

Justice Department Fact Sheet on Implementing Executive Order on Advancing Effective, Accountable Policing, and Criminal Justice Practices to Enhance Public Trust and Public Safety

Implementing Executive Order 14074 is part of the Department's broader work to advance effective, fair, and constitutional policing, improve conditions of confinement and reentry outcomes, promote officer safety and wellness, and improve data collection and analysis to guide policies and decision making.

The Department is using all of its tools to advance public safety and build police-community trust, while advancing thoughtful, evidence-informed initiatives and reforms throughout the criminal justice system. As the Executive Order makes clear, system-wide change requires funding and support that only Congress can authorize. The mandates of the Executive Order apply only to Federal law enforcement agencies.

Over the past year, the Department has worked diligently on more than 90 Executive Order deliverables and engaged with stakeholders from civil rights, law enforcement, and community groups, as well as our federal agency partners. This work includes prohibiting the transfer or purchase of military-style weapons and equipment to STLT law enforcement agencies, awarding grants in a manner that supports and promotes the adoption of the Executive Order's policies, creating accreditation standards to help encourage STLT law enforcement agencies to adopt policies consistent with the Executive Order, and working to establish the National Law Enforcement Accountability Database.

Justice Department Use of Force and Other Standards

The Executive Order required that all Federal law enforcement agencies use the Justice Department's updated polices on the use of force, the prohibition of chokeholds and carotid restraints, limiting the use of no-knock entries, and the appropriate use of body-worn cameras as models for their own policies:

- **Use of Force Policy:** In May 2022, the Department updated its [use of force policy](#) to:
 - Emphasize the importance of valuing and preserving human life;
 - Allow the use of 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 another person;
 - Require training in and employing where feasible de-escalation tactics and techniques;
 - Explicitly include the affirmative duty to intervene to prevent or stop another officer from using excessive force or any other use of force that violates the Constitution, other federal laws, or Department policies on the reasonable use of force;
 - Explicitly include the affirmative duty to request and/or render medical aid, as appropriate;
 - Require training no less than annually on the Department's policy; and
 - Require that the policy be made publicly available on the Department's website.
- **Chokeholds and No-Knock Entry Policy:** In September 2021, the Department issued a [policy](#) banning chokeholds and carotid restraints unless deadly force is authorized and, except in exceptional circumstances, limiting the use of "no-knock" entries, even in some circumstances where the law would allow it.
- **Body-worn Cameras:** In June 2021, the Department issued a [policy](#) on the appropriate use of body-worn cameras (BWC) that required Department law enforcement agencies to develop policies

that require agents to wear and activate BWC recording equipment for purposes of recording their actions during a pre-planned attempt to serve a search warrant or other pre-planned arrest or the execution of a search or seizure warrant, and included a presumption that BWC recordings depicting conduct resulting in serious bodily injury or death of another will be released as soon as practical.

Accountability

To increase law enforcement accountability, the Department has addressed:

- **Military-Style Weapons:** Prohibited the transfer or use of Department federal grant funds by STLT law enforcement agencies to purchase certain military-style weapons and equipment.
- **Death in Custody Investigations:** Published [guidance](#) for STLT law enforcement agencies for investigating deaths in custody.
- **Pattern and Practice and Civil Rights Investigations:** Strengthened communication with State Attorneys General on pattern and practice investigations and enhanced protocols for federal criminal investigations of federal civil rights violations by law enforcement officers.
- **Internal Investigations:** [Analyzed](#) Department processes for investigating use of force incidents by the Department's law enforcement agencies and will direct the FBI and U.S. Attorneys' Offices to coordinate with internal agency administrative investigations on use of force investigations.
- **National Law Enforcement Accountability Database:** Partnered with the International Association of Directors of Law Enforcement Standards and Training (IADLEST) to establish the National Law Enforcement Accountability Database. IADLEST runs the National Decertification Index (NDI), a national registry of law enforcement de-certification and revocation actions relating to officer misconduct that is currently used by all fifty states and the District of Columbia. The Department is working with IADLEST to: (1) expand upon the existing NDI to include the additional categories of information required by the Executive Order; and (2) establish a system for making available Federal law enforcement records based on the NDI model. The Department aims to have the database launched by the end of the year.

