

## The U.S. Department of Justice

### *Standards for Certification on Safe Policing for Safe Communities*

Through President Donald J. Trump's Executive Order No. 13929, the U.S. Attorney General, as appropriate and consistent with applicable law, will allocate Department of Justice discretionary grant funding *only* to state, local, and university or college law enforcement agencies that have obtained (or are in the process of seeking) credentials certifying that they meet certain mandatory and discretionary standards for safe policing, to be set by the U.S. Attorney General.

Using safe policing principles, law enforcement will continue striving to improve policies and procedures — ensuring transparent, safe, and accountable delivery of services to our communities. This will enhance citizen confidence in law enforcement, and facilitate the identification and correction of internal issues before they result in injury to the public or to law enforcement officers.

Accordingly, set forth below are the U.S. Department of Justice's standards on safe policing for securing credentials certifying compliance with Executive Order No. 13929 and eligibility for discretionary grants. The U.S. Attorney General will regularly review this document and revise it as appropriate.

#### **I. Definitions**

**APPLYING LAW ENFORCEMENT AGENCY or APPLYING AGENCY:** A state, local, or university or college law enforcement agency seeking certification from an independent credentialing body pursuant to Section 2 of Executive Order No. 13929 and Part II of this document. An applying law enforcement agency shall also include any state, local, or university or college law enforcement agency whose head of agency affirms that: (a) the requirements of Section 2 of Executive Order No. 13929 and Part II of this document are met; and (b) his agency has affirmatively sought certification from an independent credentialing body.

**CERTIFIED LAW ENFORCEMENT AGENCY:** A state, local, or university or college law enforcement agency which an independent credentialing body has certified meets the criteria set forth in Part II of this document.

**CHOKER HOLD:** A physical maneuver or technique that restricts an individual's ability to breathe for the purpose of incapacitation.

**DEADLY FORCE:** Any use of force that creates a substantial risk of causing death or serious bodily injury, consistent with U.S. Supreme Court precedent.

**INDEPENDENT CREDENTIALING BODY:** A regionally or nationally recognized non-profit, for-profit, government entity, or other law enforcement accreditation entity that the U.S. Attorney General, in his sole discretion, determines to be: (i) independent; (ii) reputable;

(iii) in the business of establishing law enforcement standards; and (iv) capable of certifying compliance with Section 2 of Executive Order No. 13929 and Part II of this document. Independent credentialing bodies include, *inter alia*, any state law enforcement accrediting body and peace officer standards and training (POST) commission.<sup>1</sup>

**LAW ENFORCEMENT OFFICER:** A state, local, or university or college employee or volunteer who is licensed under applicable state law or certified by an applicable POST commission.

**NO-KNOCK WARRANT:** A warrant where a judge or magistrate, upon cause shown in the warrant application, specifically authorizes that the warrant may be executed in a “no knock-and-announce” fashion.

**OBJECTIVELY REASONABLE:** The determination that the decision to use force, and the level of force used, is what a reasonable and prudent officer would use under the same or similar situations based upon the officer’s evaluation of the situation, experience, training, and the totality of the circumstances known to or believed to exist by the officer at the time the force is used and is consistent with U.S. Supreme Court precedent.

**POLICY or POLICIES:** A deliberate system of principles intended to guide agency decision-making.

**PROCEDURES:** The manner of implementing policies.

**SERIOUS BODILY INJURY:** Injury that involves a substantial risk of death, protracted and obvious disfigurement, or extended loss or impairment of the function of a body part or organ.

**TRAINING PROTOCOLS:** The method and manner by which law enforcement personnel are trained on preferred practices, legal, and constitutional requirements.

**WARNING SHOT:** The intentional discharge of a firearm for the purpose of warning or seeking compliance from an individual, but not intended to cause physical injury.

## **II. Safe Policing Principles that Independent Credentialing Bodies Must Consider When Assessing Certification of Applying Law Enforcement Agencies**

Pursuant to Section 2 of Executive Order No. 13929, an independent credentialing body shall certify an applying law enforcement agency if the independent credentialing body determines

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<sup>1</sup> A list of independent credentialing bodies currently approved by the U.S. Attorney General is contained in Attachment A. Any other entity seeking to be later designated as an independent credentialing body should petition the U.S. Department of Justice by submitting an application to Director of Community Oriented Policing Services (“COPS”). Applying agencies denied certification by an independent credentialing body may make an appeal to the Deputy Attorney General for review and relief.

