirements on our officers, particularly those that are not evidence-based. For example, we are hearing more about codifying a requirement in state laws that officers have to exhaust all possible de-escalation options before using physical force, which completely disregards the realities of what happens in the field. I fear that more areas in the future such as accreditation standards may reflect this view, and this is going down a dangerous path for public safety.
- Law enforcement has not educated our communities well enough so that they understand what we do and how we do it. This is another area of improvement that law enforcement has to take across the country.

Recommendations:

- Focus standards on the most important policing issues rather than all issues related to policing. Ensure the standards are attainable by all sizes of departments.
- Focus standards on what components must be included in the policy practice or training, but do not dictate specific languages for all departments.
- Be cautious when requiring something in a standard that goes beyond the Constitution and case law. And if you must go beyond that, be sure the requirement is based on scientifically valid information.
- View the accreditation process as a learning and improvement process rather than a process tied to federal oversight when an agency has areas that need to be addressed.
- Consider offering grant funding for programs to become voluntary accredited. The cost of accreditation can be pricey, and I'm not sure a lot of smaller agencies across the country can afford it without having the opportunity to have grant funds afforded to them.
- Intentionally include the perspective of law enforcement officers in the field when moving forward. You need a perspective from those that work in law enforcement day to day that are on the streets dealing with their communities to move forward with this process.

Question-and-Answer Session, July 2, 2020

Q: [Craig Price for all panelists]: How do any of you envision an agency being accredited having an impact on preventing a scenario such as the George Floyd incident?

A: [Dean Register]: A lot of the accrediting bodies are going to deal with chokeholds, etc. If we don't have them now, we are going to have standards with de-escalation. In Florida, we have standards dealing with aftercare. Nothing that you saw in that video would even come close to the aftercare requirements that are associated with our standards. A number of standards would touch on what you saw in that video.

A: [Michael Adkinson]: Accreditation would manifest itself in a preventative manner. In that case where there were 18-plus complaints, an accreditation policy that required both an early warning review or a standard use-of-force tracking would have and should have caught that.

A: [Jeff Hughes]: Generally speaking, accreditation is going to promote professionalism within the organization. And once it's institutionalized and it's a way of life within your department, it's going to change the culture within your department. What we saw in the incident in Minneapolis, it kind of goes back to the importance of the selection process and doing more thorough background investigations to make sure you're hiring the kind of person you want in your organization and in the culture that you're trying to develop.

A: [Tim Bourgeois]: Correctly selected, the topics for mandatory in-service training could easily address this sort of thing. I agree with the comments about culture, and perhaps one of the glaring things here is supervision. One has to ask about the first-line supervision there that allows that kind of behavior. But it does come back to the professionalism and culture that's created by standards and accreditation.

A: [Vince Niskij]: Accreditation is an important part of policing. It forces you to review your policies and practices. Through one of our accreditation processes we identified issues with our own pursuit policy, and we voluntarily looked at that after we made a report to CALEA, and we changed it. We made it more restrictive. We looked at our practices and redefined how we did business based on our accreditation process.

Q: [David Rausch to all panelists]: How do we get buy-in from the officers, deputies, troopers, agents, and the agencies to embrace accreditation? What has been your all's experiences in being able to get that buy-in, and what's the importance of that?

A: [Vince Niskij]: We've been accredited for almost 30 years. The buy-in is knowing that, as an organization, you are following the standards that have been established in policing. If there was a national standard, I think you can get buy-in with that—that everyone is held at the same standard across the country.

A: [Tim Bourgeois]: That has to do a lot with leadership and culture in the organization. If you're hiring for character, these officers want that professionalism. It's in their interest to work with people who are well qualified, are professional, are ethical.

A: [Jeff Hughes]: Buy-in has to come from the top but has to permeate all the way throughout your organization. Let me talk briefly about the internal, external, and financial benefits: It provides greater accountability within your agency; allows for improvement in the administrative function; gets clear guidance through written directives and procedures; provides improved training for officers; gives you the ability to address operational readiness; provides justification when you go before your legislative body and try to acquire equipment, training, or other funds for your budget; gives greater accountability to the public; increases your level of service; increases the community confidence and respect from citizens and from government officials; and, here in Tennessee, gives you the financial benefit via a discount on insurance premiums per officer (the discount alone almost pays for the annual cost itself).

A: [Michael Adkinson]: For line staff, cultural changes comes from the vision laid out by the leadership, and when you hold yourself to a higher standard from a leadership capacity, it does permeate at all levels of the organization. It takes about three and a half years in changing of the culture of organizations. Sometimes that requires a very tough decision of removing those individuals who are not on board, who do not share the leadership vision to help spread this. You're not going to get saturation at all levels unless your leadership owns it, unless they empower and embody it across the organization.

A: [Dean Register]: It starts at the top from the CEO, from the police chief, sheriff, and so forth. And then it goes all the way down to the bottom. We've got to catch our members as soon as they are coming on board. They have got to understand what accreditation is. A lot of the people coming into our profession have no idea about law enforcement accreditation. Nationally, law enforcement accreditation is going to take the front seat, but we've got to catch those men and women as they're coming into the agency and explain to them the importance. It's just as important for that police department to be accredited as it is for the university or the hospital that they go to.

