

A faint, grayscale photograph of a grand, multi-story building with a prominent dome and intricate architectural details. The building is partially obscured by dark, silhouetted trees in the foreground.

**THE JUSTICE  
COLLABORATORY**

YALE LAW SCHOOL

# **Police Officer Standards and Training Commissions**

## **A Study in Variability**

## Police Officer Standards and Training Commissions – A study in variability

Every state has some formal body whose duties include regulating or overseeing training and employment standards for law enforcement.<sup>1</sup> Commonly referred to as police or peace officer standards and training commissions, or POSTs, these bodies share a basic common purpose: to develop a standard training curriculum and define minimum eligibility requirements for prospective law enforcement officers. However, the existence of a POST-like body in each state should not be understood to mean that all POSTs are equal or that each state has sufficiently empowered their POST to meaningfully and democratically regulate policing.

In fact, while some states stand as exemplars for how to implement a robust statewide regulatory scheme for policing,<sup>2</sup> others scarcely regulate policing at all or only in very limited ways.<sup>3</sup> The result is a continuum that leaves a wide gulf between those states that endeavor to regulate policing robustly and those with a bare framework for statewide standardization of law enforcement practices and policies, with most states falling somewhere in between.

To further understand different POST models, we reviewed a geographically diverse sample of 20 POSTs<sup>4</sup> and noted each POST's key characteristics, including the scope of its mandate, the composition of its membership, the level of representation of non-law enforcement interests among its members, and the regulatory and enforcement authority granted to—or withheld from—it. These characteristics were selected because of their salience as indicators of the authority, efficacy, and legitimacy of any regulatory regime.

To illustrate the continuum of regulation upon which different POST models can be mapped, we developed an appendix to this summary in which we selected five POST bodies from our sample of 20 that represent different points on the continuum—including California, Georgia, Massachusetts, New York, and Utah—and described the characteristics that determined where on this continuum they fell.

**Through our analysis of our 20-POST sample and the development of our illustrated continuum, we noted the following trends:**

- Most POSTs have at least some independent regulatory authority, particularly over training academy curricula and entry-level officer training requirements, as well as minimum standards for employment as a law enforcement officer.
- Most POSTs have the authority to certify and decertify officers—and, less commonly, academies, training providers, and departments—based on their compliance with applicable POST requirements.
- Nationally, POST membership is dominated by law enforcement practitioners or representatives, and few states mandate the inclusion of members who either lack an affiliation with law enforcement or who are responsible for representing the interests of non-law enforcement communities.
- Among states that do require representation of non-law enforcement communities, the majority of such representation is reserved for representatives of local or county governments rather than community-based interests.

- Most POST members are appointed by the state governor, though some states require either consultation with other parties prior to selection or legislative approval. Much less commonly, POST members are selected by other executive government officials, like the state attorney general or a state cabinet member, like a commissioner of public safety.
- POSTs with the most robust regulatory authority are typically empowered to issue mandates relating to key areas of policing operations, including minimum use of force standards, protocols for interacting with special needs populations, and in-service training requirements for officers.
- POSTs with the least robust regulatory authority typically issue only advisory recommendations to other government officials or issue rules that touch upon a much narrower band of policing policy than POSTs at the opposite end of the continuum. Frequently, the scope of POSTs with limited authority extends only to entry-level training and employment eligibility requirements.
- Among the most empowered POSTs are those in Massachusetts, Connecticut, and Florida, which are authorized to regulate both officer and agency standards; certify and accredit officers and agencies, respectively, upon attainment and maintenance of those standards; and take enforcement actions for noncompliance.<sup>5</sup>
- Among the least empowered POSTs are those in New York and Texas, whose mandates include comparatively little regulatory power, virtually no independent enforcement authority, and a larger advisory role than POSTs in other states.<sup>6</sup>

#### **Performance matters, too**

Although our comparison is largely predicated on an assessment of the structure and scope of authority of the POSTs contained within the study sample, we acknowledge other factors along which POSTs may be compared. For example, an evaluation of the actual implementation of POSTs, including their real-world performance, can be a critical component of any comparison. Unfortunately, these kinds of evaluations are uncommon, making a broad comparison of performance difficult.<sup>7</sup> However, the relatively few public audit reports that have been released are instructive for how an implementation-based approach can yield insights that may be overlooked by a purely structural approach.

