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Yuri R. Linetsky

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Winter 2018

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WHAT THE POLICE DON'T KNOW MAY HURT US: AN ARGUMENT FOR ENHANCED LEGAL TRAINING OF POLICE OFFICERS

Yuri R. Linetsky*

TABLE OF CONTENTS

Introduction	1
I. What Police Officers (Don't) Know About the Law	3
A. The Problem with "Disorderly Conduct" and Flag Burning.....	4
B. Knowing, But Not Understanding Miranda and Terry.....	9
C. Not Knowing that What a Suspect Did is Legal.....	11
D. Unlawful Detentions and Arrests Undermine Police Legitimacy.....	13
II. A Brief History of Police Training	15
A. The Beginning of American Police Training.....	15
B. Modern Police Training Academies.....	17
III. Current State of Law Enforcement Legal Training In Police Academies	21
A. Criminal Law Instruction in Law Schools.....	22
B. Qualifications of police cadets.....	23
C. Qualifications of Law Professors and Academy Legal Instructors.....	26
D. Empirical survey of Current Legal Training in State Police Academies.....	27
a. <i>Methodology</i>	28
b. <i>Minimum Required Training Hours Devoted to Legal Subjects</i>	29
c. <i>Non-Statutory Legal Training</i>	31
d. <i>Statutory Offenses</i>	33
e. <i>Traffic Law</i>	34
E. Outliers.....	36
a. <i>The Minnesota Model</i>	36
b. <i>Washington D.C.</i>	37
F. How Legal Training is Conducted.....	38
a. <i>Lectures</i>	38
b. <i>Counting Hours</i>	39
c. <i>Testing and Levels of Learning</i>	40
IV. Improving Police Legal Training	41
A. Policing as a True Profession.....	41
a. <i>Requiring Post-Secondary Education in Law Enforcement</i>	44
b. <i>Significantly Increasing The Time Devoted to Teaching Legal Subjects</i>	44
B. A Deeper Understanding of Constitutional and Statutory Law.....	45

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<i>a. Improving the Teaching of Constitutional Law</i>	45
i. Constitutional Safeguards.....	46
ii. Constitutionality of Statutes.....	47
<i>b. Attaining the Higher Levels of Bloom’s Taxonomy</i>	48
i. Assessing Mastery of Substantive and Constitutional Law.....	49
ii. Scenario-Based Training.....	50
<i>c. Post Academy Field Training and In-Service Legal Training</i>	51
V. Conclusion	53
Appendix.....	55

INTRODUCTION

When an Alabama deputy sheriff arrested a suspect and charged him with violating the state’s domestic violence statute, he did not know that the suspect’s actions, though running afoul of the *text* of the criminal statute, were not a crime under the state courts’ interpretation of the statute in light of the First Amendment. The arrest warrant alleged that the suspect “followed the [victim] around the house calling her a fucking bitch and stupid,” in violation of a statute that prohibits “direct[ing] abusive or obscene language or mak[ing] an obscene gesture towards another person.”¹ Unsurprisingly to those familiar with First Amendment jurisprudence, Alabama courts have consistently held that “obscene or abusive language” applies only to “fighting words.”² The suspect, who will almost surely be acquitted at trial,³ was nonetheless handcuffed, taken to jail, booked, and made to post bond because the deputy sheriff did not know the law.

These types of police-citizen interactions are repeated daily throughout the country—leading to countless improper arrests, which degrade the relationship between police officers and the communities they serve. There are about 765,000 sworn law enforcement officers⁴ in the approximately 18,000 state and local law enforcement agencies in the United States.⁵ In 2011, the last year for which data is available, these “front line” officers had at least one face-to-face encounter with an estimated 62.9 million Americans over the age of 16, or about 26% of the U.S.

1. ALA. CODE § 13A-11-8(a)(1)b (2016).

2. *See, e.g.*, *Skelton v. City of Birmingham*, 342 So. 2d 933, 937 (Ala. Crim. App. 1976) (narrowing construction of an ordinance that proscribed insulting peace officers “as strictly limited to words having a direct tendency to cause the violent reaction by the particular officer-addressee” in light of the First Amendment); *Swan v. City of Huntsville*, 455 So. 2d 944, 950 (Ala. Crim. App. 1984) (applying *Skelton* to find that accusations of racial discrimination did not rise to the level of fighting words); *Mosley v. City of Auburn*, 428 So. 2d 165, 166 (Ala. Crim. App. 1982) (finding that “Go ahead and hit me so I can kill your M----- F----- honky ass” did rise to the level of fighting words).

3. Whether a prosecutor should pursue the case or dismiss the charges upon reviewing the warrant and the political and systemic factors that go into that decision is beyond the scope of this Article.

4. Sworn law enforcement officers generally refers to those officers who have statutory misdemeanor arrest authority, as opposed to other law enforcement personnel who serve in other or supporting roles, such as auxiliary, probation, or corrections officers. This Article focuses on the training of sworn law enforcement officers because they interact most often with the public by responding to calls for service, conducting traffic stops, and issuing citations and summonses and making custodial arrests.

5. BUREAU OF JUSTICE STATISTICS, U.S. DEP’T OF JUSTICE, NCJ 233982, CENSUS OF STATE AND LOCAL LAW ENFORCEMENT AGENCIES, 2008, at 1–2 (2011).

population.⁶ A citizen's call for assistance initiated about half of these encounters, and a traffic or street stop of an individual by a police officer caused another half.⁷ Although citizens believed the police officer acted properly in most of these encounters, 12% of people stopped while driving and 29% of people stopped on the street said the officer did not act appropriately.⁸ Furthermore, of the 3% of drivers and 19% of pedestrians stopped by an officer who were also frisked, a majority believed that the officer did not have a legitimate right to search them.⁹

Several factors likely play a role in citizens' dissatisfaction with involuntary police encounters. At the very least, being stopped by the police may induce anxiety, inconvenience, or delay the person's planned activities. Often, such encounters lead to a required court appearance, a fine, or even a custodial arrest. But if police officers act within the proper bounds of the law in their interactions with citizens, relations between police officers and the communities they serve—relations that appear at recent times strained¹⁰—would improve.

This Article argues that the legal training received by police officers is inadequate. An empirical analysis of training requirements in state police academies shows that the number of hours devoted to legal topics is, on average, surprisingly low: about 12% of total academy hours. Most academies devote many of those hours to the state's statutory and traffic laws, rather than to teaching legal theory, application, and limitations of the law. An increase in the amount and quality of legal training will better equip law-enforcement officers to deal appropriately with the citizens they encounter and improve the state of American policing and police-community relations.

Though society cannot expect police officers to be lawyers, officers must have more than a basic understanding of the elements of criminal statutes. Modern police officers must understand the theoretical underpinnings of our criminal justice system and the constitutional principles they must protect and apply to real-world situations. Police academies must produce graduates—new police officers—who can correctly apply legal concepts in their daily work.

This Article first examines the problems arising from police officers' lack of legal knowledge by reviewing examples where mistakes of law led to officers' unlawful conduct. Next, the Article reviews the history of formal police training that led to the modern police academies run by each state. Afterwards, the Article

6. BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, NCJ 242938, REQUESTS FOR POLICE ASSISTANCE, 2011, at 2 (2013).

7. *Id.*

8. BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, NCJ 242937, POLICE BEHAVIOR DURING TRAFFIC AND STREET STOPS, 2011, at 1 (2013). Of the people who believed that police officers did not act properly, only 5% filed a formal complaint. *Id.*

9. *Id.* at 1, 9. Admittedly, this statistic must be taken with a grain of salt because the citizens who were stopped may not know the law well enough to make an educated assessment of whether the officer had a legal basis for the stop. But as this Article seeks to demonstrate, if citizens are confident in the officer's knowledge of the law, they will be less likely to think the stop was legally baseless.

10. See, e.g., *Importance of Police-Community Relationships and Resources for Further Reading*, U.S. DEP'T OF JUSTICE, <https://www.justice.gov/crs/file/836486/download> (last visited Dec. 27, 2016) ("Many cities in the United States experienced large-scale demonstrations and protest marches in 2014 and 2015, and in some cases, there have been riots over perceptions of police misconduct and excessive use of force.").

describes the current state of legal training in those academies. Finally, this Article suggests ways that the state of legal training can be improved even if states do not have the will to improve the quality of police cadets or increase the amount of training hours they receive.

I. WHAT POLICE OFFICERS (DON'T) KNOW ABOUT THE LAW

In *Marbury v. Madison*, Justice Marshall famously noted that our republic is “a government of laws, and not of men.”¹¹ Thus, “forgiving police mistakes of law—even those thought reasonable—should be rejected because it disserves basic rule-of-law values.”¹² If citizens are expected to know and abide by the law, so too should the police.¹³ For the vast majority of police officers, the only legal training they receive before being empowered to deprive citizens of their liberty¹⁴ is in the police academy.¹⁵ That legal training can be divided into two broad categories: substantive law and constitutional law.¹⁶ Substantive law can be split further into the two main areas of law most entry-level officers enforce: criminal and traffic statutes or ordinances.

Substantive law—both criminal and traffic—is generally taught by requiring police cadets to become familiar with the elements of certain offenses.¹⁷ Constitutional law is generally limited to teaching black-letter concepts of the laws of arrest and search and seizure. This does not lead to a mastery of statutory law or constitutional concepts.

When police officers do not understand the constitutional constraints on their actions, they cannot enforce criminal laws legally. Numerous studies demonstrate that when citizens believe the police are acting illegally, citizens will be less likely to comply with the law and work with the police to increase public safety.¹⁸ The public’s mistrust, especially in communities of color, of the police has

11. 5 U.S. (1 Cranch) 137, 163 (1803).

12. Wayne A. Logan, *Police Mistakes of Law*, 61 EMORY L.J. 69, 90 (2011).

13. *See id.* at 91.

14. The term “police officer” as used in this Article refers to a law enforcement officer who has the statutory power to arrest an individual for the commission of a felony or misdemeanor. *See, e.g.*, Law Enforcement Officer Safety Act, 18 U.S.C. § 926B(c) (2012) (defining “qualified law enforcement officer” as “an employee of a governmental agency who . . . is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest”).

15. *See infra* Part III(b).

16. *See* Logan, *supra* note 12, at 76.

17. *See, e.g., infra* App. (discussing the Ohio curriculum); *see also infra* Part IV(B)(a)(ii) (discussing the need to teach statutory interpretation).

18. *See, e.g.,* TOM R. TYLER & YUEN J. HUO, TRUST IN THE LAW: ENCOURAGING PUBLIC COOPERATION WITH THE POLICE AND COURTS (2002); *see also* Jacinta M. Gau & Rod K. Brunson, *Procedural Justice and Order Maintenance Policing: A Study of Inner-City Young Men’s Perceptions of Police Legitimacy*, 27 JUST. Q. 255, 272–75 (2010) (finding that community perception of undue police behaviors negatively affects views of police legitimacy); Tom R. Tyler & Jeffrey Fagan, *Legitimacy and Cooperation: Why Do People Help the Police Fight Crime in Their Communities?* 6 OHIO ST. J. CRIM. L. 231, 253–65 (2008) (finding that citizens view police as more legitimate if they treat people fairly, leading to greater cooperation).

hardly left the headlines since the shooting of Michael Brown in Ferguson, Missouri in August 2014.¹⁹ Although most of the high-profile cases involve allegations of police misuse of force, the legality of the arrest that ultimately led to the death of Freddie Gray in Baltimore, Maryland in April 2015,²⁰ shows the importance of police officers' knowledge of both constitutional and substantive law. Police officers' lack of understanding of legal concepts is evident in the over-enforcement of statutes, misapplication of fundamental rights, and especially in the misunderstanding of the intersection of statutory law and constitutional safeguards.

A. The Problem with “Disorderly Conduct” and Flag Burning

Officers' enforcement of statutes that prohibit expressive conduct demonstrates the necessity of police officers' understating of constitutional limitations on criminal statutes. To make matters worse, poorly legally trained police officers must contend with statutes that remain “on the books” despite courts holding the statutes violate a state constitution or the Federal Constitution (or that are limited by court interpretation to make their enforcement constitutional). Disorderly conduct and flag desecration statutes are but two examples.

