

**NEW
ERA
OF
PUBLIC
SAFETY**

A GUIDE TO FAIR, SAFE, AND EFFECTIVE
COMMUNITY POLICING

10

RECRUITMENT, HIRING, PROMOTION, AND RETENTION

Police departments are, in many communities, the “public face of local government.”¹ As such, they should reflect the communities they serve and take a community-centered approach to their work — one that embeds the values and voices of all community members into department policy and practice.² Doing so builds community trust and confidence in the vital work of law enforcement. Indeed, a diverse workforce can increase departments’ cultural competency and help foster positive police-community relationships.

Despite some progress, these goals have yet to be met. The policing profession remains predominantly White, male, and heteronormative.³ Community-centered approaches, meanwhile, are gaining traction but have yet to be fully integrated into all departments across the nation — and sometimes, they face resistance from officers and departments.⁴

To make progress toward these goals, departments should employ and promote officers with community-centered mindsets toward policing; create and maintain transparent processes for recruitment, hiring, promotion, and retention; and assess — and remove — barriers to advancement facing underrepresented groups (e.g., people of color, certain religious groups, women, LGBTQ and gender nonconforming people, and others).⁵

RECOMMENDED BEST PRACTICES

To attract and retain officers who reflect the communities they serve and embody the values of equity, fairness, and procedural justice, departments should:

10.1

Promote policing as a legitimate, honorable profession, especially to young people from underrepresented groups.

10.2

Seek community input when making decisions about hiring and resource allocation.

10.3

Develop recruitment plans that reflect departmental missions and community priorities.

10.4

Reevaluate hiring qualifications and testing.

10.5

Provide mentoring opportunities and test preparation support to candidates from underrepresented backgrounds in policing.

10.6

Implement transparent policies and practices that are centered on internal procedural justice.

ATTRACTING AND RETAINING OFFICERS

Officers who reflect the values of the department and the community at large are more likely to practice fair and effective policing.⁶ Residents of communities with high levels of serious crime expect police to respond and investigate. But many communities, especially those of color, are overpoliced and subject to hyper-enforcement of low-level offenses, a phenomenon borne out by law enforcement statistics.⁷ (For more detail, see Chapters 2 and 3.)

To alleviate these concerns, officers should build and maintain strong and positive relationships with communities; that way, residents will feel comfortable calling the police when a crime occurs. To cultivate strong police-community ties, departments should invest in high-quality officers who can meaningfully engage with community members and build relationships based on trust.

Over the past decade, departments have found it increasingly difficult to recruit high-quality candidates because of higher competition with the private sector and increasingly negative views of policing.⁸ Departments also have difficulty retaining

young and new officers. This is particularly true of women and officers of color, who leave the profession in disproportionate numbers (and often in fewer than five years).⁹ Low retention rates strain staffing levels, which lowers morale.¹⁰

To retain a diverse staff of committed, high-performing officers, departments should foster employee engagement (i.e., ensuring employees feel absorbed in and positive and enthusiastic about their work and work environment).

Departments can do so by promoting procedural justice. Officers are more likely to stay when they believe that (1) they do work that matters to their department and the community they serve; (2) they have ample opportunities to provide meaningful input about their work; and (3) they are treated fairly by their peers, supervisors, and the department as a whole. Officers who feel this way “have a deeper connection to the agency’s mission and vision” and are “more willing to go the extra mile for the agency.”¹¹ Moreover, when departments model fair and just treatment, officers replicate these principles in their relationships with communities.¹²



BEST PRACTICES IN RECRUITMENT, HIRING, PROMOTION, AND RETENTION

Police departments should prioritize the recruitment, hiring, promotion, and retention of community service-minded officers. While departments should continue to use the regular mechanisms for recruiting and hiring, such as outreach and referrals, they should consider innovative ways to appeal to diverse communities that have traditionally been underrepresented in policing.

Improving police departments' image and reputation through community policing and cultural awareness will help mend broken ties to communities of color and other marginalized groups. Departments should also create inclusive workplaces to retain high-quality employees. To attract and retain officers who reflect the communities they serve and embody the values of equity, fairness, and procedural justice, departments should:

COMMUNITIES, DEPARTMENT LEADERS, AND ELECTED OFFICIALS SHOULD TAKE A HOLISTIC APPROACH TO STAFFING.

RECOMMENDATION 10.1 PROMOTE POLICING AS A LEGITIMATE, HONORABLE PROFESSION, ESPECIALLY TO YOUNG PEOPLE FROM UNDERREPRESENTED GROUPS.

Many department leaders are working to increase staff diversity. But they often face difficulty attracting candidates from low-income communities and communities of color because of tense relationships between police officers and community members.¹³ People in low-income communities and communities of color — and particularly young people — are more likely than those in predominantly White and affluent communities to have experienced negative, and unwarranted, interactions with police.

As the Final Report of the President’s Task Force on 21st Century Policing (the President’s Task Force Report) notes, many young people of color have been stopped and frisked many times — often for no apparent reason other than the color of their skin — and, over time, have come to view police officers and the law enforcement community as an enemy.¹⁴ This, of course, delegitimizes the profession in these and other communities.

To counter this phenomenon, departments should build community relationships that are rooted in trust and mutual respect. To do so, leaders should position officers as guardians of public safety.¹⁵ (For more detail, see Chapter 9.) Building community trust is the single most important activity that officers can engage in, according to a 2018 survey of law enforcement officials and community members.¹⁶ If officers build relationships centered on trust and accountability, communities will be more likely to view policing as an honorable profession.¹⁷ Departments that embrace the “guardian mindset” and advance a community-centered culture are better positioned to repair broken relationships and attract applicants from underrepresented backgrounds.¹⁸

RECOMMENDATION 10.2

SEEK COMMUNITY INPUT WHEN MAKING DECISIONS ABOUT HIRING AND RESOURCE ALLOCATION.