Among various issues, the report found a 2021 review of the Oregon Department of Public Safety Standards and Training, which serves as the administrative body that supports the state's Board on Public Safety Standards and Training, revealed assorted problems that impeded the Board's work.<sup>8</sup> For example, the report found that the Board's authority to decertify officers for violations of Board standards was largely secondary to the authority of local law enforcement agencies to discipline their officers, which severely constrained the ability of the Board to independently investigate and adjudicate standards and training violations. Specifically, because complaints against officers were typically directed to the agency that employed them and not to the Board, and because much of the Board's authority to decertify officers required the officer's termination from employment as a predicate, relatively few instances of potential violations were presented to the Board. The Board's real-world performance therefore belied the apparent scope of their legal authority.

Similarly, a 2016 draft audit of the Colorado POST by the International Association of Directors of Law Enforcement Standards and Training (IADLEST) identified various operational issues that inhibited the POST's performance, including understaffing and misutilization of existing staff, gaps in institutional knowledge, recordkeeping and information technology inadequacies, and a lack of standard operating procedures to facilitate the agency's work.<sup>9</sup> These findings were echoed in a 2020 IADLEST audit of the Minnesota POST, on whose behalf IADLEST recommended an increase in funding and resources to ensure it could more reliably perform its compliance oversight function.<sup>10</sup> And an audit of the Utah Peace Officer Standards and Training Division of the state Department of Public Safety found, among other things, that the agency was consistently lenient when adjudicating officer misconduct claims and that its oversight role was impaired by underreporting by law enforcement agencies of misconduct allegations that fell under the POST's purview.<sup>11</sup> In all these cases, audits uncovered substantial underperformance by state POSTs, irrespective of the comparative scope of the POST's legal authority.

### **The Road Ahead**

Our analysis and research have shed important light on how POSTs can be structured and how their performance can be evaluated. Although POSTs and their equivalents exist throughout the country, variability is high and some POSTs are clearly better positioned than others to effectively regulate policing. Recognition of this reality among state legislators is evidenced by the recent string of new state laws<sup>12</sup> aimed at further empowering POSTs to meet the demand for centralized state oversight of policing and the establishment of minimum standards across an array of field operations and agency functions. Public demand for continued progress also appears strong despite concurrent concerns over public safety and rising violence.<sup>13</sup> The road ahead, therefore, seems clear: POSTs should continue to build upon their existing foundations to incorporate the best-in-class features of the most robust POST implementations, including broad authority over officers, training providers, and departments, and the authority to sanction those who fail to meet applicable standards. The comparative analysis offered here, coupled with the accompanying [model POST law](#) previously published by the Justice Collaboratory, can serve as helpful guides for those seeking to understand how effective POSTs should be designed and, once implemented, supported to ensure they meet the expectations of their mandate.

#### **To this end, policymakers should prioritize:**

- Expanding the scope of POST authority to cover all law enforcement agencies, the officers they employ, and the training providers responsible for instructing them
- Equipping POSTs with the regulatory authority necessary to allow them to set minimum standards and requirements across all areas of law enforcement operations, including administrative and field operations
- Authorizing POSTs to independently investigate violations of POST standards and issue sanctions against violators, including decertification, termination of employment, fines, and, for agencies, ineligibility for discretionary state funding, and
- Reconstituting POST memberships to ensure representation of communities outside law enforcement practitioners, including those with, and who provide services to, people with prior criminal system involvement.

These features are necessary for any statewide body that undertakes the difficult and necessary task of improving policing both for those who swear an oath of service and those who rely on policing as a vital public resource.

