

International Association of Directors of Law Enforcement Standards and Training

The International Association of Directors of Law Enforcement Standards and Training (IADLEST) is an international organization of training managers and executives dedicated to the improvement of public safety personnel. IADLEST serves as the national forum of Peace Officer Standards and Training (POST) agencies, boards, and commissions as well as statewide training academies throughout the United States. The following are segments from IADLEST's Model Minimum Standards.

IADLEST Model Minimum Standards

Preamble

The idea that those who perform the duties of law enforcement and criminal justice officers should do so with professionalism and a sense of ethics is not really new to western philosophical thinking. In fact, the origins of modern policing are commonly agreed to be found in the teachings of Sir Robert Peel over a century and a half ago. The formation of the International Association of Chiefs of Police in 1893 provided the first nationwide voice for reform and professionalization in policing. In this century, scholars generally agree that the most important early advocacy for professionalism can be found in the writing and actions of Chief August Vollmer, who promoted the notion that the Berkeley Police Department should be composed of competent, trained, and ethical officers.

At the close of the era of prohibition, President Herbert Hoover empowered the Wickersham Commission to look into problems in American policing. This Commission concluded that law enforcement was far too often found to be corrupt, brutal, and composed of unethical and untrained personnel. These shocking conclusions were never manifested in significant public actions, however.

The next major report appears to have been published by the American Bar Association in 1953. In response to a recognition that policing in this country required improved professionalism, the ABA published a "Model Police Training Act." The Act outlined eight broad functions that should ideally be performed by police regulatory agencies.

In 1967 the President's Commission on Law Enforcement and the Administration of Justice published "The Challenge of Crime in a Free Society," and the follow-up task report, "The Police." Contained in both reports were recommendations pertaining to the American system of criminal justice. Major emphasis was focused on the police, and recommendations were offered to affect such areas as community policing, community relations, personnel practices and procedures, organization and operational policies and structures, and the recommendation that each state establish a Peace Officers Standards and Training (POST) Commission. At that time, 17 states had already established POST bodies. All states had them by 1981.

The National Advisory Commission on Criminal Justice Standards and Goals published its recommendations for improvements in 1973. Specific recommendations for upgrading the quality of police personnel ranged from proposals for improving recruitment and selection to encouraging the imposition of extensive recruit basic and in-service training requirements that would be made mandatory for all police personnel.

California and New York were the first to establish POST commissions in 1959. New Jersey and Oregon created POST commissions shortly thereafter in 1961. The last states to create POST commissions were Tennessee, West Virginia, and Hawaii. The staffs of POST organizations first formed an association in 1969 upon the urging of IACP. In 1987, the name of this association was changed from NASDLET TO IADLEST thereby reflecting a more inclusive Mission and Focus.

No analysis of the development of professionalism in the criminal justice occupations would be complete without a reference to the positive impact of the Law Enforcement Assistance Administration's LEEP program. The Law Enforcement Education Program was the first significant infusion of federal funds designed to improve the education and management skills of police and criminal justice managers. A by-product of that great amount of funds was the establishment and creation of departments of criminal justice in practically every postsecondary institution in the nation. Thus was born the discipline of criminal justice and criminal justice studies that have done so much to advance the knowledge and practice of the criminal justice professions.

To be sure, the public horror and reaction to police brutality and unlawful tactics in response to the general public disobedience of the 1960's led to demands that the quality of police improve. Likewise, a string of important Supreme Court cases recognized that the power of police must be regulated and misuses punished. The extension of the exclusionary rule to the states through *Mapp v. Ohio* (1961) was only the first of the contemporary major decisions to recognize the need to proscribe police unlawfulness. *Mapp* was followed shortly thereafter by *Escobedo v. Illinois* (1964), *Miranda v. Arizona* (1966), *Terry v. Ohio* (1968), and *Chimel v. California* (1989) just mention some of the more well-known cases. This has been paralleled by the rapid rise of civil liability recourse (42 USC 1983, 1987) against police misconduct. A police officer of the 50's would be confounded by what a professional officer of the 90's considers commonplace.

The POST organizations were created out of the crucible of conflict, change, and the demand for professionalism and ethics in public officers. POST programs exist to assure all citizens that peace officers meet minimum standards of competency and ethical behavior. POST organizations also have an obligation to the officers and agencies that they regulate, to adopt programs that are sensible, effective, and consistent with contemporary notions of what standards should be for all officers. It is in this spirit of growth and responsiveness that the International Association of Directors of Law Enforcement Standards & Training have resolved to establish a set of MODEL MINIMUM STANDARDS to which all states may aspire.

"Great spirits have always encountered violent opposition from mediocre minds." - Albert Einstein

Model Minimum State Standards For POST Administration

1.0 Concepts, Mission, and Organization

Each State shall have an organization at the state level with adequate authority to set standards for the hiring, training, ethical conduct and retention of police officers, through certification, licensing, or an equivalent methodology.