States and municipalities typically prohibit “disorderly conduct.”²¹ And as every law student studying constitutional law quickly learns, most of these statutes, as written, prohibit behavior that is protected by the First Amendment.²² For example, a statute in Ohio, where the author served as a police officer, prohibits a person from “recklessly caus[ing] inconvenience, annoyance, or alarm to another by . . . [m]aking unreasonable noise or an offensively coarse utterance, gesture, or display or communicating unwarranted and grossly abusive language to any

19. On August 9, 2014, Ferguson, Missouri police officer Darren Wilson fatally wounded teenager Michael Brown, who had shortly before the fatal encounter stolen cigarillos from a convenience store and assaulted the store's clerk. Though a state grand jury and Department of Justice investigation found Officer Wilson to have committed no actions justifying a criminal prosecution, the incident ignited a national conversation about police use of force. See Eyder Peralta & Krishnadev Calamur, *Ferguson Documents: How the Grand Jury Reached a Decision*, NAT'L PUB. RADIO (Nov. 25, 2014, 6:41 AM), <http://www.npr.org/sections/thetwo-way/2014/11/25/366507379/ferguson-docs-how-the-grand-jury-reached-a-decision>; DEPARTMENT OF JUSTICE REPORT REGARDING THE CRIMINAL INVESTIGATION INTO THE SHOOTING DEATH OF MICHAEL BROWN BY FERGUSON, MISSOURI POLICE OFFICER DARREN WILSON (Mar. 4, 2015), https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/doj_report_on_shooting_of_michael_brown_1.pdf.

20. See Alan Binder & Richard Pérez-Peña, *6 Baltimore Police Officers Charged in Freddie Gray Death*, N.Y. TIMES, May 1, 2015, <http://www.nytimes.com/2015/05/02/us/freddie-gray-autopsy-report-given-to-baltimore-prosecutors.html>. Freddie Gray died in police custody after being arrested for possession of a knife that the arresting officers believed to be an illegal “switchblade.” *Id.* The Baltimore City state's attorney determined, however, that the knife Mr. Gray had was not illegal to possess. *Id.*

21. See, e.g., Kimberly J. Winbush, Annotation, *Validity, Construction, and Application of State Statutes and Municipal Ordinances Proscribing Failure or Refusal to Obey Police Officer's Order to Move On, or Disperse, on Street, as Disorderly Conduct*, 52 A.L.R.6th 125 (2010).

22. See, e.g., Eric M. Larsson, 27 C.J.S. *Disorderly Conduct* § 1 (2016) (“Statutes and ordinances prohibiting disorderly conduct are often challenged for infringing on the First Amendment right of freedom of speech or assembly.”). The author's Constitutional Law II professor, Melvyn R. Durchslag, now Professor Emeritus of Law at Case Western Reserve University, offered extra credit points to any student who could locate a “constitutional” disorderly conduct statute. Professor Durchslag reports that no one ever earned those points.

person.”²³ In Alabama, where the author now works, a statute provides that: “[a] person commits the crime of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he or she . . . [i]n a public place uses abusive or obscene language or makes an obscene gesture.”²⁴

Though courts in both states have limited the application of these prohibitions to cases where the speech constitutes constitutionally unprotected “fighting words,” the wording of the statutes remains unchanged.²⁵ Thus, unless academics teach police officers more than just the text of the statute, they cannot be expected to know the constitutional limitations placed on its application.

This failure to appreciate the legality of a citizen’s conduct leads to many illegal arrests. The Marshall Project,²⁶ in reporting on a 2015 case where the Washington State Supreme Court overturned the conviction of a juvenile who called a Seattle police officer a “motherfucker,” catalogued numerous cases from across the United States where police officers’ arrests of citizens for speech-related disorderly conduct-like offenses were held unconstitutional.²⁷ As the Marshall Project Article indicates, the first amendment principles at issue have been long settled. Yet arrests and citations continue for conduct that may violate the language of a state statute but is nonetheless clearly constitutionally protected, like flag desecration.

In 1989 and 1990, the Supreme Court made clear that burning an American flag in protest is protected speech.²⁸ But more than 25 years later, statutes purporting to criminalize the desecration of the American or state flags remain on the books in 41 states.²⁹ In one such state, Illinois, it is a Class 4 felony to mutilate, deface, or

23. OHIO REV. CODE ANN. § 2917.11(A) (West 2016).

24. ALA. CODE § 13A-11-7(a) (2016).

25. See, e.g., *State v. Hoffman*, 387 N.E.2d 239, 242 (Ohio 1979) (“[A] person may not be punished under [the disorderly conduct statute] . . . unless the words spoken are likely, by their very utterance, to inflict injury or provoke the average person to an immediate retaliatory breach of the peace.”); *Swann v. City of Huntsville*, 455 So. 2d 944, (Ala. Crim. App. 1984) (finding “abusive or obscene language” is very narrow and applies only to “fighting words”); see also generally Christopher M. Fairman, *Fuck*, 28 CARDOZO L. REV. 1711, 1732 (2007) (“You can call teachers ‘mother-fuckers’ at a school board meeting. A mother can yell ‘god-damn—mother fucker police’ as they arrest her son. And even though a Jehovah’s Witness can’t call the city marshal a ‘damned fascist,’ a Black Panther can call the police ‘mother-fucking fascist pig cops.’” (footnotes omitted)).

26. “The Marshall Project is a nonpartisan, nonprofit news organization that seeks to create and sustain a sense of national urgency about the U.S. criminal justice system. We achieve this through award-winning journalism, partnerships with other news outlets and public forums. In all of our work we strive to educate and enlarge the audience of people who care about the state of criminal justice.” *Mission Statement*, THE MARSHALL PROJECT, <https://www.themarshallproject.org/about> (last visited Sept. 3, 2017).

27. Ken Armstrong, *You’re Really Being an Asshole, Officer.* THE MARSHALL PROJECT (Jun. 26, 2015), <https://www.themarshallproject.org/2015/06/26/you-re-really-being-an-asshole-officer>. Notably, Washington State’s disorderly conduct statute is narrower than the examples given here, as its statutory language attempts to limit its application to fighting words: “(1) A person is guilty of disorderly conduct if the person: (a) Uses abusive language and thereby intentionally creates a risk of assault; . . .” WASH. REV. CODE § 9A.84.030 (2016) (emphasis added).

28. *Texas v. Johnson*, 491 U.S. 397 (1989); *United States v. Eichman*, 496 U.S. 310 (1990).

29. David Mercer, *States’ Flag-Burning Laws Unconstitutional, But Persist*, U.S. NEWS, Jul. 30, 2016, <http://www.usnews.com/news/us/articles/2016-07-30/states-flag-burning-laws-unconstitutional-but-persist> (“An Associated Press analysis shows at least 40 states still have flag-desecration laws,

defile the American Flag.³⁰ On July 4, 2016, a 22 year-old Walmart employee and self-described member of the “queer community”³¹ posted pictures of himself burning an American Flag on his Facebook page in protest of what he believed to be “racism, sexism and the treatment of sexual minorities and the poor.”³²

After receiving calls expressing concern about the post and threats against the poster and Walmart in the comments to the Facebook post, the local police arrested the young man, charging him with both flag desecration and disorderly

punishing those who burn or otherwise damage U.S. and, in most cases, state flags with fines or even jail time. A handful of Southern states extend that protection to Confederate flags.”); *see also, e.g.*, (Alabama (ALA. CODE § 13A-11-12); Arizona (ARIZ. REV. STAT. ANN. § 13-3703); California (CAL. MIL. & VET. CODE § 614); Colorado (COLO. REV. STAT. ANN. § 18-11-204); Connecticut (CONN. GEN. STAT. ANN. § 53-258a); Delaware (DEL. CODE ANN. tit. 11, § 1331 (West)); Florida (FLA. STAT. ANN. § 256.051); Georgia (Ga. Code Ann., § 50-3-9); Hawaii (HAW. REV. STAT. § 711-1107); Idaho (IDAHO CODE § 18-3401); Iowa (IOWA CODE ANN. § 718A.1A; specifically held unconstitutional by *Phelps v. Powers*, 63 F.Supp.3d 943 (2014)); Kentucky (KY. REV. STAT. ANN. § 525.110); Louisiana (LA. STAT. ANN. § 14:116); Maine (ME. REV. STAT. ANN. tit. 1, § 254); Massachusetts (Mass. Gen. Laws Ann. 264 § 5); Michigan (MICH. COMP. LAWS ANN. § 750.246); Minnesota (MINN. STAT. ANN. § 609.40); Mississippi (MISS. CODE ANN. § 97-7-39); Missouri (MO. ANN. STAT. §578.095; specifically held unconstitutional by *Snider v. City of Cape Girardeau*, 752 F.3d 1149 (2014)); Montana (MONT. CODE ANN. § 45-8-215); Nebraska (NEB. REV. STAT. § 28-928); Nevada (NEV. REV. STAT. § 201.290); New Hampshire (N.H. REV. STAT. ANN. § 646-A:2); New Jersey (N.J. STAT. ANN. § 2C:33-9); New Mexico (N.M. STAT. ANN. § 30-21-4); New York (N.Y. GEN. BUS. LAW § 136 (McKinney)); North Carolina (N.C. GEN. STAT. ANN. § 14-381); North Dakota (N.D. CENT. CODE § 12.1-07-02); Ohio (OHIO REV. CODE ANN. § 2927.11); Oklahoma (OKLA. STAT. ANN. tit. 21 § 372); Oregon (OR. REV. STAT. § 166.075); Pennsylvania (18 PA. CONS. STAT. ANN. § 2102); South Carolina (S.C. CODE ANN. § 16-17-220); South Dakota (S.D. Codified Laws § 22-9-1); Tennessee (Tenn. Code. Ann. § 39-17-311); Texas (TEX. PENAL CODE ANN. § 42.11, specifically held unconstitutional in *Texas v. Johnson*, 425 S.W.3d 542 (2104)); Utah (UTAH CODE ANN. § 76-9-601); Vermont (VT. STAT. ANN. tit. 13 § 1903); Virginia (VA. CODE ANN. § 18.2-488); Washington (WASH. REV. CODE ANN. § 9.86.030); West Virginia (W. VA. CODE, § 61-1-8). In five southern states, even desecration of the Confederate Battle Flag is prohibited: Florida (FLA. STAT. ANN. § 256.051); Georgia (GA. CODE ANN. § 50-3-9); Louisiana (LA. STAT. ANN. § 14:116); Mississippi (MISS. CODE ANN. § 97-7-39); and South Carolina (S.C. CODE ANN. § 16-17-220). Since *Texas v. Johnson*, 491 U.S. 397 (1989), which generally held such laws unconstitutional only seven states have repealed their flag desecration statutes. Arkansas (Ar. Acts of 2013, Act 1348, §§ 5, 6, eff. Aug. 16, 2013; repealing the state’s prohibition on desecrating the U.S. flag, and limiting criminal liability for desecrating the Arkansas state flag to instances where it is done for profit (ARK. CODE ANN. Sec. 5-51-207, 208)); Illinois (ILL. P.A. 97-1108, § 20-67, eff. Jan. 1, 2013); Indiana (IN. P.L.63-2012, SEC.57, eff. July 1, 2012); Kansas (KS. LAWS 2010, ch. 136, § 307, eff. July 1, 2011); Maryland (MD CODE, CRIMINAL LAW, § 10-704; statutorily limiting the state’s prohibition on flag desecration to instances that incite an “imminent breach of the peace.”); Rhode Island (RI. P.L. 2004, ch. 336, § 3, eff. July 3, 2004). Wisconsin repealed its flag desecration statute (Wi. 2003 Act 243, § 2, eff. April 28, 2004), after the law was held unconstitutional in *Wisconsin v. Jansen*, 580 N.W.2d 260 (1998).

30. 720 ILL. COMP. STAT. 5/49-1(b)(4), (e) (2016). Class 4 felonies are punishable by imprisonment of between one and three years, and a fine of up to \$25,000. 730 ILL. COMP. STAT. 5/5-4.5-45(a) and (e) (2016); 730 ILL. COMP. STAT. 5/5-4.5-50(b) (2016).

31. Tracy Crane, *Update: Urbana Flag-Burner Won't Be Charged*, THE NEWS-GAZETTE, Jul. 5, 2016, <http://www.news-gazette.com/news/local/2016-07-05/update-urbana-flag-burner-wont-be-charged.html>.

