

State Regulation of Policing

Maria Ponomarenko

Associate Professor of Law, University of Minnesota Law School

Co-Founder and Counsel, Policing Project at NYU Law

OUR FOCUS AREAS



Democratic Voice in Policing



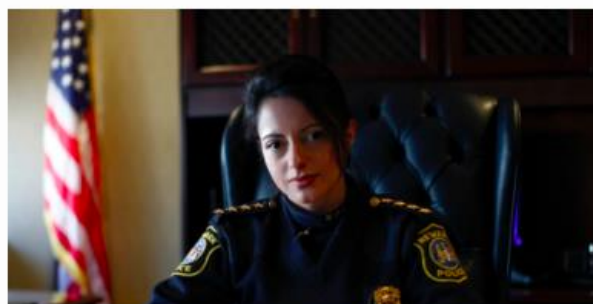
Regulating Use of Technology in Policing



Reimagining Public Safety



Neighborhood Policing Initiative



30x30 Initiative for Women in Policing



Applying Cost-Benefit Analysis to Public Safety

MODEL STATE STATUTES

The Policing Project at NYU School of Law partners with communities, lawmakers, and the police to enhance safety, accountability and transparency in policing. Our team of attorneys, advocates, and community organizers is ready to help you draft and pass legislation that protects safety and addresses community concerns about aggressive policing.

Learn more about how we can support your advocacy efforts [here](#).

- ***Data Collection and Transparency: Overview | Full Statute***
- ***Use of Force: Overview | Full Statute***
- ***Pretextual Traffic Stops: Overview | Full Statute***
- ***Officer Discipline & Decertification Statute: Overview | Full Statute***
- ***Removing Barriers to Holding Officers Accountable Statute: Overview | Full Statute forthcoming early 2022***
- ***Warrant Reform Statute: Overview | Full Statute***

If you have any questions or comments on these model statutes, feel free to email us at legislation@policingproject.org.

Why Licensing?

- Ensures minimum standards for all officers in the state;
- Officer misconduct does not simply hurt the employing agency (or local community);
- Addresses the “wandering officer” problem.

Revocation: Teachers

License may be revoked for:

- immoral character or conduct; ...
- gross inefficiency or willful neglect of duty;
- failure to meet licensure requirements; or
- fraud or misrepresentation in obtaining a license

Revocation: Lawyers

License may be revoked for:

- criminal conviction for certain offenses;
- deceit or willful professional misconduct;
- willful violation of a court order;
- willful violation of attorney's oath or duty.

State POST Authority

- POSTs in 47 states have authority to revoke officer licenses
- Approximately 2/3 may revoke for misconduct in the absence of a criminal conviction

Grounds for Discipline (GA)

- Engaging in criminal conduct (whether or not convicted);
- Making false or misleading statements in the course of duty;
- Engaged in any unprofessional, unethical, deceptive, or deleterious conduct or practice harmful to the public ...

Grounds for Discipline (FLA)

- Engaging in conduct that would constitute a felony or serious misdemeanor (whether or not convicted);
- Excessive force;
- Misuse of authority;
- Lying to any law enforcement agency or court;
- Discriminatory conduct ...

Officers Decertified in 2015

Georgia:	281
Florida:	102
Oklahoma:	58
Missouri:	53
Tennessee:	40
Kansas:	29
Arizona:	28
Arkansas:	28
...	
Minnesota:	2

Arizona Revocations (2019)

Case #18-100. An officer operated a vehicle while under the influence of intoxicating liquor. He also provided false or misleading information to responding officers by stating he was not driving, when in fact he was.

Case #18-104. An officer committed assault and disorderly conduct when he chest-bumped and struck a juvenile in the face. He was untruthful when he told responding officers that the juvenile had chest-bumped him.

Case #19-081. An officer wrote false information in a police report. The officer claimed that he found drugs on an individual; who was arrested for possession of marijuana.

Arizona Revocations (2019)

Case #18-148. An officer submitted fifty-six (56) incident reports documenting that he had performed certain investigative functions when he had not actually done them. The officer was also untruthful with his supervisor when he claimed that he routinely performed said investigative functions.

Case #19-030. An officer authored 11 criminal reports in which he omitted information and violated departmental policy pertaining to traffic stops and drug violations. He initiated traffic stops without any identifiable reasons for the stop, and conducted searches without reasonable suspicion of wrongdoing.

Minnesota POST

1967: Originally established as the Minnesota Peace Officer Training Board (POTB)

1977: Reorganized as the Minnesota Peace Officer **Standards** and Training Board (POST)

- Board shall “**adopt rules with respect to [the] minimum standards of conduct** which would affect the individual's performance of duties as a peace officer.”
- Board shall have the authority **to suspend or revoke an officer's license for “a violation of the standards of conduct”** adopted by the Board.

Minnesota POST Rules

License may be suspended or revoked for:

- Being convicted of a felony or gross misdemeanor;
- Obtaining a license through fraud, or lying to the Board;
- Engaging in sexual harassment;
- Using deadly force in violation of Minnesota law.

Proposed New Rules

Would allow for POST Board discipline (warning, training, suspension, revocation) for:

- Engaging in conduct that would constitute a felony or gross misdemeanor;
- Providing false information to any law enforcement agency or court;
- Using excessive force, or violating duties to intervene or report;
- Engaging in discriminatory conduct.