Q: [Craig Price to Michael Adkinson]: It was mentioned that there are 800 accredited agencies out of the 18,000 roughly in the United States. Do any of you have an idea or a sense of why that's so low?

A: [Michael Adkinson]: The first is financial in terms of national accreditation, for example, with CALEA. The second is the relevance of a national commission; it's so different in every state. Third, to be honest, it's a question of willpower and the willingness to submit your organization to external review. Particularly in smaller organizations, there is a lot of concern that it is strictly a hammer. That is not the entire case for sure. One of the largest issues is tied to finance but also this concern of external review, which is important to be successful to accreditation.

Q: [James Smallwood to all panelists]: Regarding a comment that unions are protecting folks who should not be protected, if the culture of an organization is steered by some of these CALEA standards, to what level does the union influence the standards that are set into place because my knowledge is there is none?

A: [Dean Register]: I don't see the occasion where the unions are driving standards, certainly not in the Florida system. Most of our standards are based off of Florida law. the Police Officers Bill of Rights is the closest thing that comes to mind when you talk about a union issue and driving standards. But I do not see it as something being driven by the union.

A: [Michael Adkinson]: I don't think it's a union issue at the accreditation level. When the previous presenter referenced unions, I think he was discussing that in regards to disciplinary retention of individuals. So when you hear of people having multiple complaints, the concern is whether you could have a standard of accountability or a standard at the state level that addresses officer behavior and complaint intervention. I think you could. It can be separate from a union issue, but clearly at the officer discipline level, there is impact in the way it's contractually negotiated in some agencies.

A: [Jeff Hughes]: I was the one who put that in context, and it was in reference to those officers who are retained, who are defended by unions. I have personal knowledge of officers in departments and other parts of the country whose credibility is destroyed, for one reason or another. If that comes out in a court case or to the public and if your hands are tied and you can't get rid of that officer, then you can expect to have much buy-in, accreditation or otherwise, from someone like that. The point I was stressing is the importance of getting it right on the front end so you don't have to deal with it on the back end.

A: [Tim Bourgeois]: I agree with the previous comments. I don't think that unions have a big impact on accreditation. The issue is the return of terminated employees by arbitrators, when the chief or sheriff or director has determined that a person doesn't meet the agency standards, yet they have to return their employment. Employment versus licensing is a current issue that needs to be worked on.

A: [Vince Niski]: I don't work with a union. We just have associations here in Colorado Springs, but I would agree that unions don't have a say in the standards that are set for accreditation. As you can see, you're dealing with different organizations across the country, you have some that are at-will employees, you have some that are civil service protected, you have some that have unions and some that don't—I caution the President's Commission to take all of that into play as you move forward in this process. This isn't just a one size fits all; there are different organizations with different types of employees that you need to take into account when making decisions.

Q: [Donald Washington to all panelists]: The duty to intervene or to intercede, is it directly assessed or evaluated or otherwise addressed in the accreditation process in your organizations? Because the panelists come from different geographies, commissions, and places, I just wonder how they are evaluating or dealing with intervention or intercession. Does an officer stand by and do nothing, or does he actually do something?

A: [Vince Niski]: I wish I could tell you if it was or was not directly impacted by accreditation. But I can tell you we have had a policy for years about intervening and reporting use of force that wasn't appropriate.

A: [Tim Bourgeois]: I can't speak directly to the accreditation question because my agency does not do accreditation. However, that topic has been the subject of legislation in Michigan. My only caution to the legislators is that officers arrive at scenes at different times and possess different information. We've all been shoulder to shoulder with somebody and had a different set of information due to the circumstances. Overall that idea of duty of intervening is critical; however, the devil is in the details as to how that's carried out.

A: [Jeff Hughes]: Our department has the tagline "loyalty above all else except honor." Meaning, I will die for you, but I will not lie for you. That has to start with me at the top, but I want every officer to know that. We have a standard in the TALEA policies, but we are taking a look at pulling that out of code ethics and making it a standalone standard so it gets more emphasis. We have policies within our agency that address that, but you have to talk about it, to instill that in young officers during the FTO program, and to stress the importance of that to supervisors so it becomes part of your organization's culture.

A: [Michael Adkinson]: In short, it's covered in both accreditation and in Florida law that duty to take care in the care, custody, and control of people in your custody and to render aid. In Florida, the deputy is the alter-ego of the sheriff; as such, the sheriff can be held accountable for the conduct of a deputy. We've seen that happen in the state where the failure to take action results in disciplinary action against the sheriff and he or she may not be on the scene.

A: [Dean Register]: Chief Hughes touched on the fact that both in our national accreditation and state we have ethics standards requiring ethics policy and ethical conduct. Specific standards? They are not specifically with the requirement of duty to intervene. But I anticipate those coming to the different accrediting bodies, both on the state level and on the national level in the near future.