32. Steve Nelson, *Legal Fireworks: Police Unconstitutionally Arrest Flag-Burner on Fourth of July*, U.S. NEWS, Jul. 5, 2016, <http://www.usnews.com/news/articles/2016-07-05/legal-fireworks-police-unconstitutionally-arrest-flag-burner-on-fourth-of-july>.

conduct.³³ The alleged perpetrator was soon released from police custody with an order to appear in Court because of “questions about the constitutionality of the . . . Illinois flag desecration law.”³⁴ But, as prominent First Amendment scholars quickly pointed out, the law is not in question—it’s a clearly unconstitutional arrest.³⁵ Recognizing that a successful prosecution was impossible in light of the constitutionally-protected conduct, the State’s Attorney declined to file charges the very next day.³⁶ The illegality of the arrest is so well established that if the young man were to sue, there is little doubt that “[t]here would be an award [of monetary damages], including an attorney’s fee award.”³⁷

Yet, despite decades of well-established constitutional law clearly stating that the flag-burner’s conduct is protected, including cases arising from Illinois, it is evident that the police officers that arrested the Facebook protestor did not understand the law sufficiently to realize that their conduct—and not that of the arrestee—was illegal. In response to the prosecutor’s decision not to pursue charges, the police department issued another press release, stating: “*Laws dealing with questions of Constitutional rights are extremely complex* The Urbana Police Department recognizes that this is a case where the right of free speech may have been in conflict with the safety of innocent and uninvolved citizens. Our officers strive every day to achieve a balance between public safety and preservation of Constitutional rights. In this circumstance, *our officers acted in good faith and in reliance on a state law that was passed by our legislature* in an attempt to do just that.”³⁸

If the police officers who made the 4th of July arrest had been properly trained in First Amendment concepts and the supremacy of constitutional protections to that of state statutes, they could not have argued that they “acted in good faith” when relying on the statute. The constitutional rights at issue are not “extremely complex”—they have been clearly established³⁹ for over 25 years.

33. *Id.*; see also Press Release, Joel R. Sanders, Press Release—Update, Urbana Police Dep’t (Jul. 4, 2016), <https://www.scribd.com/document/317539487/Urbana-Flag-Burning>.

34. Sanders, *supra* note 33.

35. Nelson, *supra* note 32 (“As with the flag-desecration charge, the disorderly conduct count appeared to run afoul of well-established law, [UCLA Law Prof. Eugene] Volokh says. ‘It seems that what they mean is if you post something that makes people upset with you and send threats to you, leading to police investigation and protection, then you’re committing a crime because of what the threateners are saying—and that’s been clearly an impermissible theory since at least 1949’ with the ruling in *Terminiello v. City of Chicago*, [337 U.S. 1 (1949)] he says.”).

36. Crane, *supra* note 31 (“‘The State’s Attorney’s Office is declining to file charges against (Bryton) Mellott as the act of burning a flag is protected free speech according to the US Supreme Court decision, *Texas v. Johnson*, 491 US 397 (1989).’ [Champaign County State’s Attorney] Rietz said in a statement. ‘We have considered 720 ILCS 5/49-1, Flag Desecration, an Illinois statute currently in effect,’ the statement reads. ‘This statute was the basis for the decision by Urbana Police officers to arrest Mellott. While that statute remains in effect, it is contradictory to the US Supreme Court ruling in *Texas v. Johnson*. We will be discussing this issue with our local legislators and asking that they consider reviewing this statute given the constitutional issues it presents.’”).

37. Nelson, *supra* note 32 (quoting UCLA Law Prof. Eugene Volokh).

38. Crane, *supra* note 31 (emphasis added).

39. Police officers who violate clearly established constitutional protections can be held civilly liable under 42 U.S.C. § 1983 (1996). See, e.g., *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982).

B. Knowing, But Not Understanding *Miranda* and *Terry*

In October 2015, a New Jersey State Trooper stopped a lawyer driving at night on a rural road in Warren County, New Jersey.⁴⁰ After asking for her driver's license, registration, and insurance, the trooper asked, "While you're looking for that, do you know why you are being pulled over tonight?"⁴¹ The driver remained silent as the Trooper repeated the question.⁴² Moments later, the Trooper told the driver, "You're going to be placed under arrest if you don't answer my questions."⁴³ After the trooper again asked the driver if she knew why she was being stopped, the driver told the Trooper she did not have to answer his questions. In response, the Trooper ordered her out of the car and placed her under arrest. The driver asked the Trooper, "Are you detaining me because I refused to speak?" The arresting Trooper answered, "Yeah," and the second trooper said, "Yeah, obstruction."⁴⁴ After the driver was placed in the back of the Trooper's patrol car, which was no doubt consistent with procedure, the Trooper told the arrested driver that she had the right to remain silent as part of the *Miranda* warnings.⁴⁵

Though the driver was eventually released without charges, it was not before her car was impounded, she was taken to the Troopers' barracks, searched, and handcuffed to a bench in a holding cell.⁴⁶ After reviewing the Dashcam footage, a supervisor told the driver that the Trooper who had arrested her was a rookie, and that they would "mark it up to training."⁴⁷

In December 2003, two Kansas City, Kansas police officers were patrolling a high-crime public housing project as part of a federally-funded program targeting violent crime and drugs.⁴⁸ As the officers drove past a parked Grand Am, one of them thought he saw someone duck down in the car. The officers backed up, pulled behind the Grand Am, and conducted a traffic stop of the vehicle. When they approached the Grand Am, the officers saw contraband in the back seat and arrested the driver for numerous drug offenses.⁴⁹

The officers undoubtedly believed they had reasonable suspicion to conduct the *Terry*⁵⁰ stop of the Grand Am. But though the driver's attempt to duck down in his car upon seeing a marked police car is unusual, the officers admitted that they did not suspect the driver of committing or preparing to commit any particular

40. See Complaint at 2, *Musarra v. New Jersey*, et al., No. 3:16-CV-485 (D.N.J. Jan. 28, 2016).

41. S.P. Sullivan, *Watch: N.J. Troopers Arrest Woman for Remaining Silent During Traffic Stop*, NJ.COM (last updated May 5, 2016, 6:39 p.m.) (providing dashcam video of the incident), http://www.nj.com/politics/index.ssf/2016/05/video_troopers_arrest_woman_for_remaining_silent_d.html.

42. *Id.*

43. *Id.*

44. *Id.*

45. *Id.* The Trooper's reading of the *Miranda* warnings was likely just rote procedure as no interrogation was planned because no amount of questioning would have led to additional evidence of "Obstruction." See *Miranda v. Arizona*, 384 U.S. 436 (1966).

46. See Complaint at ¶¶ 22–24, 35, *Musarra v. New Jersey*, No. 3:16-CV-485 (D.N.J. Jan. 28, 2016).

47. *Id.* at ¶ 33.

48. *State v. Green*, No. 96,336, 2007 WL 2043578 (Kan. Ct. App. Jul. 13, 2007).

49. *Id.*

50. See *Terry v. Ohio*, 392 U.S. 1 (1968).

crime.⁵¹ The officers' testimony also indicated that the "ducking down" was not a furtive movement but could have instead "been indicative of someone innocently turning to reach down and pick up an item on the passenger seat or floorboard of the vehicle."⁵²

The Kansas Court of Appeals held that "[i]n the context of a *Terry* stop, however, [the officer's] curiosity [at the driver's ducking] amounted to an 'inchoate and unparticularized suspicion or 'hunch' of criminal activity,'" that was insufficient to survive Fourth Amendment scrutiny.⁵³ Because the line between a hunch and reasonable suspicion is often difficult to draw, examples of courts holding that *Terry* stops were unlawful abound.⁵⁴ Well-trained police officers can, however, make fewer mistakes in the drawing of that line.

Though the preceding example led to a written appellate decision, most investigatory detentions of suspects by police officers do not. On January 27, 2016, in a city about two-and-a half hours northwest of Chicago, two officers from the Rockford, Illinois police department were patrolling a high-crime area of the city when they saw an older sedan occupied by three black males turn into an apartment complex without signaling.⁵⁵ Though making a turn without using a turn signal is illegal,⁵⁶ traffic stops for such minor infractions are usually pretextual, meaning the police officers making such a stop are really trying to uncover a more serious crime.⁵⁷ The police officer following the car wrote: "I had pulled into the lot behind the vehicle to stop it for the signal violation, however all the subjects were already running from the Hyundai."⁵⁸ Thus, before the officers could activate their overhead lights to make the traffic stop, the three occupants had fled the scene.⁵⁹ After a chase, the officers caught up with the front-seat passenger, who refused to heed their command to "get down!" The passenger was tackled, arrested, and charged with Resisting or Obstructing a Peace Officer.⁶⁰

In quashing the arrest, the trial court concluded that because the police officers did not make a traffic stop for the signal violation before the suspect ran, he

51. *State v. Green*, No. 96,336, 2007 WL 2043578 (Kan. Ct. App. Jul. 13, 2007). When asked whether there was a specific crime the officers suspected the driver committed, one of the officers testified: "Not at that point we weren't really sure what. We didn't know if the car was stolen, we didn't know until we got out to see. A normal person wouldn't duck down so we raised our suspicions to at least get out and check to see what was going on." *Id.*

52. *Id.*

53. *Id.* (quoting *Illinois v. Waldrow*, 528 U.S. 119, 124 (2000)).

54. *See, e.g., Utah v. Strieff*, 136 U.S. 2056, 2062 (2016) (holding that evidence discovered during a search incident to an arrest on an outstanding warrant, the Court assumed that the police lacked reasonable suspicion for the initial stop of the suspect).

55. *See* ROCKFORD (ILL.) POLICE DEP'T, Report No. 16-010724.1 (Jan. 27, 2016).

56. 625 ILL. COMP. STAT. 5/11-804(a) (2016) ("No person may so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.").

57. *See Whren v. United States*, 517 U.S. 806 (1996).

58. ROCKFORD (ILL.) POLICE DEPARTMENT, *supra* note 55, at 12.

59. *Id.*

60. *Id.*; *see also* 720 ILL. COMP. STAT. 5/31-1 (2016). Not surprisingly, the officers found illegal drugs and drug paraphernalia both in the suspects' car and along the route where they chased the suspects on foot. ROCKFORD (ILL.) POLICE DEP'T, *supra* note 55, at 12.

was free to leave the parked Hyundai.⁶¹ And because the passenger did not commit the traffic infraction, the officers did not have reasonable suspicion that he had committed or was about to commit a crime. Consequently, the officers had no right to detain or arrest him.⁶² While the suspect was ultimately vindicated, the police officers' poor understanding of *Terry* led to the use of force against the suspect and his unlawful arrest.

C. Not Knowing that What a Suspect Did Is Legal

The well-known maxim that “ignorance of the law is no excuse” is often invoked against defendants charged with a violation of one of the myriad *malum prohibitum*⁶³ statutes they claim to not have known. Police officers—whose primary function is to enforce the law—likewise should not be allowed to avail themselves of an “ignorance” defense. It is the duty of police training academies to ensure that officers know not only the statutory laws they enforce, but also the underlying principles of criminal and constitutional law governing their behavior.

Yet numerous courts have recognized that police officers sometimes receive poor legal training, including in the context of deciding whether a police officer's mistake of law was reasonable.⁶⁴ In *United States v. Smart*,⁶⁵ the Eighth Circuit held that in assessing whether a police officer's mistake of law was reasonable, courts must look at what “the officer reasonably knew at the time.”⁶⁶ Scholars have catalogued numerous cases where state and federal courts have condoned “what they consider reasonable police mistakes of [substantive] law.”⁶⁷ Although a court may condone the mistake, citizens whose lives are affected by the officer's lack of substantive legal knowledge are not—and should not be—so forgiving.⁶⁸

61. *Illinois v. Belcher*, Case No. 16-CM-248 (Ill. Cir. Ct.) (17th Dist.) (Shore, J).

62. *Id.*; see also *Terry v. Ohio*, 392 U.S. 1 (1968); 725 ILL. COMP. STAT. 5/107-14 (2016).

63. “An act that is a crime merely because it is prohibited by statute, although the act itself is not necessarily immoral.” *Malum Prohibitum*, BLACK'S LAW DICTIONARY (10th ed. 2014); see generally *State v. Horton*, 51 S.E. 945, 946 (N.C. 1905).