— or, within the past 36 months, has already determined — that the following two conditions have been met:

A. Adherence to Applicable Laws

The applying agency maintains use of force policies that adhere to all applicable federal, state, and local laws.

B. Prohibition of Choke Holds

The applying agency maintains use of force policies that prohibit the use of choke holds, except in situations where the use of deadly force is allowed by law.

After the independent credentialing body confirms that the requirements in Part II of this document are met, the independent credentialing body must include the applying law enforcement agency within its database of certified law enforcement agencies. Beginning in 2021, on or before January 31 of each year, independent credentialing bodies must provide the names of each certified law enforcement agency to the Director of the COPS Office or his delegate. Each certified law enforcement agency is qualified to receive U.S Department of Justice discretionary grants for up to (i) 36 months from the date of its most recent certification by an independent credentialing body, or (ii) the lifecycle of any discretionary grant awarded, whichever option is longer.

**III. Safe Policing Principles that Independent Credentialing Bodies Should Consider When Assessing Certification of Applying Law Enforcement Agencies**

Pursuant to Section 2 of Executive Order No. 13929, the following safe policing principles will aid in law enforcement’s continued self-assessment of its own policies and training on use of force and de-escalation techniques, performance management tools, and community engagement. Accordingly, in assessing whether to certify an applying law enforcement agency, an independent credentialing body should — but is not required to — consider whether the applying agency incorporates the following safe policing principles within its policies and procedures:

A. Use of Force and De-escalation Techniques

i. Termination of Use of Force

The applying agency should maintain use of force policies and procedures that address when force against individuals who fail to comply with lawful commands should terminate, including the following requirement: when it is objectively reasonable that a subject is fully in law enforcement’s control, then the force must terminate.

ii. Duty to Intervene

The applying agency should maintain policies and procedures that include the duty and obligation to intervene to prevent or stop the known and apparent use

of excessive force by another officer when it is objectively reasonable to do so. An agency's duty to intervene policy may be memorialized separately from the agency's use of force policies.

iii. Training Protocols on Use of Force and De-Escalation

The applying agency should maintain training protocols that adhere to, or exceed, any applicable state laws to become, and remain in good standing as, law enforcement officers. The applying agency's training protocols should include substantive instruction on the agency's use of force policies and procedures, de-escalation techniques, and related legal updates.

iv. Appropriate Medical Care

The applying agency should maintain policies and procedures that address when it is appropriate for an officer to provide medical care consistent with his training to any individual. Medical care may include providing basic first aid, requesting emergency medical services, and/or arranging for transportation to a medical facility.

v. Warn Before Shooting

The applying agency should maintain use of force policies and procedures that encourage personnel — circumstances permitting and when reasonably practical — to identify themselves as law enforcement officers and to give verbal warning of their intent to use deadly force.

vi. Shooting at or from a Moving Vehicle

The applying agency should maintain use of force policies and procedures regarding shooting at or from a moving vehicle.

vii. Warning Shots

The applying agency should maintain policies and procedures regarding warning shots.

viii. No-Knock Warrant

The applying agency should maintain policies and procedures regarding the use and execution of no-knock warrants.

B. Performance Management Tools

i. Early Intervention Systems

The applying agency should strive to routinely conduct internal audits of their policies, procedures, and training protocols, as well as officer safety and wellness programs or initiatives. Where resources permit, the applying agency should maintain human resource policies and procedures that aid in the development of human capital, protect due process for officers, and encourage the identification and assistance of law enforcement personnel who are

becoming, or likely to become, at risk to violate use of force or other agency policies or procedures.

ii. Hiring of Personnel

The applying agency should maintain policies, procedures, and training protocols to hire and promote only those employees, or others (such as independent contractors), who are the best available candidates for a position according to the accepted standards of objectivity and merit.

C. Community Engagement

The applying agency should implement community engagement plans that address the particular needs of the community being served. The implementation plans may be memorialized separately from the agency's use of force policies.

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