Grantmaking, Accreditation, and Guidance:

To promote the adoption of the Executive Order's policies by STLT law enforcement agencies and encourage best practices, the Department:

- **Accreditation Standards:** Created first-of-their-kind accreditation standards from the Department to help further encourage STLT law enforcement agencies to adopt policies consistent with those highlighted in the Executive Order. These standards were developed in consultation with accrediting bodies, law enforcement stakeholders, and civil rights groups, and are designed to help ensure STLT law enforcement agencies seeking accreditation are following best policing practices in areas such as:
 - Hiring and performance evaluation of officers and supervisors;
 - Use of force policies in line with the Department's policy;
 - Directives on the use of in-car and body-worn cameras; and
 - Submission of important crime data to the FBI.

- **Grantmaking:** Is awarding discretionary grants in a manner that supports and promotes the adoption of the Executive Order’s policies by STLT law enforcement agencies. Starting with the FY23 grant cycle, in relevant solicitations, the Department included language outlining priority consideration for applicants who have policies or practices in line with certain substantive provisions of the Executive Order. The Department will expand the list of priority considerations in solicitations for FY24 and going forward.
- **Officer Wellness:** Collaborated with the Department of Health and Human Services (HHS) and engaged dozens of stakeholder groups to formulate and publish a report outlining best practices for STLT law enforcement agencies regarding officer wellness, including strategies on eliminating the stigma surrounding mental health. The Department will also publish a forthcoming report on best practices for preventing law enforcement suicide.
- **Interacting with Persons in Crisis:** Collaborated with HHS and engaged stakeholders to publish guidance on best practices for responding to calls and interacting with persons in behavioral or mental health crisis, or with a disability. The guidance addresses response models and the facilitation of post-crisis support services as well as federal resources, including Medicaid, that can be used to implement established and emerging best practices.
- **Notifications of Deaths in Custody:** Published [guidance](#) for STLT law enforcement agencies on best practices for notifications to families of individuals who die in law enforcement custody, including timely and appropriate notification and support to family members.

Conditions of Persons Incarcerated or Under Supervision

To improve conditions of confinement and promote better outcomes for individuals who are incarcerated or under supervision, the Department:

- **Restrictive Housing:** Published a [report](#) on the Federal Bureau of Prisons’ (BOP) use of restrictive housing and efforts to reduce its use in BOP facilities, which included announcements that BOP is working with the National Institute of Justice (NIJ) on a study to review and provide recommendations regarding the BOP’s use of restrictive housing and has created a task force of senior BOP officials to conduct a nearer-term assessment and provide more immediate recommendations for steps the BOP may take regarding restrictive housing.
- **Conditions of Confinement:** Published a [report](#) outlining conditions of confinement for individuals in BOP and U.S. Marshals Service custody and planned steps to continue to improve medical care and health outcomes, expand services for women in custody, and Medication-Assisted Treatment for individuals with opioid use disorder.
- **First Step Act:** Published a report on efforts to fully implement the First Step Act, including by:
 - Maximizing the availability of time credits to eligible people in BOP custody;
 - Assessing and updating the PATTERN risk assessment tool;
 - Increasing the availability of Evidence-Based Recidivism Reduction programs;
 - Providing and expanding access to Medication Assisted Treatment for individuals with opioid substance use disorders; and
 - Evaluating and enhancing BOP’s rehabilitation and reentry programs.
- **Probation and Supervised Release Resources:** In consultation with the Administrative Office of the U.S. Courts, the U.S. Sentencing Commission, and the Federal Defender Service, published a report on resources available to individuals on probation or supervised release, including how the Department has utilized resources to facilitate successful outcomes for these individuals.