64. See *United States v. Martin*, 411 F.3d 998, 1001 (8th Cir. 2005) (“[O]fficers have an obligation to understand the laws that they are entrusted with enforcing. . . . [but] [w]e ‘should not expect state highway patrolmen to interpret the traffic laws with the subtlety and expertise of a criminal defense attorney.’” (quoting *United States v. Sanders*, 196 F.3d 910, 913 (8th Cir. 1999))); *Giron v. City of Alexander*, 693 F. Supp. 2d 904, 935 (E.D. Ark. 2010) (finding the decision to put an officer in charge of racial profiling training who was the subject of an ongoing racial profiling investigation “exhibits a reckless indifference to the rights of the community”); *United States v. Casey*, No. 08-0116-01-CR-W-SOW, 2008 WL 4288027, *5 (W.D. Mo. Sep. 16, 2008) (holding the traffic stop constitutional because in light of their incorrect training the officers' mistaken belief that there was a traffic violation was “objectively reasonable”).

65. *United States v. Smart* 393 F.3d 767 (8th Cir. 2005).

66. *Id.* at 770 (quoting *United States v. Sanders*, 196 F.3d 910, 913 (8th Cir. 1999)). *But see* *United States v. Davis*, 692 F. Supp. 2d 594 (E.D. Va. 2010) (holding that an officer's mistake of law rendered a traffic stop invalid).

67. Logan, *supra* note 12, at 78–82.

68. See Part IV, *infra* (discussing methods to provide society with better-trained officers); see also Kit Kinports, *Heien's Mistake of Law*, 68 ALA. L. REV. 121, 134–35 (2016) (“[C]ourts in this country rarely allow criminal defendants to argue they made a mistake in interpreting the criminal statute they allegedly violated. And whatever the merits of the criticisms as applied to the general population, they

There is no amount of legal training police officers could receive in the basic police academy that would resolve the problem of poorly written or ambiguous statutes. Moreover, when officers make reasonable mistakes while interpreting ambiguous statutes, their actions in reliance on those mistaken interpretations do not violate the Fourth Amendment.⁶⁹

The *Heien* Court noted that “an officer may ‘suddenly confront’ a situation in the field as to which the interpretation of a statute is unclear—however clear it may become later.”⁷⁰ As an example, the Court said it may be reasonable for an officer to not know whether a statute prohibiting “vehicles” in a park applies to Segways, such that a “quick decision” to cite a Segway rider is likely reasonable even if a court were to later hold that a Segway does not meet the statutory definition.⁷¹

This argument lacks merit. Modern police officers have unprecedented access to technology that can help them quickly resolve the “is a Segway a vehicle” dilemma. Even officers who do not have a mobile data terminal in their patrol cars have quick reference field guides or smart phones connected to the internet. Well-trained officers can quickly look up the relevant statutory definition of “vehicle” to decide if the Segway fits.⁷² Proper legal training can help ensure that officers know how to interpret that statutory definition.⁷³

The *Heien* Court addressed the concern that its decision would discourage proper legal training of police officers: the “Fourth Amendment tolerates only *reasonable* mistakes, and those mistakes—whether of fact or law—must be *objectively* reasonable. We do not examine the subjective understanding of the particular officer involved.”⁷⁴ The Court concluded that by applying an objective reasonableness test, “an officer can gain no advantage through a sloppy study of the laws he is duty-bound to enforce.” But if basic academies provide little opportunity for officers to gain a sufficient understanding of the law, even the “objectively reasonable” officer cannot be expected to know how to properly apply the criminal laws.

afford no justification for affording greater leeway to the police. First, law enforcement officials are the classic repeat players when it comes to the criminal laws. They receive legal training, have an opportunity to seek advice from prosecutors, and may well have access to technology that can immediately provide them with the information they need. If, even with these resources, the law is ‘simply too difficult for an officer to understand or learn, why should we expect those without legal training to fare any better?’” (quoting *People v. Guthrie*, 30 N.E.3d 880, 891 n.1 (N.Y. 2015)) (Rivera, J., dissenting)).

69. *Heien v. North Carolina*, 135 S.Ct. 530, 536 (2014) (“There is no reason, under the text of the Fourth Amendment or our precedents, why this same result should be acceptable when reached by way of a reasonable mistake of fact, but not when reached by way of a similarly reasonable mistake of law.”).

70. *Id.* at 540.

71. *Id.*

72. Quick reference guides for police officers that contain summaries of the most commonly applied criminal statutes and definitions are available in almost every state. *See, e.g., Products*, POCKET PRESS, INC., <http://www.pocketpressinc.com/products.html> (last visited Jan. 15, 2017) (offering products for 45 states). State-specific smartphone apps designed for law enforcement officers are also widely available. *See, e.g., Ohio Cop*, APP HOLDINGS (Aug. 25, 2014), <https://itunes.apple.com/us/app/ohio-cop/id379418730>.

73. *See supra* Part IV(B).

74. *Heien*, 135 S. Ct. at 539 (emphasis in original).

D. Unlawful Detentions and Arrests Undermine Police Legitimacy

In recent years, the United States Department of Justice's Civil Rights Division has investigated allegations of civil rights abuses in numerous, mostly large city, police departments.⁷⁵ Though the Department of Justice initiated most of the investigations because of a pattern of complaints involving the alleged use of excessive force, the Department also examined the underlying police-citizen encounters that led to the citizen complaints.⁷⁶ In reviewing a statistically significant sample of the Newark Police Department's Field Inquiry Reports⁷⁷ between 2009 and 2012, the DOJ found that in "75% of these . . . Reports, the officers failed to articulate reasonable suspicion to justify the stop. . . ."⁷⁸

The Newark Report notes that many of the unjustified stops were for activities like "'milling,' 'loitering,' or 'wandering,' without any indication of criminal activity or suspicion."⁷⁹ The Newark Report notes many of these lawful behaviors took place in "high-crime areas, high-narcotics areas, or high-gang activity areas."⁸⁰ Furthermore, Newark police officers also reportedly stopped and ran warrant checks on individuals "solely for being present in high-crime areas, near scenes of suspected or reported crimes, or simply 'in areas.'"⁸¹ None of these behaviors, standing alone, meet the long established requirements of an investigative detention.⁸² Thus, the Newark Report concludes "the repeated reliance on these insufficient justifications strongly suggests that [Newark Police Department] officers do not appreciate what is legally required for reasonable suspicion of criminal activity."⁸³

This lack of legal understating leads to thousands of unlawful detentions and arrests in the City of Newark alone.⁸⁴ These unconstitutional police-citizen encounters "erode[] the community's trust, as individuals feel that they will be treated as criminals based on where they live or spend time, rather than on how they

75. See *Special Litigation Section Cases and Matters*, CIVIL RIGHTS DIV., U.S. DEP'T OF JUSTICE (Updated Feb. 7, 2017), <https://www.justice.gov/crt/special-litigation-section-cases-and-matters0> (listing investigations in Los Angeles, Miami, Chicago, New Orleans, Baltimore, Detroit, Cleveland, Seattle, and other cities); see also, e.g., CIV. RIGHTS DIV., U.S. DEP'T OF JUSTICE, INVESTIGATION OF THE NEWARK POLICE DEPARTMENT (2014) [hereinafter Newark Report].

76. See, e.g., Newark Report, *supra* note 75, at 8–9. See generally CIV. RIGHTS DIV., U.S. DEP'T OF JUSTICE, THE CIVIL RIGHTS DIVISION'S PATTERN AND PRACTICE POLICE REFORM WORK 1994-PRESENT (2017), <https://www.justice.gov/crt/file/922421/download> (detailing the Department of Justice's practice of initiating and conducting investigations).

77. "The [Newark Police Department] uses a Field Inquiry Report to document stop activity by officers, and NPD policy requires that the report contains sufficient facts to demonstrate reasonable suspicion for a stop." Newark Report, *supra* note 75, at 8.

78. *Id.* at 8–9. The Newark Report also noted that in 15.8% of the Field Inquiry Reports, "the officer did not record *any* justification for the stop. . . ." *Id.* But these cases were excluded from the DOJ's analysis cited above. *Id.*

79. *Id.* at 9.

80. *Id.*

81. *Id.*

82. See *Terry v. Ohio*, 392 U.S. 1 (1968), and its progeny.

83. Newark Report, *supra* note 75, at 9.

84. *Id.*

act.”⁸⁵ Even the Newark Police Department’s policy on investigative stops “warns that ‘[t]he indiscriminate use of stopping and questioning individuals will be detrimental to the positive community relations that this Department strives to obtain.”⁸⁶ Residents of “high-crime areas” who experience these types of illegitimate encounters “are less likely to accept police legitimacy and to provide assistance to police during investigations.”⁸⁷ Without officers who are better trained to understand the legal limits of their power, this degradation of perceived police legitimacy cannot improve.

II. A BRIEF HISTORY OF POLICE TRAINING

A. The Beginning of American Police Training

Established in 1838, the Boston Police Department prides itself as being the “first in the nation.”⁸⁸ Police training at the time often consisted of fewer than three weeks of the most basic instruction.⁸⁹ In the very early 20th century, the “commonly held image of American police . . . was that of ineffectiveness and corruption.”⁹⁰ In the 1930s, “former officers depicted urban police as irresponsible drunks, dabbling in corrupt activities such as gambling and prostitution and purposefully employing excessive force to gain compliance from suspects.”⁹¹ At that time, “only ‘two out of three [officers] finished grade school’ and ‘only one out of ten graduated from high school.’”⁹² Additionally, 75% of police officers could not pass the Army intelligence test at the time of World War I (1914-1918).⁹³

In 1931, the Wickersham Commission made recommendations for the establishment of training standards for police officers. Those recommendations, however, were largely disregarded.⁹⁴ By 1938 the New York State legislature attempted to establish a state agency that would create facilities for police training and mandate that all police officers participate in formal training within one year of

85. *Id.* at 11.

86. *Id.*

87. *Id.*

88. Gary Potter, *The History of Policing in the United States, Part 1*, POLICE STUDIES ONLINE, E. KY. UNIV. (Jun. 25, 2013), <http://plsonline.eku.edu/insidelook/history-policing-united-states-part-1>; *Boston Police to Celebrate 150th Anniversary*, CITY OF BOSTON (May 25, 2004), <http://www.cityofboston.gov/news/Default.aspx?id=2128>.

89. ROY R. ROBERG & JACK L. KUYKENDALL, *POLICE ORGANIZATION AND MANAGEMENT* (Cynthia C. Stormer et al. eds., 1990).

90. Jason Rydberg & William Terrill, *The Effect of Higher Education on Police Behavior*, 13 POLICE Q. 92, 94 (2010) (citing SAMUEL WALKER, *A CRITICAL HISTORY OF POLICE REFORMS* (1977)).

91. *Id.* (citing ROBERT M. FOGELSON, *BIG CITY POLICE: AN URBAN INSTITUTE STUDY* (1977)).

92. *Id.* (quoting FOGELSON, *supra* note 91, at 102).

93. *Id.* (citing J. LeDoux, et al., *Higher Education for Law Enforcement: Half a Century of Growth*, POLICE CHIEF (Apr. 1984), at 22–24); Lawrence W. Sherman, *College Education for Police: The Reform That Failed?*, POLICE STUDIES: THE INT’L REVIEW OF POLICE DEV., Mar. 1978, at 32, 32–38). *See also* Wickersham Report on Police, 2 AM. J. POLICE SCI. 337 (1931). Notably, the validity of the test is intensely criticized, thereby casting doubt on this statistic. Rydberg & Terrill, *supra* note 90, at n.102 (citing STEPHEN J. GOULD, *THE MISMEASURE OF MAN* (Rev. 1996)).