Departments need adequate staff to meet their many obligations: answering service calls, investigating serious crimes, responding to emergencies, and more. Officers in understaffed departments cannot carry out their missions or serve their communities well. They are often stretched thin and worked to the point of exhaustion, which is dangerous for officers and the public alike.

Uses of force are correlated with overtime. If an officer worked one additional hour of overtime in the prior week, the odds of a use-of-force incident in the following week increase by 2.7 percent.¹⁹ Officers who work back-to-back shifts, meanwhile, receive more public complaints.²⁰ And, some people argue that officers are slow to respond to calls for service or investigate violent crime in some communities, suggesting that some departments should hire more officers to meet needs in these communities. Data indicate that adding more officers reduces crime, not because additional officers conduct more stops or arrests but because fewer people commit crime when officers are around.²¹

Yet many communities don't want more police, especially communities of color that are overpoliced and subject to the aggressive enforcement of low-level offenses. The sentiment among many people of color is that they're better off with no police than living in fear of police violence, and that they should instead be empowered to solve their own problems.²²

Some communities that lack adequate funding in other areas, such as education, housing, health care, and public transportation, don't want to see increased spending on police, and support an invest/divest approach.²³ Under this framework, elected officials are called to invest in holistic health services and treatment, education, housing, and living wages, which more effectively reduce crime than policing or incarceration.²⁴

Investing in adequate police staffing levels does not have to come at the expense of other community investments. Communities, department leaders, and elected officials should take a holistic approach to staffing that considers proposed spending on new hires and other department expenses alongside community needs and competing interests.

To do so, leaders should work with communities and elected officials to analyze underlying societal problems that contribute to crime. When determining whether to hire more officers in locations with high volumes of service calls, leaders might consider hiring mental health professionals and social workers to handle incidents involving people with mental health and developmental disabilities or substance use disorders, or investing in "diversion programs" to prevent people from entering the

criminal justice system and reduce police involvement in public health issues. (For more detail, see Chapter 5.) Department leaders should also engage with communities when making budgetary decisions.

Specifically, departments should:

- + Collaborate with community officials to identify services that don't require police-based responses.
- + Seek community and officer input when assessing staffing needs, identifying unfilled vacancies, and adjusting staff numbers based on projected population changes in their communities.
- + Summarize key findings and recommendations about staffing and resources and share them with elected officials who make budget decisions (e.g., mayors, city managers, and members of the city council).

Provide opportunities for communities to debate department recommendations and how — and whether — to implement them.

RECOMMENDATION 10.3 DEVELOP RECRUITMENT PLANS THAT REFLECT DEPARTMENTAL MISSIONS AND COMMUNITY PRIORITIES.

To attract officers with skills, experiences, and attitudes that align with their department's mission, leaders should develop recruitment plans that include specific goals and milestones. If recruitment

plans reflect community input, departments will build community trust and make the profession more appealing. Leaders should use employee referral systems, because community-minded officers are likely to recruit like-minded candidates whom they know closely; engage in face-to-face outreach, because it personalizes and demystifies what can be an intimidating process; and prioritize recruiting people of color, women, and individuals from other backgrounds underrepresented in policing. Specifically, departments should:

Prioritize recruiting applicants from historically underrepresented groups in the policing profession.

Public perceptions of the police as an oppressive force, which have been reinforced by recent episodes of police violence in cities like Baltimore and Ferguson, Missouri, weaken departments' ability to recruit officers of color.²⁵

Almost 75 percent of law enforcement officers are White, and almost 90 percent are male.²⁶ Because "White males have historically dominated the ranks of local law enforcement ... their children are more likely to view the profession, which often runs in the family, as a viable career."²⁷ Children from historically underrepresented groups, then, are less likely to view policing as a viable and honorable career path.

The underrepresentation of Black people, Latinxs, and other people of color weakens police-community relations. Department leaders should recruit and hire candidates who are service-minded and committed

to working with residents to promote public safety and who come from and live in the communities they serve. Officers should represent their communities and be familiar with the cultures and traditions of the neighborhoods they patrol. Diversifying police departments by race, ethnicity, gender, gender identity, experience, and background will create departments that reflect communities — and will improve policing.²⁸

Departments can diversify applicant pools in many ways. They can collaborate with leaders in communities of color and reach out to institutions, such as historically Black colleges, universities, and churches, to recruit applicants of color. The Detroit Police Department, for example, reaches out to and mentors Black high school students to change negative perceptions about the police and to encourage them to consider careers in law enforcement.²⁹





In Washington, D.C., an ethnically and racially diverse city, the Metropolitan Police Department created a program that encourages young adults between the ages of 17 and 25 to consider careers in law enforcement while earning college credit.³⁰ The department also reaches out to young adults between the ages of 11 and 20 through its Junior Cadet and Cadet Explorers programs, which provide law enforcement-related educational and vocational experiences.³¹

Departments should collaborate with affinity groups, such as associations of Black and Latinx officers, female officers, LGBTQ officers, Deaf and hard-of-hearing officers, and others to identify the challenges they face as police officers and to address challenges to attract more applicants from these groups.³² Departments can also hold focus groups with people from underrepresented groups to learn about their concerns, apprehensions, and challenges and better understand barriers to joining the force.

Focus recruitment messaging on community service. Messaging matters. It is vital to frame advertisements for careers in law enforcement in a way that attracts candidates who embrace community policing principles. Messages should emphasize that careers in law enforcement offer people a way to give back to their communities; they should not be framed around aggressive uses of force, such as SWAT (Special Weapons and Tactics) team deployments, arrests, and canine searches.

As the President's Task Force Report notes, emphasizing public service and policing from a guardian approach will attract service-minded candidates.³³ This can be done through campaigns that feature images and themes of officers who reflect a diverse array of backgrounds and are engaged in acts of public service instead of crime and police tactics.³⁴

Seek communities' input into the hiring process. Leaders should seek public input on hiring to ensure that it reflects community values. Some departments engage community advisory boards when hiring new officers; others work with community stakeholders to list the characteristics that describe ideal candidates (such as those who are service-minded, have sound judgment, and are respectful and compassionate).³⁵ After recruiting a pool of applicants, leaders should identify qualified and competent candidates who align with their departments' core values. Without community input, a department's perception of the ideal candidate may not align with community values.

