



# Fact Sheet

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## Safe Policing for Safe Communities

### Section 2. Standards for Certification

#### Implementation of the Executive Order on Safe Policing for Safe Communities

On June 16, 2020, President Donald J. Trump issued Executive Order (EO) 13929 on Safe Policing for Safe Communities.<sup>1</sup> The EO's goal is to ensure that law enforcement agencies continue striving to provide transparent, safe, and accountable delivery of services to communities. This delivery will enhance community 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.

Pursuant to authority vested in the Attorney General by the EO, a group of designated organizations will serve as the independent credentialing bodies. An independent credentialing body will be responsible for certifying that an applying law enforcement agency is in compliance with two mandatory safe policing principles in the U.S. Department of Justice (DOJ) *Standards of Certification*. A list of approved certifying agencies and the DOJ Standards of Certification can be found at <https://cops.usdoj.gov>.

The DOJ *Standards of Certification* identifies two **safe policing principles that independent credentialing bodies must consider**<sup>2</sup> when assessing certification of applying law enforcement agencies:

- 1. Adherence to applicable laws.** The applying agency maintains use of force policies that adhere to all applicable federal, state, and local laws.<sup>3</sup>
- 2. 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.

Certification of adherence to the two required principles is a prerequisite to a law enforcement agency's eligibility for DOJ discretionary grant funding. Agencies will be required to provide a current and valid certification by **January 31** in order to be eligible for federal funds in that year's funding cycle. Certifications will be good for three years from their date of issue. The credentialing body will maintain a list of certified agencies within its jurisdiction and submit this list to the DOJ's Office of Community Oriented Policing Services (COPS Office), which will serve as the repository for the list of all eligible law enforcement agencies.

Independent credentialing bodies in each state will be able to provide agencies with guidance on how they can obtain certification. Agencies should contact their state bodies directly for this information. Agencies in areas where there is not an independent credentialing body should contact the International Association of Directors of Law Enforcement Standards and Training (IADLEST).

1. The White House, *Executive Order on Safe Policing for Safe Communities*, Executive Order 13929, June 16, 2020, <https://www.whitehouse.gov/presidential-actions/executive-order-safe-policing-safe-communities/>.

2. The DOJ *Standards* document identifies other factors that the credentialing bodies may also consider in their own reviews.

3. Policies apply to both paid and volunteer law enforcement officers.

## Frequently Asked Questions

### **EO 13929 and the DOJ Standards of Certification apply to which entities?**

The EO and DOJ *Standards of Certification* are applicable to state, local, and university or college law enforcement agencies (LEA) seeking DOJ discretionary (i.e., competitive) grant funding. They do not apply to tribal law enforcement agencies.

### **As it relates to certification of safe policing standards, what does an LEA that plans to apply for DOJ discretionary grant funds in fiscal year (FY) 2021\* need to do?**

LEAs that plan to *or could* apply to receive DOJ discretionary grant funds should begin reviewing their policies to determine whether they meet the criteria as set forth in the *Standards of Certification*. LEAs can contact the independent DOJ-approved credentialing body or bodies in their state or a nationally recognized entity with questions and assistance. Those LEAs that believe they comply with the Standards of Certification can immediately initiate a letter to one of the independent DOJ-approved credentialing bodies seeking further review and approval. LEAs that plan to apply for DOJ discretionary grant funds for FY 2021 must be certified or have started the certification process no later than January 31, 2021.

### **Are the independent credentialing bodies authorized to start work right away?**

Yes. The independent credentialing bodies are authorized to start certifying law enforcement agencies.

### **Will an LEA be permitted to apply for FY 2021 discretionary grant funds if it is not certified by January 31, 2021?**

LEAs need not be certified by January 31, 2021, to apply for any DOJ discretionary grants for FY 2021; however, they must be in the process of being certified. Applicants must affirm and provide proof that they are in the process of becoming certified as

complying with safe policing practices at the time of making a grant application. Being in the process of receiving certification means that the LEA must have contacted a local credentialing body and the body must be in the process of conducting its review. Applicant agencies that are in the process of certification and that are selected to receive discretionary grant funds must be certified by the time they accept the grant award.