94. Terry D. Edwards, *State Police Basic Training Programs: An Assessment of Course Content and Instructional Methodology*, 12 AM. J. POLICE 23, 25 (1993).

their appointment to a law enforcement agency.⁹⁵ Though the 1938 bill did not pass, New York and California created the first police training commissions in 1959 with the assistance of federal legislation.⁹⁶ By 1972 forty-two states had established police training commissions,⁹⁷ and today every state and Washington D.C. have some form of a police training and standards commission.⁹⁸ Scholars of policing generally agree the purpose of this basic training “is to ensure that an officer performs at minimum acceptable standards, for the position to be filled, upon completion of the course.”⁹⁹

The National Advisory Commission on Criminal Justice Standards produced a series of six reports in 1973 that addressed the entire American Criminal Justice System.¹⁰⁰ Scholars of policing generally consider this work “the most influential instrument for change” in the field.¹⁰¹ In Chapter 16 of its “Report on Police,” the Commission identified inadequate police training as the cause of many problems and made specific recommendations for improvement.¹⁰² Standard 16.3 made specific recommendations for a basic training curriculum, which would consist of a minimum of 400 hours broken into 6 broad categories:¹⁰³

- Introduction to the Criminal Justice System.....32 hours
- Law¹⁰⁴.....40 hours
- Human Values & Problems.....88 hours
- Patrol & Investigation Procedures.....132 hours
- Police Proficiency.....72 hours
- Administration.....36 hours

Thus, the 1973 Report on Police recommended that police academy cadets devote only 10% of their training hours to legal topics. In the almost 45-years since the publication of these recommendations, the average amount of time devoted to legal topics in police academies has not increased significantly despite a substantial average increase in total academy training hours.¹⁰⁵

95. Dennis Catlin & Larry T. Hoover, *Role of Law Enforcement Training Commissions in the United States*, 1 J. CRIM. JUST. 347, 348 (1973).

96. *Id.*

97. *Id.*

98. See App., *infra*; see also HARRY W. MORE & W. FRED WEGENER, *EFFECTIVE POLICE SUPERVISION* (Shirley Decker-Lucke & Elisabeth Ebben, 6th ed. 1990).

99. Edwards, *supra* note 94, at 25 (citing O.W. WILSON & ROY C. MCLAREN, *POLICE ADMINISTRATION* (McGraw Hill, 4th ed., 1977)).

100. NAT'L ADVISORY COMM'N ON CRIMINAL JUSTICE STANDARDS & GOALS, *A NATIONAL STRATEGY TO REDUCE CRIME* (1973), <https://www.ncjrs.gov/pdffiles1/Digitization/148371NCJRS.pdf> [hereinafter NAT'L ADVISORY COMM'N].

101. Edwards, *supra* note 94, at 26–27.

102. *Id.*

103. *Id.*

104. The Law topic, which accounted for 10% of the total budgeted training hours, included the following subjects: “An introduction to the development, philosophy, and types of law; criminal law; criminal procedure and rules of evidence; discretionary justice; application of the U.S. Constitution; court systems and procedures; and related civil law.” KAREN M. HESS & CHRISTINE H. ORTHMANN, *MANAGEMENT AND SUPERVISION IN LAW ENFORCEMENT* (Larry Main ed., 6th ed. 2011); see also NAT'L ADVISORY COMM'N, *supra* note 100, at 122–23.

105. See *infra* Appx.

B. Modern Police Training Academies

In every state today,¹⁰⁶ a new police officer must complete a basic training program either before assuming police powers or shortly after appointment as a police officer.¹⁰⁷ Because there are no mandatory national standards,¹⁰⁸ each state's law enforcement training and standards commission sets its own minimum training requirements.¹⁰⁹ In some states, every new police officer attends one state-run academy.¹¹⁰ But in most states, the training commission sets the minimum curriculum and supervises various academies throughout the state.¹¹¹

Some basic training academies require cadets to live at the academy site throughout the full-time course of training,¹¹² while others allow cadets to attend the basic academy on evenings and weekends over a longer period.¹¹³ All modern state-sanctioned police academies cover a wide variety of subjects necessary for an entry-level police officer. For example, the Ohio Basic Police Academy covers the following broad subject areas:¹¹⁴

106. See, e.g., *Training / Academy Life*, INT'L ASS'N. OF CHIEFS OF POLICE, http://www.discoverpolicing.org/what_does_take/?fa=training_academy_life (last visited Sept. 18, 2017) (describing in broad strokes the various training requirements around the country).

107. See *id.* See also *supra* note 14 (restricting the scope of the term "police officer" in this Article to refer to a state or local law enforcement officers who have misdemeanor arrest authority, such as a municipal police officer, deputy sheriff, or state trooper.").

108. *Training / Academy Life*, *supra* note 106 (noting "[t]here is no standard national curriculum").

109. See *infra* Appx.

110. States that operate one training academy include: Washington State, see Letter to Prospective Peace Officer Applicant, Basic Law Enforcement Academy (March 19, 2015), <https://fortress.wa.gov/cjtc/www/images/2015%20%20How%20to%20Become%20a%20Police%20Officer.pdf> (describing the prerequisites for attending the State's Basic Law Enforcement Academy), Washington D.C., see METROPOLITAN POLICE ACADEMY, <https://mpdc.dc.gov/page/metropolitan-police-academy> (last visited Dec. 9, 2017) (describing the training program at the Metropolitan Police Academy), and Wyoming, see HOW TO BECOME A POLICE OFFICER IN WYOMING, <https://www.how-to-become-a-police-officer.com/states/wyoming/> (last visited Dec. 9, 2017) (listing attendance at the Wyoming Law Enforcement Academy as a requirement for all new recruits).

111. See *infra* Appx. In most of these states, police academies are free to include additional requirements. For example, the Cleveland Police Academy adds instruction in policies and procedures specific to the Cleveland, Ohio Police Department. Author's interviews with Cleveland Police Academy instructors. The Columbus Police Academy adds significantly more training hours focusing on search & seizure and laws of arrest than the Ohio Peace Officer Training Commission requires. Telephone interview with Robert Meader, Commander, Columbus, Ohio Police Department.

112. See, e.g., *Requirements*, OHIO STATE HIGH. PATROL, <http://statepatrol.ohio.gov/recruit/require.html> (last visited Sept. 21, 2017); *Public Safety Training Academy*, ALASKA DEP'T PUB. SAFETY, <http://dps.alaska.gov/Comm/Academy/Expectations> (last visited Sept. 21, 2017).

113. See, e.g., *Basic Police Academy*, CUYAHOGA COMMUNITY COLLEGE, <http://www.tri-c.edu/workforce/public-safety-institute/law-enforcement/basic-police-academy/> (last visited Sept. 21, 2017). The part-time academy runs for approximately 36 weeks, while the full-time academy runs for about 22 weeks. *Id.*

114. OHIO PEACE OFFICER TRAINING COMM'N, PEACE OFFICER BASIC TRAINING AUDIT SHEET (2016), <http://www.ohioattorneygeneral.gov/Files/Forms/Forms-for-Law-Enforcement/Law-Enforcement-Training-Forms/Private-Security-Forms-Folder/Peace-Officer-Basic-Training-School-Forms-%281%29/SF515bas-POBT-Curriculum-Audit-Sheet-Eff-7-1-16.aspx>. The author uses Ohio as an example because he completed the Ohio Police Basic Training Academy before becoming a police officer. Based on the author's review of police training curricula from other states, the general subject areas covered in each state are similar.

- Administration
- Legal
- Human Relations
- Firearms
- Driving
- Subject Control Techniques
- First Aid/CPR/AED
- Patrol
- Civil Disorders
- Traffic
- Investigation
- Physical Conditioning
- Homeland Security

The amount of training time required of new police officers has increased since the last survey of State Police basic training programs in 1993, which found that “most police cadets complete a minimum of only 400 hours of basic training before becoming a sworn officer.”¹¹⁵ In holding that the exclusionary rule should not apply to “knock and announce” violations, the Supreme Court held that the rule’s deterrent value was no longer critical considering police officers’ improved training, education, and departmental discipline.¹¹⁶

Today, states require that police academy trainees attend an average of 623 hours of training.¹¹⁷ From lows of 367 hours in Utah and 360 hours in Louisiana to highs of 1068 hours in Hawaii and 928 in Kentucky,¹¹⁸ the total hours of police academy training each state requires is shown below. By way of comparison, the chart also indicates the number of training hours required to become licensed to cut hair.¹¹⁹

115. Edwards, *supra* note 94, at 25.

116. See Hudson v. Michigan, 547 U.S. 586, 597–99 (2006); Christopher Totten & Sutham Cobkit, *The Knock-And-Announce Rule and Police Searches after Hudson v. Michigan*, 15 NEW CRIM. L. REV. 414, 421–425 (2012).

117. See *infra* Appx. In some states, individual police academies can increase the number of instructional hours they offer to students. This is especially so in larger cities that run their own academies for their police departments. For example, the Cleveland, Ohio Police Department’s academy trains officers in departmental procedures, such as using the department’s computerized report writing system, as part of their academy instruction. Author’s conversation with Cleveland Academy instructors while author was a police academy trainee. The Columbus, Ohio police academy spends more than the minimum required hours teaching legal concepts like search & seizure and laws of arrest.

118. See *infra* Appx.

119. The comparison of the two professions is common, in part, because entry into the fields does not generally require a college degree and cosmetologists and police officers both receive their professional training in “academies” whose duration and content is governed by state-level commissions or boards. See NAT’L ADVISORY COMM’N, *supra* note 100, at 122 (“The average barber receives 4,000 hours of training. The average policeman receives less than 200 hours.”); see also, e.g., Nikolas Katsimpras, *How It’s Easier to Become a St. Louis Police Officer Than a Barber*, HUFFINGTON POST, Sept. 3, 2014, http://www.huffingtonpost.com/nikolas-katsimpras/how-it-is-easier-to-becom_b_5740178.html; Shaun King, *Cops Must Be Trained More Than Cosmetologists in America*, N.Y. DAILY NEWS, July 26, 2016, <http://www.nydailynews.com/news/national/king-cops-trained-cosmetologists-america-article->

State	Police Officer ¹²⁰	Cosmetologist ¹²¹	Barber
Alabama	520	1500	1000
Alaska	400	1650	1650
Arizona	585	1600	1500
Arkansas	480	1500	1500
California	664	1600	1500
Colorado	548	1800	1500
Connecticut	871	1500	1000
Delaware	568	1500	1500
District of Columbia ¹²²	N/A	1500	1500
Florida	770	1200	1200
Georgia	408	1500	1500
Hawaii	1068	1800	1500
Idaho	516	2000	900
Indiana	480	1500	1500
Iowa	590	2100	--
Kansas	560	1500	1500
Kentucky	928	1800	1500
Louisiana	360	1500	1500
Maine	720	1500	1500
Maryland	600	1500	1200
Massachusetts	902	1000	1000
Minnesota ¹²³	N/A	1550	--
Mississippi	480	1500	1500
Missouri	600	1500	1000
Montana	480	2000	1500

1.2727221; Holly Yan, *States Require More Training to Become a Barber Than a Police Officer*, CNN.COM, Sept. 28, 2016, <http://www.cnn.com/2016/09/28/us/jobs-training-police-trnd/>.

¹²⁰ See *infra* Appx.

¹²¹ See *Cosmetology License Requirements by State*, BEAUTY SCHOOLS DIRECTORY, www.beautyschoolsdirectory.com/faq/state_req.php (last visited Sept. 21, 2017).

¹²² See *infra* Part III(B) (discussing Washington D.C.'s program, which requires mastery of the topic without regard to the number of hours necessary to obtain mastery).

¹²³ See *infra* Part III(B) (discussing the Minnesota model, which does not include a typical police academy).

Nebraska	641	2100	2100
Nevada	480	1600	1500
New Hampshire	684	1500	1500
New Mexico	665	1600	1200
New York	641	1000	--
North Carolina	665	1500	1528
North Dakota	484	1800	1500
Ohio	681	1500	1800
Oklahoma	584	1500	1500
Oregon	640	2300	1100
Pennsylvania	800	1250	1250
Rhode Island	905	1500	1500
South Carolina	543	1500	1500
South Dakota	520	2100	--
Tennessee	400	1500	1500
Texas	643	1500	1500
Utah	367	1600	1000
Vermont	856	1500	1000
Virginia	480	1500	1500
Washington	720	1600	1000
West Virginia	835	1800	1200
Wisconsin	720	1550	1000
Wyoming	592	2000	1250

III. CURRENT STATE OF LAW ENFORCEMENT LEGAL TRAINING IN POLICE ACADEMIES

Of the total training hours police academy cadets receive, the vast majority are devoted to topics other than the law. Obviously, new police officers must learn the many skills necessary to perform their jobs.¹²⁴ This Article, however, specifically focuses on training in legal topics provided to cadets in basic police academies.

In his 2011 Article *Police Mistakes of Law*, Professor Wayne A. Logan identified the two broad categories of legal knowledge police officers apply in their daily work: 1) Constitutional Law, and 2) Substantive Law.¹²⁵ Police mistakes of

124. See, e.g., *supra* Part II(B) (listing various subjects cadets in Ohio must study as part of the academy curriculum).