Commentary

Ever since 1967, when the President's Commission on Law Enforcement and the Administration of Justice issued its landmark report entitled "Task Force Report: The Police", it has been formally acknowledged that the law enforcement task is as great or greater than that of any other profession, and that the performance of this task requires more than physical prowess and common sense. Law enforcement officers engage in the difficult, important and complex business of helping to regulate human behavior, and their intellectual armament and ethical standards must be no less than their physical prowess. The Commission said in 1967, "the quality of police service will not significantly improve until higher educational requirements are established for its personnel" and that statement is equally true today.

As the Commission pointed out, while all departments are in need of upgraded recruiting efforts, higher minimum standards, better selection procedures and more training, the needs are more pronounced for the smaller police departments, many of whom without mandates at the state level would provide little or no training, use ineffectual selection and screening techniques, and have no organized recruiting programs, resulting in substantial variation in the quality of police service, not only in different areas of the nation, but within the same state.

Therefore, each state should have a commission, council or board on peace officer standards and training to establish, maintain, and update these standards.

1.0.3 Licensing or Certification

Such a commission should have the authority and responsibility to act as the certification or licensing authority for sworn personnel who perform the duties of law enforcement and corrections officers, and other related public officers, and determine the conditions they must meet for certification or licensing.

1.0.4 Decertification or License Revocation

Such a commission should have the authority and responsibility to decertify or suspend or revoke the licenses of sworn personnel who perform the duties of law enforcement and corrections officers, and other related public officers, for failure to observe training requirements, incompetence or egregious misconduct, and to determine the mechanics and conditions for such decertification.

2.0 Selection

Each state commission should prescribe minimum statewide standards that must be complied with by hiring authorities who employ law enforcement and corrections officers and other related public officers. These standards should comply with any applicable federal and state equal employment guidelines and relate to the skills and attributes necessary to perform the essential functions of a police or corrections officer.

2.1.0 Interstate Training Reciprocity

2.1.6 Decertification

Rules should prescribe the charging, hearings, and appeal process for decertification of an officer for infractions of laws, rules, or regulations, and the effect to be given to an out-of-state decertification action or conviction.

Model Minimum State Standards Professional Conduct

6.0 Standards of Professional Conduct

Each state should provide its commission with the authority to issue standards for professional conduct of law enforcement and corrections officers which specify occupational professionalism by which the certification or license may be retained by persons holding it, and should be empowered to enforce minimum professional standards through the administrative denial of certification to unqualified applicants, and administrative sanction of officers violating professional standards.

Commentary

Each state has been empowered through its constitution or by legislative authority, to regulate occupations and professions in the public interest, thereby protecting the public health, safety and welfare in the performance of such occupations and professions. A state generally administers this authority through the certification or licensing of persons who have met specific minimum standards. The authority of a state to grant certification or licensure to persons performing an occupation or profession, also implies that the state may refuse to license, or revoke state certification or licensure. In the case of law enforcement and corrections, these duties should be delegated by the legislature to the appropriate commission or commissions.

6.0.1 Content

Standards of professional conduct should address the commission's authority to provide licensing or certification retention standards, and authority to revoke or decertify law enforcement and corrections officers. This authority and responsibility should parallel minimum standards of certification and training, and include cause for administrative sanction, due process notice, hearing and appeal requirements, and provisions for releasing information to a national data bank of decertified officers, as well as a recertification process.

6.0.2 Certification

Each commission should establish procedures and regulate, monitor and certify that persons employed as law enforcement and corrections officers have met the minimum standards for employment, training, and retention.

Commentary

These standards should offer public notice regarding the high ethical, character, training and competency standards required by the state for the employment of law enforcement and corrections officers.

6.0.3 Uniformity

A set of uniform certification or licensing standards should apply to all officer applicants in the state.

6.0.4 Compliance

Prior to issuance of certification or licensure, the commission should verify the compliance of the applicant with minimum standards, by collecting, verifying and maintaining all documentation establishing compliance, and assuring that a proper background investigation and criminal history check have been completed, and requiring the training institution or hiring authority to provide assurance of completion of all pre-hiring requirements, subject to verification by commission audit.

6.0.5 Ongoing Compliance

The commission should be authorized to monitor and enforce ongoing compliance with criteria for the retention of certified or licensed law enforcement or corrections officers.

Commentary

In order to provide a means to identify officers in possession of commission certificates or licenses who involve themselves in unethical or unlawful conduct which would be considered outrageous, contemptible, inhumane, cruel, immoral, indecent, improper, flagrant, excessive, notorious, wanton, intolerable or shocking to the conscience, each state should maintain a professional certification or licensing compliance system. The creation of such a system will assist in preserving minimum standards of conduct and public trust in persons holding commission certification or licensure. It will also provide means for notice to future law enforcement or corrections employers of those applicants who have violated professional standards and have been sanctioned by the commission.