### **What processes will certifying entities use to issue their certifications?**

Each individual certifying entity will develop its own locally tailored process. Some may conduct policy reviews of law enforcement agencies to ensure that they are compliant with the two mandatory requirements of the EO. Other entities may request that law enforcement agencies provide a statement of declaration attesting that agency policy has been reviewed and is compliant with the EO. The statement of declaration is a legally binding document and assures that the agency head has reviewed the policy or policies and complies with the two mandatory requirements of the EO. Other certifying entities may require both a policy review and a statement of declaration or other means that they develop to assure that agencies are in compliance.

### **I am an independent credentialing body. How do I submit my list of certified agencies?**

Certifying entities will be provided a standardized spreadsheet on which to capture the list of agencies they have certified. Credentialing bodies will be provided additional information on the submission process.

### **Will the credentialing bodies charge a fee to certify pursuant to the EO and DOJ Standards?**

Some credentialing bodies could charge a nominal fee to certify law enforcement agencies. LEAs can contact the independent DOJ-approved credentialing body or bodies in their state or a nationally recognized entity with questions and assistance.

*continued on p. 3*

\* FY 2021 grant solicitations occur between October 1, 2020, and September 30, 2021.

## Frequently Asked Questions, *cont'd*

### **If an LEA decides after January 31, 2021, after having seen a particular FY 2021 solicitation, that they would like to apply for a discretionary grant, are they permitted to apply if they have not yet started the process of certification?**

It is recommended that all LEAs that *might make* an application start the process of becoming certified to prevent the LEA from being precluded from applying later. An LEA that finds itself in this situation may make an appeal to the relevant DOJ grant-making agency for consideration.

### **What if an LEA is denied certification by an independent credentialing body?**

The LEA may make an appeal to the Deputy Attorney General for review and relief.

### **What if there is not a credentialing body in the state?**

LEAs that do not have a DOJ-approved credentialing body in their state may use one of the following approved nationally recognized entities:

- The Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA)
- International Association of Campus Law Enforcement Administrators (IACLEA)
- International Association of Directors of Law Enforcement Standards and Training (IADLEST)

### **Will there be language about the *Standards of Certification* in the FY 2021 solicitations?**

Yes. Specific language regarding certifications will be included in all FY 2021 solicitations.

### **How often do I need to renew my certification?**

The certifications will be valid for a three-year period and will need to be renewed according to that schedule.

### **Can I use my CALEA or IACLEA accreditation in lieu of certification?**

Agencies that have current active accreditation from CALEA or IACLEA may request certification from the respective agencies, and certification may be issued using the existing accreditation as a basis provided the required safe policing principles are also taken into consideration.

### **For states with multiple credentialing bodies, will they have different roles?**

Where there are more than two credentialing bodies in a state, they will coordinate to run parallel certifying processes in the most efficient way possible to meet the needs of law enforcement agencies within their state.

### **How were the credentialing bodies identified?**

The agencies that have been initially identified to serve as the credentialing bodies are organizations that are recognized for routinely establishing law enforcement standards and processes for reviewing adherence to those standards. The Attorney General has sole discretion for the selection of these organizations.

### **Is there a process of becoming a DOJ-approved independent credentialing body?**

The Attorney General has already identified numerous entities to serve in this capacity. However, an entity inquiring about becoming a DOJ-approved independent credentialing body can petition the DOJ by submitting an application to the Director of the COPS Office. Applications should include (1) the name of the entity, (2) point of contact and contact information, and (3) detailed information as to why the entity requires the ability to serve as an independent credentialing body.

### **Where do I go if I have questions or receive inquiries?**

For questions related to the certification process, we encourage you to reach out to your state or national certification organization. Updated information will continue to be posted to the COPS Office website at <https://cops.usdoj.gov>, and you may also contact the COPS Office at 800-421-6770.

## Contact the COPS Office

For more information about COPS Office programs and resources, please call the COPS Office Customer Care Center at 800-421-6770 or by email at [AskCopsRC@usdoj.gov](mailto:AskCopsRC@usdoj.gov) or visit the COPS Office website at [www.cops.usdoj.gov](http://www.cops.usdoj.gov).