125. Logan, *supra* note 12, at 76.

constitutional law can take one of two forms: 1) whether a statute sought to be enforced is constitutionally sound and 2) application of constitutional safeguards against, for example, compelled self-incrimination and unreasonable searches and seizures.¹²⁶

Police academies in all of the jurisdictions surveyed for this Article endeavor to train cadets in both constitutional and substantive law. Additionally, academies train prospective officers in a variety of related legal topics, such as courtroom procedure and testimony and rules of evidence.¹²⁷ Before exploring how much legal training various state police academies provide to aspiring officers, a brief look at the criminal law training afforded to aspiring lawyers is informative, as is an examination of the qualifications of police academy cadets and academy legal instructors.

A. Criminal Law Instruction in Law Schools

Though it is not reasonable to expect police officers to receive the same level of training in criminal and constitutional law as lawyers, it is useful to review the enormous gulf between the number of hours police officers and lawyers spend learning these subjects.¹²⁸ A review of American Bar Association guidelines governing the operation of all accredited law schools is illustrative of the level of training expected of legal practitioners in the courtroom. Law school exposes students to the doctrinal concepts relevant to criminal law in the following courses: constitutional law, criminal law, and criminal procedure.¹²⁹ Under ABA Standard 310, for each credit hour awarded for coursework, students are expected to receive 14 hours of in-class instruction and perform 28 hours of out-of-classroom work studying and preparing for classroom instruction.¹³⁰ The number of credit hours awarded for the above-listed courses vary from law school to law school. For example:

The University of Alabama School of Law¹³¹

Constitutional Law:	4 Credit Hours –	168 hours
Criminal Law:	4 Credit Hours –	168 hours
Criminal Procedure: ¹³²	3 Credit Hours –	126 hours

126. *Id.*; see also *supra* Part I.

127. See *infra* Part III(D)(c).

128. Notably, law students must have at least a baccalaureate degree from an accredited institution before admission to law school. A.B.A., *ABA Standards and Rules of Procedure for Approval of Law Schools* 2016-2017, 32 (2016), http://www.americanbar.org/content/dam/aba/publications/misc/legal_education/Standards/2016_2017_aba_standards_and_rules_of_procedure.pdf.

129. Law students also often receive exposure and training in criminal law in the required 6 credit hours (336 classroom and out-of-classroom hours) of simulation or clinical courses. Compare *id.* at 21, with *Curriculum*, UNIV. ALA. SCH. L., <https://www.law.ua.edu/academics/curriculum> (last visited Sept. 12, 2017) [hereinafter *UA Curriculum*].

130. See A.B.A., *supra* note 128, at 21.

131. See *UA Curriculum*, *supra* note 129.

132. At the University of Alabama School of Law, as is the case with most other law schools, criminal procedure courses have two parts: the first focusing on pretrial aspects such as search & seizure, arrests, and confessions; and the second focusing on trial procedure, such as bringing of indictments, right to counsel, and sentencing. Compare *Criminal Procedure: Pre-Trial*, UNIV. ALA. SCH. L.,

Total:	11 Credit Hours –	462 hours
<u>Case Western Reserve University School of Law</u> ¹³³		
Constitutional Law:	4 Credit Hours –	168 hours
Criminal Law:	3 Credit Hours –	126 hours
Criminal Procedure:	3 Credit Hours –	126 hours
Total:	10 Credit Hours –	420 hours
<u>Stanford Law School</u> ¹³⁴		
Constitutional Law:	3 Credit Hours –	126 hours
Criminal Law:	4 Credit Hours –	168 hours
Criminal Procedure:	4 Credit Hours –	168 hours
Total:	11 Credit Hours –	462 hours
<u>Nebraska College of Law</u> ¹³⁵		
Constitutional Law:	4 Credit Hours –	168 hours
Criminal Law:	3 Credit Hours –	126 hours
Criminal Procedure:	3 Credit Hours –	126 hours
Total:	10 Credit Hours –	420 hours

From the above listed examples, though law schools allocate the number of credit hours awarded to courses somewhat differently, an average of almost 450 hours are devoted to teaching the core legal subjects necessary to a lawyer's basic understanding of criminal law and procedure. This is nearly six times more hours of instruction than the average police cadet receives.¹³⁶

B. Qualifications of police cadets

While a prospective law student must hold at least a bachelor degree before attending an ABA-accredited law school,¹³⁷ the educational requirements for aspiring police officers are far lower. With the exception of Minnesota¹³⁸ and

<http://www.law.ua.edu/courseguide/courses/view/61> (last visited Sept. 11, 2017), with *Criminal Procedure: Trial*, UNIV. ALA. SCH. L., <http://www.law.ua.edu/courseguide/courses/view/62> (last visited Sept 11, 2017). Because police officers generally deal only with the pre-trial aspects of criminal procedure law, only that course is included.

133. *JD*, CASE W. RESERVE UNIV. SCH. L., <http://www.law.cwru.edu/Academics/Degrees/JD> (last visited Sept 11, 2017).

134. See *Degree Requirements*, STANFORD L. SCH. (Oct. 25, 2013) <http://law.stanford.edu/wp-content/uploads/sites/default/files/child-page/181883/doc/slspublic/Overview%20of%20JD%20Requirements%20for%20the%20Class%20of%202016.pdf>; *Course Catalog*, STANFORD L. SCH., <https://law.stanford.edu/courses/> (last visited Nov. 25, 2017).

135. See *JD Curriculum*, NEB. COLL. L., <https://law.unl.edu/prospective/curriculum/> (last visited Nov. 25, 2017).

136. See *infra* Part III(D)(b).

137. See A.B.A. *supra* note 128.

138. Before entering the skills training academy, police recruits must have completed at least a two-year degree. See *infra* Part III(E)(a).

Washington D.C.,¹³⁹ every other state for which data is available¹⁴⁰ requires only a high school diploma or GED for individuals to enter the police academy and become police officers.¹⁴¹ More and more police departments, however, either require or prefer entry-level officers to have some amount of post-high school education.¹⁴² Further, studies indicate an increase in the number of police officers entering service with college degrees,¹⁴³ though in 2003 only 1% of local police departments required that a police officer have a bachelor degree.¹⁴⁴

However, staffing shortages and recruiting difficulties, particularly in some larger police departments, have stifled the trend toward college-educated police cadets. In mid-2016, the Philadelphia, Pennsylvania police department's commissioner proposed eliminating the requirement that new officers have at least 60 college credits—the equivalent to a two-year degree.¹⁴⁵ Some academics who are former police officers have criticized this proposal.¹⁴⁶ They argue that eliminating

139. The Washington D.C. Metropolitan Police Department requires recruits to have completed at least 60 hours of college credit, which is equivalent to an Associate Degree. *See infra* Part III(E)(b).

140. The author could not obtain data from the states of Michigan, New Jersey, and Illinois.

141. *But see infra* App., Wisconsin requires police officers to obtain at least an Associate degree within five years of starting service; Iowa allows police recruits who have a college degree in criminal justice or political science to complete a shorter police academy; in Connecticut, aspiring police officers who have only a GED must pass additional testing; in Texas, recruits who are at least 21 years old need only a GED, but recruits over 18 can only enter police training if they have a 2-year degree or two years of military service.

142. Rebecca L. Paynich, *The Impact of a College-Educated Police Force: A Review of the Literature*, CURRY COLLEGE 1, 7–8 (2009), <http://www.masschiefs.org/files-downloads/hot-topics/96-the-impact-of-higher-education-in-law-enforcement-feb-2009-and-summarypdf/file> (noting the percentage of local police departments requiring “at least some college education” nearly trebled between 1994 and 2000). The requirement of a college education is more prevalent in departments that patrol more affluent cities because these departments can be more selective in their hiring. *See* Diana Bruns, *Reflections from the One-Percent of Local Police Departments With Mandatory Four-Year Degree Requirements for New Hires: Are They Diamonds in the Rough?*, 7 S.W. J. CRIM. JUSTICE 87, 90 (2010) (reporting that only three of the nation's hundred largest police departments require a four-year degree); *id.* at 100 (asserting that Police Chiefs attribute the problem to finances: “Money. Most departments cannot afford to start out a patrol officer and what a college graduate could make.”); *see also generally* Jaime Hellman, *Who Are America's Cops?*, AL JAZEERA (Apr. 17, 2015, 4:30 PM), <http://america.aljazeera.com/watch/shows/real-money-with-alivelshi/articles/2015/4/17/experts-question-if-police-departments-are-making-the-best-hires.html> (discussing the need for more educated officers but recognizing that some departments may not be able to compete monetarily for such individuals).

143. *See* Roy Roberg & Scott Bonn, *Higher Education and Policing: Where Are We Now?*, 27 POLICING: INT'L J. POLICE STRATEGIES & MGMT. 469, 492 (2004); *see also* Bruns, *supra* note 142, at 90–91.

144. *See* Rydberg & Terrill, *supra* note 90, at 93, (citing MATTHEW J. HICKMAN & BRIAN A. REAVES, BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, NCJ 210118, LOCAL POLICE DEPARTMENTS 2003 (May 2006)).

145. Mensah M. Dean, *City Nears Ending Requirement of 60 College Credits for New Cops*, PHILLY.COM (last updated May 3, 2016, 3:01 AM), http://www.philly.com/philly/news/20160503_City_nears_ending_requirement_of_60_college_credits_for_new_cops.html (“The Police Department is changing the requirements simply because we need more officers. First priority is to get new officers in our ranks to increase the service to the community and be out there backing up fellow officers.” (quoting Philadelphia Police Commissioner Richard Ross's Office)).

146. *See, e.g.*, Mensah M. Dean, *Critics Decry Move to Eliminate College Requirement for City Cops*, PHILLY.COM (May 9, 2016, 3:49 PM), http://www.philly.com/philly/news/20160506_Critics_decry_move_to_eliminate_college_requirement_for_city_cops.html.

the requirement would be dangerous and contend that in order to be considered a professional, a college degree is required: “[e]ducation gives you a more mature individual, a more understanding individual that serves the public.”¹⁴⁷ Despite this rationale, big-city police departments in Buffalo, New York; New Orleans, Louisiana; and Austin, Texas have eliminated college education requirements in the last few years.¹⁴⁸

In addition to staffing needs, the need for diversity has caused departments to consider “relaxing” hiring standards. In one example, the Chicago, Illinois Police Department is considering revising its hiring standards to attract more minority candidates as the Advancing Diversity in Law Enforcement initiative suggests.¹⁴⁹ Among the suggestions in the Report, departments are encouraged “to reconsider selection criteria and written or physical examinations that do not correspond to job-related duties and that disproportionately screen out individuals from underrepresented populations.”¹⁵⁰ Though some of the suggestions concern allowing candidates with minor criminal convictions or past drug use to enter the hiring process, it is not clear what effect revising written examinations will have on evaluating a recruit’s ability to successfully complete more intensive legal training in the police academy.

Poor legal training leads to strained relations between police officers and members of the communities they serve—especially minority communities.¹⁵¹ As a result, relaxed admissions criteria may exacerbate some of the problems proponents are seeking to solve. For instance, the Advancing Diversity report recognizes strained community relations as an impediment to recruiting minority candidates to become police officers,¹⁵² and poorly trained officers are more likely to make unnecessary mistakes of law that will contribute to strained community relations.

In addition to classroom education, some police departments screen potential candidates through civil service testing.¹⁵³ These written, and sometimes

147. *Id.* (quoting Walter Zdunowski, Professor of Criminal Justice).

148. See Sula Kim, *NOPD Recruits No Longer Require 60 Hours of College*, WDSU NEWS, <http://www.wdsu.com/article/nopd-recruits-no-longer-require-60-hours-of-college/3375585> (last updated Feb. 10, 2015, 12:00 AM); Luke Moretti, *Buffalo Police Drops College Requirement*, WIVB.COM, <http://wivb.com/2016/06/16/buffalo-police-drops-college-requirement/> (last updated June 16, 2016, 6:41 PM); Ciara O’Rourke, *College Requirement Dropped for Austin Police Applicants*, STATESMAN, <http://www.statesman.com/news/local/college-requirement-dropped-for-austin-police-applicants/5xLI8Ec5fZtqkoWeHgTAjO/> (last updated Mar. 26, 2013, 9:07 PM).