6.0.6 Application, Certification and Denial

Each commission should require a formal application for certification, with specified criteria. If minimum standards are met, the applicant should be certified. If the applicant does not appear to meet minimum standards, the commission should formally notify the applicant of its intention to reject the application and allow a hearing, pursuant to the state administrative procedure act or other applicable law, if the applicant files a timely request for such a hearing.

6.0.7 Reporting Misconduct

Commission regulations should mandate that employing agencies notify the commission when an officer leaves employment, whether terminated, laid off, resigned, or retired. The facts and circumstances leading to the separation should be required to be disclosed where officer misconduct would give rise to possible sanction by the commission. Instances of such misconduct substantiated by an officer's employing agency should also be disclosed to the commission. All law enforcement agencies in the state should be required to report to the commission, the arrest of any person known or identified to them as a police or corrections officer.

Commentary

Public respect for the law is linked to public respect for those who enforce it. When the public becomes aware of unethical, illegal or unconstitutional conduct, on- or off-duty, by those who are sworn to uphold the law and preserve the peace, public confidence is shaken and all criminal justice professionals and agencies suffer diminished effectiveness through diminished public respect, cooperation, and confidence.

6.0.8 Investigation of Misconduct

The commission should evaluate, and may inquire into, all allegations reported to them of officers violating commission standards. The commission should cooperate with employing agencies in this regard. If the information obtained by inquiry indicates that an officer is in violation of commission standards which could result in the imposition of sanctions, the matter should be presented to the commission or executive director for determination. If the investigation results in a conclusion that no cause for action exists, the employing agency and officer should be so notified. If cause is found, the commission should issue a formal administrative complaint, specifying the charges upon which the sanctions may be imposed.

6.0.9 Grounds for Action

A set of uniform professional standards applicable to all officers certified or licensed by the commission should be established and published. The commission should have the authority to sanction misconduct including any act or conduct which raises substantial doubts about the officer's honesty, fairness, or respect for the rights of others, regardless of whether the misconduct constitutes or is prosecuted as a crime, including but not limited to a plea of guilty, nolo contendere or a finding of guilt as to one or more of a specified series of misdemeanor charges, regardless of withheld adjudication or suspended sentence; a plea of guilty, nolo contendere or a finding of guilt as to a felony or similar offense, regardless of withheld adjudication or suspended sentence; unlawful sale, possession or use of a controlled dangerous substance, or failure to meet mandatory commission standards. State law should permit the commission to consider the existence of an annulled record in making certification and decertification decisions.

6.1.0 Possible Sanctions

Depending on the type of violation, the facts and circumstances of the case, and the prior record of the officer, the commission should impose the most appropriate administrative sanction, to include suspension or revocation of the license or certificate, probation, which may include remedial retraining, or formal reprimand or censure.

6.1.1 Sanction Procedure

In accordance with the state administrative procedure act or other applicable law, the officer should be given notice of the proposed administrative sanction and be provided an opportunity to be heard in the administrative hearing upon request, and to be represented by counsel at his or her own expense. If the hearing results in a finding that the standard of professional conduct was not violated or a conclusion that the conduct in question does not warrant administrative sanction, the case should be dismissed. In the event a violation of professional standards is found, the commission should impose sanctions as appropriate.

6.1.2 National Repository

It is recommended that, upon the establishment of a national repository of information regarding decertified officers, each state commission contribute toward this repository.

Commentary

Each state's society is highly mobile. The number of law enforcement and corrections officers certified or licensed who have been sanctioned by state commissions, continues to expand. There are many accounts of officers with histories of violating professional standards attempting to or becoming employed in the criminal justice professions in states outside the jurisdictions where the violations occurred. To protect criminal justice agencies from employing a person who has been decertified in another state, each state should have the authority to release information on decertified officers upon an official request, and within authorized release guidelines.

6.1.3 Dissemination

Each state should have an authorized state agency that can establish policy and procedures for the dissemination of information to a national repository regarding officers whose commission certificate or license has been suspended, revoked or decertified for punitive reasons. Information to be released should include the name, date of birth and social security number of the officer, the name and address of the commission, and the name and telephone number of a contact person at the state commission who can answer inquiries into the nature of the sustained grounds for decertification.

6.1.4 Recertification

Each commission should adopt a process whereby law enforcement and corrections officers whose commission certificates or licenses have lapsed or been suspended, revoked or decertified, may apply to have them restored, reinstated or re-issued. Officers should first be required to demonstrate compliance with minimum state certification or licensing standards before recertification will be considered. Application to the commission as provided in the initial certification or licensing process should be made. Any denial of certification should be in writing, listing the reasons therefor, and describing any appeals process.