RECOMMENDATION 10.4 REEVALUATE HIRING QUALIFICATIONS AND TESTING.

Title VII of the Civil Rights Act prohibits employment practices that have a disparate impact on people based on their race, color, religion, gender (including gender identity, sexual orientation, and pregnancy),³⁶ or national origin. Enacted in 1964, this law applies even to “facially neutral” practices, which are not discriminatory as written (i.e., on their face) but can be in practice.³⁷ For hiring or promotions, departments should ensure their testing practices don’t exclude qualified applicants from underrepresented groups.

Even when department leaders can justify a certain hiring practice, they should explore alternatives if the practice disproportionately disqualifies applicants of color, women, or other underrepresented groups. In other words, just because a practice is technically valid doesn’t mean it’s the only (or best) way to screen applicants. And they should explore other criteria to measure other job qualifications, such as interpersonal skills and cultural sensitivity, to balance its adverse effect. Specifically, departments should:

Reevaluate hiring and promotional tests to remove barriers to applicants from marginalized communities. The use of cognitive, written, and physical performance tests in hiring and promotion decisions may also pose barriers to applicants from

underrepresented populations. While officers should have certain cognitive and physical abilities to perform their jobs well, department leaders should identify the minimum level of ability necessary.

Police departments can’t use tests for hiring and promotion that disparately impact certain groups — unless the tests measure skills that predict job performance.³⁸ Requiring officer applicants to pass a math test, for example, may measure skills that are not needed to carry out the duties of the job.³⁹ Many facially neutral criteria, such as evaluations that measure cognitive skills or physical strength, disproportionately disqualify women, people of color, and applicants from other underrepresented groups.⁴⁰

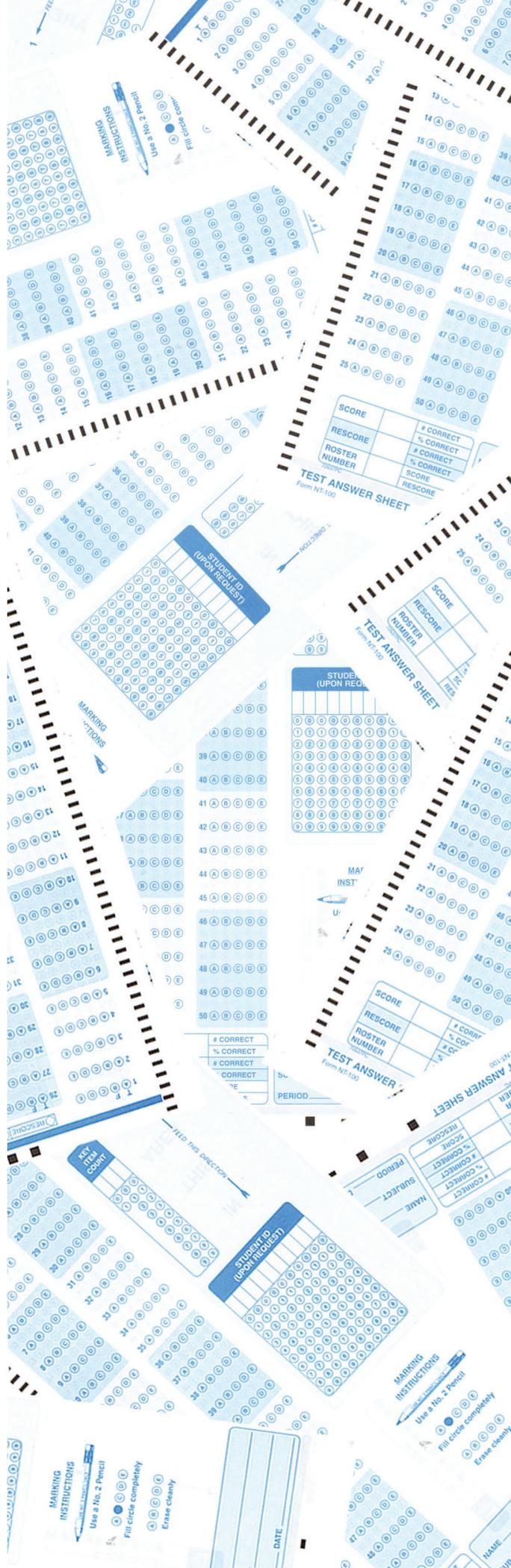
Departments should study their tests to ensure they don’t have a disparate impact. If tests have a statistically significant disparate impact on underrepresented groups, departments must show that they’re job-related and a legitimate business necessity.⁴¹ Even if a test is valid, however, the department must consider whether an alternative test exists that’s equally valid but has less of an impact on underrepresented groups.⁴²

In general, written tests adversely impact applicants of color.⁴³ These tests, however, may not accurately measure the skills needed for the job, and other measures might be better.⁴⁴ Leaders at the St. Paul Police Department in Minnesota realized that applicants of color tended to score

lower than White applicants on written and situational tests but tended to score higher than White applicants in interviews.⁴⁵ In response, the department changed its written test to assess the most important qualities for the job, such as personal history and community engagement. This allowed leaders to create a more diverse staff; the officers of color who were subsequently hired were equally qualified and had a genuine interest in engaging in community policing.

Departments should also scrutinize whether the way they're using test scores has a disparate impact,⁴⁶ especially because Black and Latinx applicants are often at a disadvantage because they tend to score lower than Whites.⁴⁷ Thus, they should study whether their cut-off scores meaningfully distinguish between qualified applicants and adjust them to reduce any disparate impact while meeting their organizational needs.⁴⁸

Physical performance tests, meanwhile, disproportionately impact women, and also must be job-related and consistent with a business necessity.⁴⁹ For this reason, departments have begun to modify or exclude these tests from the hiring process. In Wisconsin, the Madison Police Department noticed that many women were failing the application process — and sometimes not applying — because of a physical performance test that included a bench-press.⁵⁰ The department reassessed its test to measure upper-body strength and gave applicants the option to do push-ups instead — and eventually eliminated the bench-press requirement altogether, recognizing that success at a bench-press did not predict employee performance.