149. See Fran Spielman, *Emanuel Opens the Door to Relaxing Police Hiring Standards*, CHI. SUN TIMES (Dec. 14, 2016, 5:30 PM), <http://chicago.suntimes.com/politics/three-powerful-aldermen-push-for-relaxed-police-hiring-standards/>. See generally EQUAL EMP’T OPPORTUNITY COMM’N, U.S. DEP’T OF JUSTICE, *ADVANCING DIVERSITY IN LAW ENFORCEMENT* (2016), <https://www.justice.gov/crt/case-document/file/900761/download>.

150. EQUAL EMP’T OPPORTUNITY COMM’N, U.S. DEP’T OF JUSTICE, *supra* note 149, at iv.

151. See *supra* Part I.

152. EQUAL EMP’T OPPORTUNITY COMM’N, U.S. DEP’T OF JUSTICE, *supra* note 149, at ii (“Strained relations and a lack of trust of law enforcement may deter individuals from underrepresented communities from applying to be officers.”).

153. See, e.g., *Entrance Police Officer Testing Information*, OFF. ST. EXAMINER, http://www.ose.louisiana.gov/testing_entrancepolice.asp (last visited Sept. 17, 2017); *Police Officer Application and Testing*, GRAND PRAIRIE POLICE JOBS, <http://www.grandprairiepolice.org/jobs/application.htm> (last visited Feb. 16, 2017); *Rochester Police Department Sample Civil Service Test*,

oral, tests allow departments to rank potential candidates based on their test scores.¹⁵⁴ Yet this pre-employment testing is not universal—especially for smaller departments in “open-enrollment” states.¹⁵⁵ Officers who cannot score well on pre-employment testing may seek employment at small, lower-paying, departments that do not require pre-employment testing.

C. Qualifications of Law Professors and Academy Legal Instructors

Professors teaching in ABA-accredited law schools hold at least a bachelor’s degree and a Juris Doctor degree (or their foreign equivalents), and increasingly, many have additional graduate degrees such as an LL.M. or Ph.D.¹⁵⁶ Many professors have also completed prestigious clerkships or have substantial experience practicing law before entering legal academia.¹⁵⁷ Prospective law faculty generally go through an extensive interview and vetting process before an accredited law school offers them employment.¹⁵⁸

When it comes to teaching in a police academy, though some states use prosecutors or lawyers to teach legal subjects, no state requires legal instructors to be lawyers.¹⁵⁹ Instead, many states, like Ohio, allow experienced police officers to

CITY ROCHESTER, <http://www.cityofrochester.gov/article.aspx?id=8589936718> (last visited Sept. 17, 2017).

154. In addition to the scores on the written or oral tests, candidates may receive additional points if they have, for example, military service, a post-secondary degree, or have already completed the basic police academy. *See, e.g.*, Christine Vendel, *Harrisburg Tweaks Hiring Process for Police and Fire Departments to Increase Diversity*, PENN LIVE (Sep. 2, 2015, 9:37 PM), http://www.pennlive.com/midstate/index.ssf/2015/09/harrisburg_hiring_process_chan.html (“As it stands, Harrisburg grants military veterans an extra 15 points once they pass a written civil service test to become a police officer or firefighter. The city plans to reduce that bonus to 10, which is the amount required by state’s veterans preference law.”); *Veterans’ Preference for Open Competitive Exams*, MASS.GOV, <http://www.mass.gov/veterans/employment-and-training/civil-service/exams.html> (last visited Sept. 17, 2017) (describing preferences available for veterans, including additional points on some exams).

155. About 57% of the states included in the survey for this Article allow aspiring police officers to attend the police academy before they are hired by a police department. *See infra* App. This practice is commonly referred to as “open-enrollment.” *See Becoming an Arizona Police Officer – Open Enrollment*, STATE OF ARIZONA PEACE OFFICER TRAINING ACADEMIES, <https://postacademy.az.gov/career-options/enrollment> (last visited Dec. 3, 2017). In Ohio, for example, those who want to work as police officers can attend any of the state-approved academies, paying for the training themselves. *See How to Become a Police Officer in Ohio*, OHIO ATTORNEY GENERAL.GOV, <http://www.ohioattorneygeneral.gov/Files/Publications-Files/Publications-for-Law-Enforcement/Law-Enforcement-Training-Publications/How-to-Become-a-Peace-Officer-in-Ohio> (last visited Dec 3, 2017). A graduate’s academy certification is valid for two years, meaning if the graduate does not obtain law-enforcement employment within that time, the certification expires and the graduate must complete the entire academy again to become a police officer. *See* OHIO ADMIN. CODE 109:2-1-07(B)(3) (2016).

156. *See, e.g.*, *Considering a Career in Teaching Law?*, GEO. L., <https://www.law.georgetown.edu/careers/career-planning/career-paths/law-teaching-career.cfm> (last visited Sept. 17, 2017); *see also* Committee on the Recruitment and Retention of Minority Law Teachers and Students, *Frequently Asked Questions About How to Break Into Law Teaching*, AALS.ORG, <https://www.aals.org/wp-content/uploads/2015/07/Frequently-Asked-Questions-About-How-To-Break-Into-Law-Teaching-7.22.15.pdf> (last visited Dec. 3, 2017).

157. *See Considering a Career in Teaching Law?*, *supra* note 156.

158. *See Faculty Recruitment Services*, ASS’N AM. L. SCHOOLS, <https://www.aals.org/about/faculty-recruitment-services/> (last visited Sept. 17, 2017).

159. *See infra* App.

teach all legal topics.¹⁶⁰ Though these officers may have experience dealing with the criminal justice system, they do not have the in-depth understanding of the theoretical underpinnings of court cases that form the foundation of criminal procedure law. Thus they are ill equipped to teach police recruits how to apply textbook legal principles to real-life situations.

D. Empirical Survey of Current Legal Training in State Police Academies

With the exceptions noted below, the states included in this survey have commissions or boards that set the minimum requirements for entry-level police training.¹⁶¹ Because each state operates or sets curricula for its police training academies, the quantity and content of legal training varies widely from state to state. This Article seeks to identify the subjects taught as part of each academy's legal training component and to ascertain the number of hours devoted to each of the topics. The survey also compares the time devoted to legal training with the total number of training hours required for a cadet to complete the basic training academy.

a. Methodology

To determine how much legal training police-academy recruits receive in each state, as compared to the overall length of the state's police academy, the author sent public records requests to each state and the District of Columbia. Of the 51 requests for information, the author received responses from forty-five jurisdictions.¹⁶² Delaware, Maryland, Michigan, New Jersey, New York, and South Dakota did not respond to the author's repeated requests for information.¹⁶³ Some data for four states, Delaware, Maryland, New York, and South Dakota, was obtained from the states' websites.¹⁶⁴

The author's public records request asked for the following information:

- Information about whether the State has a unified or set police academy curriculum or set of minimum training requirements, or whether each academy is free to set its own curriculum;
- The total training hours required to become a police officer in the State;
- The total number of hours focusing on legal topics required as part of the curriculum;

160. See Ohio Peace Officer Training Comm'n, *Peace Officer Instructor - Unit Application*, http://www.ohioattorneygeneral.gov/getattachment/f178883e-b6f7-413f-846e-9710a0718682/2012-05-24_SF305basUnitInstructorApplicationRev-5.aspx (last visited Dec. 3, 2017).

161. See *infra* App. Some states set a unified academy, meaning the content of the training does not differ from academy to academy. Others set minimum standards and allow individual academies to include additional training hours and subjects.

162. See *infra* App.

163. See *infra* App.

164. See *infra* App. Because it is difficult to determine how current the information published on these websites is, this data may be less reliable than data obtained from the states in response to the author's requests for information.

- The subjects covered as part of the legal training (e.g., search & seizure, laws of arrest, state statutes, etc.), and the number of hours required for each such legal subject;
- The level of education the state requires for entry-level police officers (e.g., GED, High School Diploma, Associate Degree, etc.);
- Whether a police job candidate must be commissioned or sponsored by a law enforcement agency before attending police academy, or whether academies in the state allow for open enrollment;
- Information about post-academy annual training requirements, and whether any of the required annual training is related to legal topics;
- Qualifications required of a police academy instructor teaching legal topics; and
- A copy of the State's law enforcement basic academy training curriculum that covers legal topics.¹⁶⁵

b. Minimum Required Training Hours Devoted to Legal Subjects

As the first step in assessing the quantity and effectiveness of legal training provided to cadets in police academies, one must compare the amount of legal training to the overall training requirements. As indicated in the chart in Part II(B), *supra*, most states set a minimum number of training hours required to become a certified or commissioned police officer. The following chart lists the total number of hours that must be devoted to legal topics and the percentage of the total training hours so devoted:

State	Total Hours- Legal	Percent of Total Hours
Alabama	66	12.69%
Arizona	93	15.90%
Arkansas	44	9.17%
California	51	7.68%
Colorado	80	14.6%
Connecticut	142	16.30%
Delaware	94	16.55%
Florida	62	8.05%
Georgia	110	26.96%
Hawaii	124	11.61%
Idaho	39	7.57%

165. Only a handful of States provided copies of their legal training curriculums. As a certified instructor in Ohio and Alabama, the author was able to review the legal training curriculums of those states.

Indiana	62	12.91%
Iowa	76	12.88%
Kansas	43	7.68%
Kentucky	95	10.18%
Louisiana	40	11.11%
Maine	93	12.92%
Massachusetts	117	12.97%
Mississippi	80	16.67%
Missouri	64	10.66%
Montana	54	11.25%
Nebraska	62	9.67%
New Hampshire	95	13.89%
New Mexico	70	10.53%
New York	53	8.27%
North Carolina	70	10.53%
North Dakota	93	19.01%
Ohio	95	13.95%
Oklahoma	52	8.82%
Pennsylvania	144	18.00%
Rhode Island	82	9.06%
South Carolina	67	12.33%
South Dakota	35	6.63%
Tennessee	50	12.50%
Texas	134	20.84%
Utah	44	11.9%
Vermont	107	12.44%
Washington	91	12.64%
West Virginia	132	15.81%
Wisconsin	62	8.61%
Wyoming	60	10.14%

As indicated above, police academy cadets spend on average only about 79 hours or 12.52% of their total training hours on legal subjects. To get a better sense of the quantity and content of legal training, the broad category of “legal subjects” is subdivided into three categories: 1) non-statutory topics, 2) statutory law or criminal

offenses, and 3) traffic law or traffic offenses.¹⁶⁶ Each of these categories teaches police officers different aspects of the law they must apply in their daily work.

c. Non-Statutory Legal Training

The first and arguably most important category of legal training is non-statutory law. This category can also be called constitutional law because its content derives from restrictions placed on police conduct by the U.S. Constitution or equivalent provisions of state constitutions.¹⁶⁷ Every state in this survey devotes a significant portion of its legal training hours to this category—about 7.67% of total training hours and 57.9% of legal training hours. This category encompasses topics varying widely state-to-state, including:¹⁶⁸

- Constitutional Law / Bill of Rights / Constitutional Principles
- Fundamentals of the Criminal Justice System
- Laws of Arrest
- Miranda Warnings
- Laws of Search and Seizure
- Search Warrant Procedures
- Criminal Procedure
- Civil Rights
- Civil Liability
- Legal Considerations of Use of Force
- Courtroom Procedure, Demeanor, and Testimony
- Rules of Evidence
- Civil Procedure / Civil Process
- Law of Interrogations and Confessions
- Legal Components of Reports

166. As indicated in App., *infra*, in the chart from Part II(B), *supra*, not every state that responded to the author's survey provided a breakdown of its academy training among the three categories. Even for states that did provide a list of the topics covered as part of the academy's legal training, it was often difficult to determine whether a topic fell into the non-statutory or statutory law categories. There may be some overlap between statutory and non-statutory topics that is difficult to separate based on the states' responses to the survey. Appendix lists the legal topics taught in each state by the title given to that topic by the state's training commission.