Data Collection

To improve data collection and analysis to help better inform the public, government leaders, and policymakers, the Department:

- **National Use of Force Data Collection:** Provided training and technical assistance to Federal and STLT law enforcement agencies to increase and improve data to the FBI's National Use-of-Force data collection program.
- **Law Enforcement Officers Killed and Assaulted:** Provided training and technical assistance to STLT law enforcement agencies to increase and improve data to the Law Enforcement Officers Killed and Assaulted data collection program.
- **Death in Custody Reporting Act:** Published a [report](#) outlining steps the Department has taken to fully implement the Death in Custody Reporting Act of 2013 and identified strategies to increase reporting and improve data collection overall.
- **National Incident-Based Reporting System (NIBRS):** Published a [report](#) on the efforts, led by the FBI and Bureau of Justice Statistics, to assist STLT law enforcement agencies transition to NIBRS, the only way for state and local agencies to submit crime data, including hate crime data, to the FBI.
- **Review of Current Data Collections:** Will publish forthcoming report with the Office of Management and Budget (OMB) on efforts to improve current data collections, such as the National Crime Victimization Survey, the Police-Public Contact Survey Supplement, and the Law Enforcement Management and Administrative Statistics Survey.
- **Data Reporting:** As part of the Equitable Data Working Group, assessed data collection and transparency practices with respect to law enforcement activities and published a report and recommendations outlining what actions the federal government, lawmakers, law enforcement, and advocates can take to advance better data reporting.

Guidance on the Use of a Protected Characteristic

The Department, in collaboration with the Department of Homeland Security, has updated its Guidance on the Use of Race, Ethnicity, Gender, National Origin, Religion, Sexual Orientation, and Gender Identity (Guidance). The Guidance, originally released in 2003 and last updated in 2014, has been updated to:

- Set forth a single clear standard for when Federal law enforcement may consider a protected characteristic;
- Add disability as a protected characteristic;
- Expand application of the Guidance beyond Federal law enforcement officers to include analysts, attorneys, paralegals, contractors, and other Federal law enforcement personnel engaged in or supporting Federal law enforcement activities; and
- Set benchmarks and timelines for the development and implementation of training, data collection, and accountability provisions.

Strategic Plan to Advance Goals of Alternatives and Reentry Committee

Last month, the Department released a [Strategic Plan](#) for supporting the goals of the Federal Interagency Alternatives and Reentry Committee, which was established by the Executive Order:

- **Safely Reducing Criminal Justice System Interactions**
 - **Advancing comprehensive reform:** The Department is pursuing the Accelerating Justice System Reform program, a new \$15 billion 10-year initiative to provide jurisdictions with critical resources to foster community trust and safety, reduce inequity and justice system involvement, and alleviate burdens on police. Through this program, the Department is also investing in research on racial and ethnic disparities in the criminal justice system, with the goal of identifying interventions with the potential to reduce disparate treatment.
 - **Diversion and co-responder models:** The Department is investing in the implementation and evaluation of co-responder models and diversion strategies that connect individuals with behavioral health disorders to community-based resources and alternatives to arrest or incarceration, in appropriate cases. The Department will continue to leverage grantmaking authorities to foster innovation, promote knowledge exchange and dissemination, and deepen understanding of what works in alternatives and complements to traditional police responses in appropriate cases.
 - **Problem-solving courts:** The Department's grants support problem-solving courts that divert people with substance use disorders into judicially supervised treatment programs in appropriate cases, with a focus on promoting equity and mitigating disparate outcomes for participants.
 - **Addressing the crack-to-powder sentencing disparity:** The Department is actively advancing equity in enforcement actions at the federal level, including by supporting the elimination of the crack-to-powder sentencing disparity. In December 2022, the Attorney General issued new guidance to all federal prosecutors on charging, pleas, and sentencing. Among other things, this guidance instructed prosecutors in crack cocaine cases to take steps to promote the equivalent treatment of crack and powder cocaine offenses.
- **Supporting Rehabilitation During Incarceration**
 - **Expanding access to civil legal services:** To aid in the prompt resolution of pending civil legal issues - such as debt collection, access to benefits, or child custody matters - that can help support successful reentry and promote public safety, the Department is launching an innovative pilot program to provide civil legal services to incarcerated individuals in select BOP women's facilities. The pilot program was launched after 50,000 individuals in BOP custody responded to a survey to assess their civil legal needs and is informed by those responses.
 - **Education and employment programs:** The Department invests in state- and local-level correctional services that expand access to high school equivalent degrees, vocational training, and other certifications. BOP offers 200 career technical education programs and has partnered with the Department of Labor to certify apprenticeships at the national level, making them portable across state lines.
 - **Expanding access to Pell grants:** The Department is now supporting correctional and educational institutions in preparation for the reinstatement of Pell Grant eligibility for incarcerated students in July 2023, at which point 463,000 incarcerated people will be eligible for a Pell grant to support participation in qualifying post-secondary education programs. BOP is also expanding access to Pell Grants within federal correctional facilities to help incarcerated students earn college credits and/or a college degree.