Departments may be limited in how much they can modify their hiring criteria. In some states, Peace Officer Standards and Training (POST) boards or similar entities set qualification requirements or minimum standards for tests.⁵¹ (And smaller agencies that don't have the resources to support hiring processes might have to rely on hiring officers who've been POST-certified, narrowing their pool of candidates.)⁵² In those instances, departments should ensure their hiring criteria meet the minimum standards required by their POST, while carefully assessing whether the criteria can be adjusted without triggering litigation. They can also advocate for changes to state standards and certification processes.

At the same time, department leaders can apply criteria to increase the number of candidates from underrepresented backgrounds. Language skills beyond English may be a relevant preference in communities with large Latinx populations,⁵³ for example, or with significant populations of people with limited English proficiency.

Reviewing hiring and promotion criteria ensures that they meaningfully predict job success and don't create barriers for people from marginalized communities who can contribute to departments' success and effectiveness. In short, there is no inherent conflict between a robust hiring process and an inclusive one.

Evaluate pre-employment background qualifications to ensure they don't adversely impact applicants from marginalized communities. Most departments have qualification criteria that determine an applicant's eligibility to become an officer. Some of these criteria have adverse or disparate impacts on applicants of color. So-called "morality" tests, such as background checks, drug tests, and polygraph examinations, claim to "measure" moral character.

But many candidates fail these tests because of minor infractions, such as driving violations, drug charges, or poor credit.⁵⁴ Driving violations, of course, are not always given for reckless driving; sometimes they are given for faulty equipment (i.e., a vehicle was not properly equipped or functioning). These "violations" adversely impact people in low-income communities, who are disproportionately people of color, and often stem from racial profiling in the first place.⁵⁵



Bad credit adversely affects low-income applicants, and especially those of color, who tend to have lower credit scores than White applicants.⁵⁶ Low credit scores among people of color often result from “existing racial inequities in our credit system and economy[.]”⁵⁷ such as “redlining” (when lenders refuse to provide conventional loans in predominantly Black and Latinx neighborhoods).

During the housing boom in the 2000s, people of color were disproportionately targeted for subprime mortgages, which led to higher rates of default and foreclosure and destroyed credit scores in many Black and Latinx communities.⁵⁸ The use of credit scores as screening criteria also has a chilling effect on applicants from low-income communities; if they know their credit score is low, they may not apply because they expect to be disqualified.⁵⁹

Hiring officials should, of course, screen applicants to ensure they are of good moral character and well suited to interact with the public — and to screen out applicants who have histories of violence or biases toward particular communities. To balance against unnecessarily disqualifying applicants who would otherwise make good officers, departments should modify the criteria causing the adverse impact or exclude them from their vetting process, and use alternative procedures to vet candidates that do not have the same adverse impact.⁶⁰

When using criminal background checks, departments should consider the nature of the crime and how much time has elapsed.⁶¹ For example, for drug offenses, some departments consider the type of drug used and how long ago it was consumed⁶² when screening applicants. Candidates who experimented with drug use during high school or college often fail these tests.⁶³ To reduce the drop-out rate, the Chicago Police Department removed past marijuana use as a disqualifying factor in part because it has been legalized in many states.⁶⁴

RECOMMENDATION 10.5 PROVIDE MENTORING OPPORTUNITIES AND TEST PREPARATION SUPPORT TO CANDIDATES FROM UNDERREPRESENTED BACKGROUNDS.

As discussed earlier, policing has been — and remains — a predominantly White and male profession.⁶⁵ Because applicants of color do not have the same historical connection to policing, they face more difficulty navigating the testing and application processes. Mentoring programs support candidates of color through these processes and prevent applicants from falling out of the hiring process.⁶⁶ In Tennessee, the Chattanooga Police Department has a paid internship program for candidates from underrepresented groups that provides mentoring to help candidates find their way through the hiring process and prepare for written and physical tests.⁶⁷

Additionally, department leaders should provide cultural awareness training to officers who interview job candidates and/or serve on interview panels, and they should ensure that panel participants include people from different backgrounds.⁶⁸





RECOMMENDATION 10.6

IMPLEMENT TRANSPARENT POLICIES AND PRACTICES THAT ARE CENTERED ON INTERNAL PROCEDURAL JUSTICE.

Internal procedural justice gives employees a sense of agency and value within departments because their input and feedback are considered in departmental decisions. This, in turn, creates a positive work environment with good morale, which is central to attracting high-quality candidates and grooming them to be the next generation of leaders. To promote internal procedural justice, departments should:

Make promotions systems transparent. Opaque promotions systems instill a sense of unfairness and inequity in police departments.⁶⁹ When officers don't know how or why promotional decisions are made, they often end up resenting fellow officers and supervisors.⁷⁰

At the Chicago Police Department, the lack of transparency around promotional systems and decisions created a narrative among officers that the department “does not value good leadership” and that “leaders [were] unqualified to lead.”⁷¹ To increase confidence in the system, leaders should create transparent promotion processes, establish them in policy, and evaluate candidates based on consistent metrics to ensure fairness and equity.

Department leaders should also ensure that performance reviews and appraisals reflect and reinforce community policing values and skills such as dispute resolution, de-escalation, problem-solving, and community engagement.⁷² Likewise, departments should weigh factors that indicate how officers engage on the job. Reviewing sustained complaints against officers will help leaders gauge whether they warrant promotion.⁷³

The Civil Rights Act bars promotional exams that disproportionately impact women and applicants of color. As such, all promotional exams should be evaluated on a regular basis to make sure they are fair and lawful.⁷⁴ Departments should also offer them regularly so that qualified candidates are promoted.⁷⁵ This will increase officers' sense of internal procedural justice and their faith in their departments' decision-making processes, which will increase retention, especially among officers from underrepresented backgrounds. As with the hiring process, departments can provide test preparation services to improve candidates' performance on promotional exams.