## Endnotes

- 1 See Hilary Rau, Kim S. Buchanan, Monique L. Dixon & Phillip A. Goff, State Regulation of Policing: POST Commissions and Police Accountability, 11 U.C. Irvine L. Rev. 1349, 1352 (2021).
- 2 See, e.g., Mass. Gen. Laws Ch. 6E (establishing the Massachusetts Peace Officer Standards and Training Council and empowering it to establish minimum officer certification standards, accredit law enforcement agencies, and investigate both agencies and officers for violations of required standards).
- 3 See, e.g., N.Y. Exec. L. §§ 839-840 (establishing the New York Municipal Police Training Council and giving it advisory power over training standards and training school accreditation, regulatory authority only over psychological and physical fitness standards for police recruits, and limited policymaking authority).
- 4 The POSTs we examined included those in California, Colorado, Connecticut, Florida, Georgia, Illinois, Kansas, Louisiana, Massachusetts, Missouri, Nevada, New Jersey, New Mexico, New York, North Dakota, Oregon, Rhode Island, Tennessee, Texas, and Utah.
- 5 See Conn. Gen. Stat. § 7-294a et seq.; Fla. Stat. § 943.11 et seq.; and Mass. Gen. Laws Ch. 6E.
- 6 See N.Y. Exec. L. § 839 et seq.; and Tex. Occ. Code § 1701.051 et seq.
- 7 Although organizations like the International Association of Directors of Law Enforcement Standards and Training (IADLEST) offer POST auditing services, and some state auditors have conducted state-led audits of their POSTs, a search for POST audits yields few results, indicating that many, if not most, POSTs have not been formally evaluated.
- 8 Oregon Secretary of State, Audits Division, Department of Public Safety Standards and Training Additional Resources Needed to Strengthen Police Training and Accountability (December 2021), Report 2021-35, available at <https://sos.oregon.gov/audits/Documents/2021-35.pdf>.
- 9 See generally International Association of Directors of Law Enforcement Standards and Training, IADLEST Colorado POST Audit (2016), available at <https://post.colorado.gov/sites/post/files/documents/2016-IADLEST-Colorado-POST-Audit.pdf>. At least one other state's audit of their POST revealed similar problems. See Office of the State Auditor of Missouri, Audit of the Peace Officer Standards and Training Program (Licensing, Training, and Complaint Investigation Aspects) (February 2005), available at <https://auditor.mo.gov/press/2005-10.pdf> (reporting various bureaucratic and compliance inadequacies that undermined the performance of Missouri's POST).
- 10 See generally International Association of Directors of Law Enforcement Standards and Training, IADLEST Minnesota POST Audit (2020), available at <https://dps.mn.gov/entity/post/Documents/2020%20IADLEST%20Minnesota%20POST%20Audit%20-%20FINAL%20REPORT.pdf>.
- 11 Office of the State Auditor of Utah, Performance Audit No. 19-01, A Performance Audit of Police Officer Standards and Training (January 29, 2019), available at <https://reporting.auditor.utah.gov/servlet/FileDownload?file=0151K000003I9UWQAY>.
- 12 California, Connecticut, and Massachusetts stand among those states whose legislatures enacted laws to expand and further empower their state POSTs in response to heightened public demand for improved policing oversight and regulation. See Cheri Mossburg and Steve Almasy, California police reform laws create decertification system for officer misconduct, CNN (October 1, 2021), available at <https://www.cnn.com/2021/09/30/us/california-police-reform-laws-decertification/index.html>; Alec Snyder and Evan Simko-Bednarski, Connecticut Gov. Ned Lamont signs sweeping police reform bill, CNN (July 31, 2020), available at <https://www.cnn.com/2020/07/31/us/connecticut-police-reform-bill-signed/index.html>; and Christopher Gavin, Gov. Charlie Baker signed the police reform bill into law. Here's what to know., Boston.com (December 31, 2020), available at <https://www.boston.com/news/local-news/2020/12/31/charlie-baker-signs-police-reform-bill/>.
- 13 See Justin McCarthy, Americans Remain Steadfast on Policing Reform Needs in 2022, Gallup (May 27, 2022), available at <https://news.gallup.com/poll/393119/americans-remain-steadfast-policing-reform-needs-2022.aspx>.