- **Reducing barriers for eligible voters:** To help protect the fundamental right to vote in jails - where most individuals are eligible to vote since jails are largely comprised of people awaiting trial or those serving misdemeanor sentences that do not preclude voting - the Department will support the development of resources that combat misinformation on voter eligibility, explain state-specific voter rights for incarcerated persons, and promote strategies for expanding voter registration and access.
- **Jail-specific solutions:** To address the unique challenges facing local jails, the Department is launching the Jails and Justice Support Center, a national training and technical assistance hub to guide jail administrators in establishing safe and humane environments that effectively serve residents, visitors, and staff.
- **Medication-assisted treatment (MAT):** The Department is working to expand access to MAT for incarcerated individuals with opioid substance use disorders. The Department's grants support the implementation or expansion of MAT programs, along with other evidence-based treatment and recovery support services, in state and local correctional facilities. BOP is currently providing MAT to over 2,500 people in its custody and is partnering with the Drug Enforcement Administration and the Department of Health and Human Services to integrate certified Opioid Treatment Programs into BOP facilities.
- **Facilitating Reentry for People with Criminal Records**
 - **Improving health coverage and continuity of care:** The Department will work with federal partners and stakeholders in the field to increase uptake and successful implementation of Medicaid 1115 demonstration authorities, a new opportunity for states to improve care transitions for certain individuals nearing release from incarceration, as well as other related tools for improving continuity of care pre- and post-release.
 - **Reducing barriers to government-issued identification:** Because people often leave incarceration without a state-issued identification, a common pre-requisite to housing, employment, and other basic societal functions, BOP is developing a Release Identification Card that formerly incarcerated individuals could use to obtain a state-issued ID upon return to the community. Additionally, BOP is consulting with the Department of Homeland Security to develop a Release Folder containing all official documents providing reliable information necessary to obtain a REAL ID-compliant identification from the state licensing agency where the formerly incarcerated person intends to reside.
 - **Addressing unjust and unlawful fines and fees:** The Department issued a Dear Colleague Letter for state and local courts and juvenile justice agencies that addresses common court-imposed fines and fees practices and cautions against those practices that may be unlawful and unfairly penalize individuals who are unable to pay or otherwise have a discriminatory effect. The Department will follow up on this letter by building a best practice guide and initiating new assistance for state and local efforts to rethink the use of fines and fees.
 - **Improving community supervision outcomes:** The Department will support the implementation and evaluation of community supervision models designed to reduce revocations for technical violations and will launch a training and technical assistance center to improve community supervision outcomes and reduce recidivism.
 - **Investing in correctional and reentry programs nationwide:** The Department makes significant investments in programming for currently and formerly incarcerated individuals at the state, local, and Tribal levels. In support of these efforts, the Department's Office of Justice Programs has welcomed two Second Chance Fellows whose professional expertise and lived experience in the justice system will help inform the Department's efforts to promote reentry success.