Invest in professional and career development. Police departments, like other organizations, should invest in professional development. Department leaders should consider how to promote high-performing employees and provide all officers with professional development so they have opportunities to advance in their careers. Departments should also provide training so officers can develop the skills they need to rise up the ranks. (For more detail, see Chapter 11.)

Mentoring is an important component of professional development, particularly for people of color, women, and those from other underrepresented groups, who may need specialized support.⁷⁶ A sustained mentoring initiative for new and experienced officers throughout their careers communicates that departments value and are invested in officers' long-term professional growth, which makes them more likely to stay with the department.

Seek community and officer input to promote internal procedural justice. As discussed earlier, departments should cultivate processes and systems that comport with internal procedural justice — including the sense that community members and officers know and understand what is expected of them, their colleagues, and the department. (For more detail, see Chapter 9.) When departments operate and treat officers in a procedurally just manner, officers will apply those principles to their interactions with community members. Research shows that “if departments wish to implement a procedural justice-based approach to policing in their communities, it is essential for those departments to ensure that their internal policies treat officers with fairness and respect.”⁷⁷

Department leaders should also allow officers to provide input. Evidence suggests that the biggest predictor of engaged, productive teams is the presence of “psychological safety” — people’s belief that they can speak up and take risks without being punished by others in the organization.⁷⁸ Psychological safety is related to a positive view of the workplace and an understanding of what is expected of employees.⁷⁹

Accordingly, department leaders should encourage dialogue between rank-and-file officers and senior managers. Supervisors should be trained on the importance of listening to officers, positively reinforcing strong performance, and mentoring personnel under their command. (For more detail, see Chapter 11.) Modeling these behaviors gives officers space to voice opinions and ask questions,⁸⁰ which, in turn, makes officers more invested in the job, increasing retention.

Chapter 10

¹ U.S. Dep't of Justice & Equal Emp. Opportunity Comm'n, *Advancing Diversity in Law Enforcement* 7 (2016) [hereinafter *Advancing Diversity in Law Enforcement*], <https://www.justice.gov/crt/case-document/file/900761/download>.

² The President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing* 16 (2015) [hereinafter *President's Task Force Report*], https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf.

³ Yamiche Alcindor & Nick Penzenstadler, *Police Redouble Efforts to Recruit Diverse Officers*, *USA Today* (Jan. 21, 2015), <http://www.usatoday.com/story/news/2015/01/21/police-redoubling-efforts-to-recruit-diverse-officers/21574081/>.

⁴ See, e.g., Pat Pratt, *Professor: Community Policing Requires Change in Attitude*, *Columbia Daily Tribune* (Nov. 23, 2018) (describing officers' opposition to community policing and their view that it is not "true policing"), <https://www.columbiatribune.com/news/20181123/professor-community-policing-requires-change-in-attitude>.

⁵ *Advancing Diversity in Law Enforcement*, *supra* note 1, at 24.

⁶ *Advancing Diversity in Law Enforcement*, *supra* note 1, at ii.

⁷ See, e.g., The Sentencing Project, *Black Lives Matter: Eliminating Racial Inequity in the Criminal Justice System, I & II*, <http://sentencingproject.org/wp-content/uploads/2015/11/Black-Lives-Matter.pdf>.

⁸ See ICMA & Vera Institute for Justice, *The Model Police Officer: Recruitment, Training, and Community Engagement* 4 (Sept. 2018) [hereinafter *The Model Police Officer*] (noting that "competition with the private sector, as well as societal changes in the perception of policing and public service generally" may be decreasing the supply of recruits.), https://storage.googleapis.com/vera-web-assets/downloads/Publications/the-model-police-officer/legacy_downloads/19-009-Model-Police-Officer-Survey-Report_web.pdf; Tom Jackman, *Who Wants to Be a Police Officer? Job Applications Plummet at Most U.S. Departments*, *Wash. Post* (Dec. 4, 2018) (attributing the recent decline in applications to "a diminished perception in policing" and healthy economy that offers better salaries in the private sector), https://www.washingtonpost.com/crime-law/2018/12/04/who-wants-be-police-officer-job-applications-plummet-most-us-departments/?utm_term=.ec6acc10403a.

⁹ See Jackman, *supra* note 8 (citing a survey that found 40 percent of officers voluntarily left the force in under five years); Jeremy M. Wilson et al., *RAND Center on Quality Policing, Police Recruitment and Retention for the New Millennium: The State of Knowledge* 35 (2010) (citing research suggesting that young people and new officers, as well as women and people of color, leave policing in disproportionate numbers; for example, nearly two-thirds of officers who left the Cincinnati Police Department had served for fewer than five years), https://www.rand.org/content/dam/rand/pubs/monographs/2010/RAND_MG959.pdf.

¹⁰ Steven Hale, *FOP Survey Finds Low Morale, Doubts About Policing Strategies Among Nashville Cops*, *Nashville Scene* (Dec. 5, 2018) (finding staffing levels as a reason for low morale), <https://www.nashvillescene.com/news/pith-in-the-wind/article/21035392/fop-survey-finds-low-morale-doubts-about-policing-strategies-among-nashville-cops>.

¹¹ U.S. Dep't of Justice, Cmty. Oriented Policing Servs., *Organizational Change Through Decision Making and Policy: A New Procedural Justice Course for Managers and Supervisors* (Apr. 2015), https://cops.usdoj.gov/html/dispatch/04-2015/a_new_procedural_justice_course.asp.