Comparison of POST Regulatory Authority and Oversight Structure Most to Least Robust					
	Most				
	Massachusetts	California	Georgia	Utah	New York
<b>POST Body</b>	Peace Officer Standards and Training Council	Commission of Peace Officer Standards and Training	Peace Officer Standards and Training Council	Peace Officer Standards and Training Division	Municipal Police Training Council
<b>Officials Covered</b>	all law enforcement officers, including state and local police and sheriffs	peace officers* and dispatchers  *excluding corrections officers, who are regulated separately	peace officers, training school directors and instructors, and radar speed detection device operators	peace officers and dispatchers	police officers, with limited authority over corrections officers
<b>General Duties</b>	- establish minimum officer and agency certification standards - investigate officer misconduct and issue discipline - investigate and audit agencies for violations	- determine fitness of peace officer candidates - develop and implement peace officer training programs, including advanced and executive certification - audit law enforcement agencies - investigate officers for misconduct or other certification violations	- develop minimum certification standards for peace officers, training schools, directors, and instructors - decertify or discipline peace officers - establish peace officer training curricula, including recommendations for advanced and specialized training	- develop minimum training and certification standards for peace officer and dispatcher certification and training	- recommendation of rules and regulations to Governor regarding training standards, approval of training schools, and certain policies and procedures - regulation of psychical and psychological fitness standards - limited policy development authority
<b>Membership Composition</b>	9 total, including: - 3 LE members, including one recommended by minority officers' group - 1 retired superior court justice - 1 social worker - 1 civil rights/social justice attorney - 1 appointee recommended by state commission against discrimination	15 total - 11 LE-affiliated - 1 county rep - 1 local gov't rep - 2 civilian members	27 total - 22 voting members and 5 non-voting advisory members  Of 22 voting members: - at least 15 are LE-affiliated - 7 members reps of other state, county, or local gov'ts  Among 5 advisory members, no requirements they be non-LE affiliated	Single director appointed by Commissioner of Public Safety, who can remove director at will.  Director advised by POST Council of 17 members, including ex-officio members and gubernatorial appointees (12 members are LE-affiliated, 2 are local/county officials, and 3 are general at-large members)	10 total - 8 LE-affiliated - 1 crime victims rep - 1 community rep
<b>Civilian (non-LE) Representation</b>	6 / 9 members	2 / 15 members	None required by enabling statute	None required by enabling statute	1 / 10 members

<b>Appointed by<sup>1</sup></b>	- Governor (3 exclusive appointees) - Attorney General (3 exclusive appointees) - Governor and Attorney General (3 joint appointees)	Appointed by Governor with state senate approval	Voting members appointed by Governor  Advisory members appointed by Council	Director appointed by state Commissioner of Public Safety  POST Council members appointed by Governor	Governor
<b>Officer Certification / Decertification Authority</b>	can certify, decertify, or discipline officers, including issuance of fines	can certify or decertify officers	can certify, decertify, or discipline officers	- Director prescribes minimum certification standards for peace officers - Council can offer recommendations to Director	None. Officers are initially certified upon satisfaction of training/employment requirements but council retains no independent authority to decertify officers.  Decertification occurs only upon termination of employment for cause or during probationary employment period, and only if such termination is reported to central state registry of police and peace officers.
<b>Agency Accreditation Authority</b>	over law enforcement agencies	over law enforcement agencies	over peace officer training schools	over peace officer training academies	None
<b>Required Statewide Minimum Standards</b>	Including, but not limited to: - use of force - officer code of conduct - officer response procedures - criminal investigation procedures - juvenile operations - internal affairs and officer complaint investigation procedures - detainee transportation - evidence collection and preservation	- minimum training and fitness standards for recruits - minimum training standards for officers and supervisors in assorted areas - guidelines and training curricula for assorted subjects, including: <ul style="list-style-type: none"><li>• Response</li><li>• Investigation</li><li>• Officer wellness</li><li>• First aid</li><li>• Special populations</li></ul> Agency administration	minimum training standards for entry-level police, with authorization to develop and recommend advance courses of study	- minimum officer and dispatcher certification standards - training academy certification standards	limited to physical and psychological fitness standards for police, and training standards for corrections officers
<b>Enforcement Authority</b>	- civil enforcement authority for violations, including issuance of fines and fees  - discipline against officers for violations of certification standard  - decertification of agencies for violation of standards, including ineligibility for state funding  - referrals to prosecuting agencies for patterns of misconduct or racial profiling by agencies	fines against trainees for cheating on mandated basic course examinations	discipline against officers for violations of certification standards	--	--

<sup>1</sup> Appointments of non-ex officio members

## Other State POSTS categorized by relative strength of regulatory and investigatory power and composition of members

Stronger	↔	Weaker
Connecticut Florida	Louisiana Colorado North Dakota Nevada New Mexico (post-2023 reform) Rhode Island Illinois New Jersey Oregon Missouri	New Mexico (pre-2023 reform) Kansas Tennessee Texas