¹² See Maarten Van Craen & Wesley G. Skogan, *Achieving Fairness in Policing: The Link Between Internal and External Procedural Justice*, 20(1) *Police Quarterly* 3, 6 (2017) ("[T]he extent to which police officers' behavior toward citizens is guided by the principles of neutrality, respect, voice, and accountability depends on the extent to which supervisors' behavior toward their officers is characterized by these principles."), <http://journals.sagepub.com/doi/pdf/10.1177/1098611116657818>.

¹³ See *Advancing Diversity in Law Enforcement*, *supra* note 1, at ii-iii.

¹⁴ *President's Task Force Report*, *supra* note 2, at 11 (noting that "[b]y the time [youth in poor communities] are 17, [they] have been stopped and frisked a dozen times. That does not make that 17-year-old want to become a police officer ...").

¹⁵ *President's Task Force Report*, *supra* note 2, at 1.

¹⁶ *The Model Police Officer*, *supra* note 8, at 5.

¹⁷ *The Model Police Officer*, *supra* note 8, at 10, 12. (noting, e.g., that better police-community relations "could help identify potential future officers or make a career in police work more attractive to them.")

¹⁸ *President's Task Force Report*, *supra* note 2, at 11.

¹⁹ Justin Anderson, et al., *King County Sheriff's Office Overtime: Better Strategy Could Reduce Hidden Costs and Safety Risks*, *King County Auditor's Office* 30 (2017), <https://www.kingcounty.gov/~media/depts/auditor/new-web-docs/2017/kcao-overtime-2017/kcao-overtime-2017.ashx?la=en>.

²⁰ See Matthew Yglesias, *The Case for Hiring More Police Officers, A Crime-Fighting Idea that Actually Works, and New Exclusive Polling Shows It's Popular Across All Racial Groups*, Vox (Feb. 13, 2019, 9:00am), <https://www.vox.com/policy-and-politics/2019/2/13/18193661/hire-police-officers-crime-criminal-justice-reform-booker-harris>.

²¹ See *id.*

²² See Mychal Denzel Smith, *Abolish the Police. Instead, Let's Have Full Social, Economic, and Political Equality. When People Ask Me, "Who Will Protect Us," I Want to Say: Who Protects You Now?*, The Nation (Apr. 9, 2015), <https://www.thenation.com/article/abolish-police-instead-lets-have-full-social-economic-and-political-equality/>; Maya Dukmasova, *Abolish the Police? Organizers Say It's Less Crazy than It Sounds. Grassroots Groups around Chicago Are Already Putting Abolitionist Ideas into Practice*, Chi. Reader, <https://www.chicagoreader.com/chicago/police-abolitionist-movement-alternatives-cops-chicago/Content?oid=23289710> (last visited Feb. 17, 2019).

²³ See generally *Freedom to Thrive: Reimagining Safety & Security in Our Communities*, The Center for Popular Democracy, Law for Black Lives, Black Youth Project, 4, 26, 38, 42, <https://populardemocracy.org/sites/default/files/Freedom%20To%20Thrive%2C%20Higher%20Res%20Version.pdf>.

²⁴ See generally *Freedom to Thrive*, *supra* note 23, at 3.

²⁵ See, e.g., Mike Maciag, *Where Police Don't Mirror Communities and Why It Matters*, (Aug. 28, 2015) (noting that "[t]he longstanding perception of police as an oppressive force has hurt minority recruitment."), <http://www.governing.com/topics/public-justice-safety/gov-police-department-diversity.html>.

²⁶ W. Dwayne Orrick, *Best Practices Guide: Recruitment, Retention, and Turnover of Law Enforcement Personnel* 5, <https://www.theiacp.org/sites/default/files/2018-08/BP-RecruitmentRetentionandTurnover.pdf>; Yamiche Alcin-dor & Nick Penzenstadler, *Police Redouble Efforts to Recruit Diverse Officers*, USA Today (Jan. 21, 2015), <http://www.usatoday.com/story/news/2015/01/21/police-redoubling-efforts-to-recruit-diverse-officers/21574081/>.

²⁷ Maciag, *supra* note 25.

²⁸ See, e.g., *President's Task Force Report*, *supra* note 2, at 16-17.

²⁹ *Id.* at 28.

³⁰ *Advancing Diversity in Law Enforcement*, *supra* note 1, at 28; Metropolitan Police Dep't, *Cadet Corps*, <https://joinmpd.dc.gov/career-program-page/cadet-corps> (last visited Jan. 18, 2019).

³¹ Metropolitan Police Dep't, *MPD Launches Junior Cadet Explorers Program* (Feb. 28, 2017), <https://mpdc.dc.gov/release/mpd-launches-junior-cadet-and-cadet-explorers-program>.

³² See, e.g., Metropolitan Police Dep't, *Affinity Groups*, <https://mpdc.dc.gov/page/affinity-groups> (last visited Jan. 18, 2019).

³³ *President's Task Force Report*, *supra* note 2, at 11.

³⁴ *The Model Police Officer*, *supra* note 8, at 12.

³⁵ See, e.g., Evan McDonald, *Cleveland Police Recruitment Plan Says More Women, Minority Officers Needed to Reflect City's Diversity*, Cleveland.com (May 29, 2018), https://www.cleveland.com/metro/index.ssf/2018/05/cleveland_police_recruitment_p.html (noting that the Cleveland Police Department in 2018 implemented a recruitment plan as part of a consent decree). See also the Grand Rapids Police Department, which since 2017 has had a Police Policy and Procedure Review Task Force that substantively engages with the community on various issues, including recruitment practices. Grand Rapid Police Department, *Police Policy and Procedure Review Task Force*, (Nov. 13, 2018), <https://www.grandrapidsmi.gov/Government/Programs-and-Initiatives/Police-Policy-and-Procedure-Review-Task-Force>.

³⁶ Equal Emp. Opportunity Comm'n, *What You Should Know About EEOC and the Enforcement Protections for LGBT Workers*, https://www.eeoc.gov/eeoc/newsroom/wysk/enforcement_protections_lgbt_workers.cfm#examples. (last visited Jan. 18, 2019). Title VII was amended with the Pregnancy Discrimination Act in 1978, which made it illegal to discriminate against a woman based on pregnancy, childbirth, or a related medical condition. See Pub. L. 95-555, 92 Stat 2076 (1978) (now codified at 42 U.S.C. § 2000e-(k)).

³⁷ See 42 U.S.C. § 2000e-(k); *Griggs v. Duke Power Co.*, 401 U.S. 424, 430 (1971).

³⁸ U.S. Dep't of Labor, *Testing and Assessment: An Employer's Guide to Good Practices* 2-3 (1999), <http://uniformguidelines.com/testassess.pdf> (noting that criteria having a disparate impact must be job-related and a business necessity).

³⁹ See *Griggs*, *supra* note 37, at 430-36; *Advancing Diversity in Law Enforcement*, *supra* note 1, at 20-21.

⁴⁰ *Advancing Diversity in Law Enforcement*, *supra* note 1, at 20-21; see, e.g., *Compl., U.S. v. Rhode Island & Rhode Island Dep't of Corr.* (R.I. Feb. 10, 2014) (discussing the statistically significant difference in pass rates on the written and video examinations between Black and Latinx applicants compared to White applicants for the Rhode Island Department of Corrections), <https://www.justice.gov/sites/default/files/crt/legacy/2014/03/13/rhodeislandcomp.pdf>; *Compl., U.S. v. Pennsylvania & Pennsylvania State Police*, no.1:14-cv-01474-SHR (M.D. Pa. July 29, 2014), <https://www.justice.gov/sites/default/files/crt/legacy/2014/07/31/pennsylvaniaipdcomp.pdf> (describing the difference in pass rates between men and women on the physical fitness test for the Pennsylvania State Police).

⁴¹ *Advancing Diversity in Law Enforcement*, *supra* note 1, at 51, 53-54; see 42 U.S.C. § 2000e-(k).

⁴² See, e.g., *Ricci v. DeStefano*, 557 U.S. 557, 587, 615 (2009) ("[T]he City could be liable for disparate-impact discrimination only if the examinations were not job related and consistent with business necessity, or if there existed an equally valid, less discriminatory alternative that served the City's needs but that the City refused to adopt."); *Advancing Diversity in Law Enforcement*, *supra* note 1, at 20-21.

⁴³ *Advancing Diversity in Law Enforcement*, *supra* note 1, at 20-21, 53-54.

⁴⁴ *Advancing Diversity in Law Enforcement*, *supra* note 1, at 20-21, 53-54.

- ⁴⁵ Advancing Diversity in Law Enforcement, *supra* note 1, at 32-33.
- ⁴⁶ Advancing Diversity in Law Enforcement, *supra* note 1, at 51, 53-54.
- ⁴⁷ Mark S. Brodin, Discriminatory Job Knowledge Tests, Police Promotions, and What Title VII Can Learn from Tort Law, 59 B.C. L. Rev. 2319, 2344 (2018) (pointing out that “racial subgroup differences on cognitive tests are so large that they will create substantial reductions in the number of black applicants hired, to an extent that far exceeds the performance advantages of these tests.”) (internal citations omitted), <https://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=3700&context=bclr>; see also Susan Sturm & Lani Guinier, The Future of Affirmative Action: Reclaiming the Innovative Ideal, 84 Cal. L. Rev. 953, 996 (1996) (“It is incontestable that the existing meritocracy [relying on cognitive test scores] excludes people based on their race, gender, and class status. It is also without question that the construction of our conventional meritocracy disproportionately includes people who are wealthy, male, and white.”).
- ⁴⁸ Advancing Diversity in Law Enforcement, *supra* note 1, at 53-54.
- ⁴⁹ Advancing Diversity in Law Enforcement, *supra* note 1, at 21, 31-32, 51, 53-54 see also Consent Decree, United States v. City of Lubbock, No.: 5:15-CV-234, at 4-5, (N.D. Tex. 2016), <https://www.justice.gov/opa/file/862461/download> (noting that 37.2 percent of female applicants passed the physical fitness test to become a probationary officer as compared to 80.7 percent of male applicants).
- ⁵⁰ Advancing Diversity in Law Enforcement, *supra* note 1, at 32.
- ⁵¹ Advancing Diversity in Law Enforcement, *supra* note 1, at 20, 30.
- ⁵² Advancing Diversity in Law Enforcement, *supra* note 1, at 20, 23, 30.
- ⁵³ See, e.g., The Model Police Officer, *supra* note 8, at 8.
- ⁵⁴ See, e.g., Kevin Morison, Office of Cmty. Oriented Policing Servs., Hiring for the 21st Century Law Enforcement Officer: Challenges, Opportunities, and Strategies for Success 18 (2017), <https://www.ric-zai-inc.com/Publications/cops-w0831-pub.pdf>; Dave Collins and Lisa Marie Pane, “We Have a National Crisis”: Police Relax Old Standards to Fill Positions Fewer Want, The Sacramento Bee (Nov. 14, 2016), <https://www.sacbee.com/news/nation-world/national/article114717463.html>.
- ⁵⁵ See, e.g., David L. Carter & Andra J. Katz-Bannister, Racial Profiling: Issues and Responses for the Lansing, Michigan, Police Department, (Dec. 2000), <https://www.lansingmi.gov/DocumentCenter/View/1032/Racial-Profiling-Issues-and-Responses-for-the-Lansing-Michigan-Police-Department-PDF?bidId>; Amer. Civ. Liberties Union., Picking Up the Pieces: A Minneapolis Case Study, <https://www.aclu.org/issues/racial-justice/race-and-criminal-justice/picking-pieces>.
- ⁵⁶ Carl F. Matthies, Kirsten M. Keller & Nelson Lim, RAND Ctr. on Quality Policing, Identifying Barriers to Diversity in Law Enforcement 3 (2012), https://rand.org/content/dam/rand/pubs/occasional_papers/2012/RAND_OP370.pdf.
- ⁵⁷ Sarah Ludwig, Credit Scores in America Perpetuate Racial Injustice. Here’s How, The Guardian (Oct. 13, 2015), <https://www.theguardian.com/commentisfree/2015/oct/13/your-credit-score-is-racist-heres-why>.
- ⁵⁸ Ylan Q. Mui, For Black Americans, Financial Damage From Subprime Implosion Is Likely to Last, Wash. Post (July 8, 2012), https://www.washingtonpost.com/business/economy/for-black-americans-financial-damage-from-subprime-implosion-is-likely-to-last/2012/07/08/gjQAwNmzWW_story.html?utm_term=.b1fb0c7b04db.
- ⁵⁹ As a related example, the U.S. Department of Education recommends that institutions of higher learning remove inquiries into criminal records from the application process because of the chilling effect it can have on prospective students who have an arrest history. See U.S. Dep’t of Educ., Education Department Pushes for Alternatives to Criminal History Questions in College Admissions (May 9, 2016), <https://www.ed.gov/news/press-releases/education-department-pushes-alternatives-criminal-history-questions-college-admissions>.
- ⁶⁰ U.S. Dep’t of Labor, Testing and Assessment: An Employer’s Guide to Good Practices 2-4 (1999), <http://uniformguidelines.com/testassess.pdf>.
- ⁶¹ Advancing Diversity in Law Enforcement, *supra* note 1, at 21, 56.
- ⁶² Neil Baxley, Recruiting Officers in the New Millennium, 48 Law & Order, article excerpt (2000) (noting that multiple departments “now take into consideration the type and amount of drugs used, the length of time since last use and the nature of the offense.”), <https://www.questia.com/magazine/1P3-52216565/recruiting-officers-in-the-new-millennium>; see also Rand Corp., Police Recruitment and Retention for the New Millennium: The State of Knowledge 82 (2010) (asserting that many agencies have “become more tolerant of experimental drug use, bad credit history, and minor arrest records to attain larger numbers of applicants”), https://www.rand.org/content/dam/rand/pubs/monographs/2010/RAND_MG959.pdf; Int’l Ass’n of Directors of Law Enforcement Standards and Training, Model Minimum Standards 25-26 (undated) (establishing criteria for policy academy admission that allow past “experimental” use of marijuana and a “dangerous drug or narcotic”), <https://www.iadlest.org/Portals/0/IADLEST%20Model%20Minimum%20Standards%20document.pdf?ver=2019-01-11-113813-143>.
- ⁶³ Baxley, *supra* note 62, at article excerpt.
- ⁶⁴ Fran Spielman, Past ‘Pot’ Use Will No Longer Bar You from Becoming a Chicago Cop, Chicago Sun Times, July 20, 2018, <https://chicago.suntimes.com/cannabis/chicago-police-department-relaxes-hiring-rules-regarding-past-marijuana-use/>.
- ⁶⁵ Maciag, *supra* note 25.
- ⁶⁶ See Nat’l Center for Women & Policing, Recruiting & Retaining Women: A Self-Assessment Guide for Law Enforcement 95, <https://www.ncjrs.gov/pdffiles1/bja/185235.pdf>.
- ⁶⁷ Advancing Diversity in Law Enforcement, *supra* note 1, at 29.
- ⁶⁸ See Int’l Ass’n of Chiefs of Police, Law Enforcement Recruitment Toolkit 43 (June 2009), <http://www.theiacp.org/portals/0/pdfs/RecruitmentToolkit.pdf>.

⁶⁹ See, e.g., U.S. Dep't. Justice Civ. Rights Div. & U.S. Att'y's Office N.D. Ill., Investigation of the Chicago Police Dep't 13, 129 (Jan. 13, 2017) [hereinafter Chicago Investigation] (noting that the Chicago Police Department "[does] not effectively communicate the details of its promotions process to the rank-and-file, and does not provide sufficient transparency following promotional decisions to allay officer concerns."), <https://www.justice.gov/opa/file/925846/download>.

⁷⁰ See, e.g., *id.* at 129-34 (describing how the lack of transparency around promotional systems and decisions created a narrative among officers that the department "does not value good leadership, and that current leaders are unqualified to lead").

⁷¹ *Id.* at 129.

⁷² See The Model Police Officer, *supra* note 8, at 25.

⁷³ The Model Police Officer, *supra* note 8, at 25.

⁷⁴ Chicago Investigation, *supra* note 69, at 13.

⁷⁵ *Id.*

⁷⁶ See, e.g., U.S. Dep't of Justice, Office of Justice Programs, Bureau of Justice Assistance, Recruiting & Retaining Women: A Self-Assessment Guide for Law Enforcement 4-5, (June 2001), https://www.theiacp.org/sites/default/files/all/p-r/Recruiting_Retaining%20Women%20officers.pdf.

⁷⁷ Megan Quattlebaum, Tracey Meares & Tom Tyler, The Justice Collaboratory at Yale Law School, Principles of Procedurally Just Policing 7 (Jan. 2018), https://law.yale.edu/system/files/documents/pdf/policing_report.3.20.18.pdf.

⁷⁸ Charles Duhigg, What Google Learned from Its Quest to Build the Perfect Team, N.Y. Times (Feb. 25, 2016), <https://www.nytimes.com/2016/02/28/magazine/what-google-learned-from-its-quest-to-build-the-perfect-team.html>.

⁷⁹ Wendy Hirsch, Five Questions About Psychological Safety, Answered, Science at Work, Oct. 9, 2017, <https://scienceforwork.com/blog/psychological-safety/> (last visited Dec. 8, 2018).

⁸⁰ Forbes Coaches Council, 14 Ways You Can Improve Psychological Safety at Work, Forbes (Nov. 15, 2017), <https://www.forbes.com/sites/forbescoachescouncil/2017/11/15/14-ways-you-can-improve-psychological-safety-at-work/#59393efd5610> (last visited Feb. 18, 2019).



The Leadership
Conference

The Leadership
Conference
Education Fund