167. Though some states have codified some of the limitations on police conduct, almost all the restrictions derive from the Bill of Rights and the Fourteenth Amendment to the U.S. Constitution. *See* U.S. CONST. For example, the Fourth Amendment allows custodial arrests for even the most minor criminal offenses, but some states limit police officers' ability to make custodial arrests for minor misdemeanor offenses. *See e.g.*, *State v. Langsford*, 816 So. 2d 136, 139 (Fla. Dist. Ct. App. 2002) ("Indeed, it is the established law of this state that Florida's implied consent statutes impose, in certain respects, higher standards on police conduct in obtaining breath, urine, and blood samples from a defendant in a DUI case than those required by the Fourth Amendment." (internal citations omitted)); *State v. Brown*, 792 N.E.2d 175, 177 (Ohio 2003) (finding "the Ohio Constitution provides greater protection than the Fourth Amendment to the United States Constitution against warrantless arrests for minor misdemeanors"); *State v. Crandall*, 697 P.2d 250, 253 (Wash. Ct. App. 1985) ("Because of its unique language, [Washington State's Constitution] generally provides greater protection than does the fourth amendment to the United States Constitution.").

168. *See infra*, App. For example, Kentucky lists 22 separate topics in its 60-hour non-statutory law category, while Massachusetts lists one 40-hour category of "Constitutional Law." *Id.*

- Pretrial Identification Procedures
- Prisoner Rights and Privileges
- Juvenile Law
- Rights of Victims

This is the most important category of training because it is in these classes that future officers learn what it means to be a law enforcement officer in our constitutional republic. These classes teach future officers the rights of the citizens they are tasked with serving and protecting. Moreover, officers learn how citizens' rights limit their powers as peace officers.¹⁶⁹ As discussed more fully in Part IV, *infra*, this category of training needs improvement.

State	Non-Statutory Law	Percent of Total Hours
Alabama	42	8.08%
Arizona	69	11.79%
Arkansas	44	9.17%
California	47	7.08%
Colorado	38	6.93%
Connecticut	104	12.17%
Delaware	54	9.51%
Florida	62	8.05%
Georgia	60	14.71%
Hawaii	49	4.59%
Idaho	22	4.27%
Indiana	51	10.72%
Iowa	37	6.27%
Kansas	28	5.00%
Kentucky	60	6.47%
Louisiana	40	11.11%
Maine	32	4.44%
Massachusetts	54	5.99%
Mississippi	32	6.67%
Missouri	38	6.33%

169. See Mike Burg, *To Serve and Protect?*, POLICE: LAW ENF'T MAG. (Dec. 1, 1998), <http://www.policemag.com/channel/patrol/articles/1998/12/to-serve-and-protect.aspx>. (noting that “‘To Serve and Protect,’ is a phrase made famous by the Los Angeles Police Department and adopted, in various forms, by law enforcement agencies across the United States.”).

Montana	38	7.92%
Nebraska	50	7.80%
New Hampshire	36	5.26%
New Mexico	53	7.97%
New York	30	4.68%
North Carolina	53	7.97%
North Dakota	35	7.23%
Ohio	38	5.58%
Oklahoma	41	6.93%
Pennsylvania	64	8.00%
Rhode Island	48	5.30%
South Carolina	59	10.86%
South Dakota	27	5.1%
Tennessee	50	12.50%
Texas	64	9.95%
Utah	18	4.9%
Vermont	49	5.67%
Washington	37	5.14%
West Virginia	88	10.54%
Wisconsin	40	5.56%
Wyoming	46	7.77%

d. Statutory Offenses

The second category of legal training is statutory law. Generally, these classes teach future police officers about the elements of a state's criminal offenses—from murder to vandalism. As indicated in Part III(D)(e), *infra*, the amount of time devoted to this category of legal training varies greatly. On average, 32.85% of the legal training hours and 4.15% of total training hours are dedicated to statutory offenses.

While it is important for police officers to understand the basic elements of even the most serious crimes, frontline officers do not make charging decisions between premeditated murder and manslaughter.¹⁷⁰ Yet in states like Ohio, classes devote significant time to a recitation of the elements of various homicide offenses. Instead, training academies should cover in detail the types of offenses for which the frontline officer writes a summons or makes a misdemeanor arrest. It is significantly

170. See *Prosecutorial Discretion*, 20 GEO. L.J. ANN. REV. CRIM. PROC. 743, 743–45 (1991) (noting a prosecutor's broad discretion to "decide whether to investigate, grant immunity, or permit a plea bargain, and to determine what charges to bring, when to bring charges, and where to bring charges").

more important for entry-level officers to understand the elements of the more common criminal offenses which they may encounter on an almost daily basis.

e. Traffic Law

The final category of legal training noted in this survey is traffic law. This category deals primarily with non-criminal¹⁷¹ traffic offenses such as speeding, obeying traffic lights, and driver's license offenses. For many officers, these are the "bread-and-butter" laws they enforce daily. On average, 20% of the legal training hours and 2.52% of total training hours are dedicated to traffic laws.

State	Statutory Law	Percentage of Total Hours	Traffic/Motor Vehicle Law	Percentage of Total Hours
Alabama	20	3.85%	4	0.77%
Arizona	24	4.10%	--	--
California	4	0.60%	--	--
Colorado	42	7.66%	--	--
Connecticut	36	4.13%	--	--
Delaware	20	3.52%	20	3.52%
Georgia	34	8.33%	16	3.92%
Hawaii	55	5.15%	20	1.87%
Idaho	13	2.52%	4	0.78%
Indiana	--	--	11	2.19%
Iowa	27	4.58%	12	2.03%
Kansas	15	2.68%	--	--
Kentucky	30	3.23%	5	0.48%
Maine	47	6.53%	14	1.94%
Massachusetts	36	3.99%	27	2.99%
Mississippi	24	5.00%	24	5.00%

171. In some states, all offenses, including traffic offenses are criminal in nature, while in other states traffic offenses are considered non-criminal violations. Compare Torie Atkinson, *A Fine Scheme: How Municipal Fines Become Crushing Debt in the Shadow of the New Debtors' Prisons*, 51 HARV. C.R.-C.L. L. REV. 189, 210 n.179 (2016) ("In Alabama and Louisiana, traffic offenses are criminal offenses warranting criminal procedures."), with James M. Pike, *Civil Infractions for Minor Traffic Offenses: Michigan's New Motor Vehicle Code*, 26 WAYNE L. REV. 1543, 1543 (1980) ("On August 1, 1979, Michigan joined a growing number of states that have removed imprisonment as a punishment for minor traffic offenses. Under Michigan's new motor vehicle code these offenses, which had been designated as misdemeanors, are now designated as civil infractions."). See also generally NAT'L HWY TRAFFIC SAFETY ADMIN, U.S. DEP'T OF TRANSP., NEW TRENDS IN ADVANCED TRAFFIC ADJUDICATION TECHNIQUES 7-9 (1976) (discussing the need to decriminalize traffic offenses).

Missouri	26	4.33%	--	--
Montana	10	2.08%	6	1.25%
Nebraska	12	1.87%	--	--
New Hampshire	31	4.53%	28	4.09%
New Mexico	16	2.41%	1	0.15%
New York	18	2.81%	5	0.78%
North Carolina	16	2.41%	1	0.15%
North Dakota	37	7.64%	21	4.34%
Ohio	49	7.20%	8	1.17%
Oklahoma	11	1.88%	--	--
Pennsylvania	32	4.00%	48	6.00%
Rhode Island	4	0.44%	30	3.31%
South Carolina	8	1.47%	--	--
South Dakota	--	--	8	1.54%
Texas	70	10.89%	--	--
Utah	26	7.08%	--	--
Vermont	14	1.64%	44	5.14%
Washington	48	6.67%	6	0.83%
West Virginia	18	2.16%	26	3.11%
Wisconsin	22	3.06%	--	--
Wyoming	10	1.69%	4	0.68%

E. Outliers

As noted above, two jurisdictions who responded to the Author's survey, Minnesota and Washington D.C., do not fit into the academy structure of the other responding states.

a. *The Minnesota Model*

Of the jurisdictions surveyed in the Article, only Minnesota lacks a traditional police academy. A candidate applying to be a police officer in Minnesota who does not already have an associate or bachelor degree must first complete a two or four-year degree in Law Enforcement or Criminal Justice at a Minnesota college or university approved to offer such degrees by the Minnesota Board of Peace Officer Standards and Training ("MN POST"). A candidate who already has a college degree

in any other discipline must complete a MN-POST-approved nine-month law enforcement certificate program to qualify for the MN POST Licensure Exam.¹⁷²

Though MN POST does not set a specific curriculum, require minimum hours, or mandate qualifications of instructors, it does set the Learning Objectives for Professional Peace Officer Education that MN POST approved programs must follow.¹⁷³ The Learning Objectives lay out 53 categories of knowledge and skills that each graduate must learn.¹⁷⁴ MN POST relies on the expertise of the certified colleges and universities to teach all of the Learning Objectives.¹⁷⁵

The Minnesota Board of Peace Officer Standards & Training states:

The Goal of Minnesota's Professional Peace Officer Education (PPOE) is to produce peace officer license eligible candidates who have the knowledge, skills and attributes necessary for performance of an entry level peace officer in Minnesota as identified by the law enforcement profession. In broad terms this means candidates who 1) understand the U.S. and Minnesota criminal justice systems and laws, 2) speak, read, write and listen effectively in interpersonal and group interactions, 3) think critically and creatively in seeking solutions to practical and theoretical problems alone and in groups, 4) make timely decisions based on the circumstances and on law enforcement related theoretical and experiential learning, 5) demonstrate an understanding of the duties and tasks most commonly expected of peace officers and how to perform those tasks responsibly, ethically, and with appreciation for cultural differences, and 6) integrate and apply all these abilities to serve citizens, protect individual freedoms, promote peace and justly enforce the law in the State of Minnesota.¹⁷⁶

All certified Minnesota police officers must complete 48 hours of continuing education every three years to maintain their police certification.¹⁷⁷

b. Washington D.C.

Washington D.C. is also unique among the surveyed jurisdictions. Its status as a geographically compact city-state allows the District to have one primary police

172. See MINN. BD. OF PEACE OFFICER STANDARDS & TRAINING (POST), *How to Become a Police Officer in Minnesota*, <https://dps.mn.gov/entity/post/becoming-a-peace-officer/Pages/peace-officer-how-to-become.aspx> (last visited Sept. 16, 2017).

173. See generally MINN. BD. OF PEACE OFFICER STANDARDS & TRAINING, LEARNING OBJECTIVES FOR PROFESSIONAL PEACE OFFICER EDUCATION (2017), <https://dps.mn.gov/entity/post/model-policies-learning-objectives/Documents/Peace-Officer-Education-Learning-Objectives.pdf> (describing the official objectives for Professional Peace Officer training).

174. *Id.* at 5–6.

175. Telephone Interview with Peggy Strand, Educ. Coordinator, MN POST (May 17, 2016).

176. MINN. BD. OF PEACE OFFICER STANDARDS & TRAINING, *supra* note 173, at 3.

177. Hannah Yang, *Do College Grads Make Better Cops?*, POST BULLETIN (Dec. 19, 2016), http://www.postbulletin.com/news/local/do-college-grads-make-better-cops/article_da0b424f-cfdd-527f-b070-21a509841a1b.html

department—the Metropolitan Police Department¹⁷⁸—and thus one training academy. Currently, the Metropolitan Police Academy is undergoing a rewrite of its training curriculum.¹⁷⁹ As part of this revision, the academy will no longer require a set number of hours that must be devoted to each topic. Instead, the academy will adopt a “mastery” model where the time spent on each topic is based on the instructor’s assessment of the students’ performance. Under this model, instructors are free to spend as much or as little time as necessary on each topic to ensure the cadets’ understanding of the training materials.¹⁸⁰

F. How Legal Training Is Conducted

The first part of determining the efficacy of legal training requires an examination of how many hours of legal training police academy cadets receive during their basic training. Next, one must examine how that training is delivered.

a. Lectures

In most state police academies, almost all legal training is delivered through classroom lectures by an instructor who may or may not have a law degree.¹⁸¹ For many academy cadets, the hours of legal training are not among their favorite times in the academy; they much prefer training in subjects like firearms, driving, and subject control.¹⁸²

The lectures generally deliver black-letter law that comes from statutes, procedural rules, or, for subjects like *Terry*¹⁸³ and *Miranda*,¹⁸⁴ case law. Academies devote little if any time to discussing the theoretical underpinnings of the constitutional rules future officers learn. Like other educational endeavors, much depends on the instructors—their delivery style, willingness to field questions, and knowledge of the subject matter. While some instructors have a deep knowledge of the legal issues because they are trained lawyers,¹⁸⁵ others are police officers who have gained knowledge of the material through their experiences as law enforcement

178. *But see Covered Federal Law Enforcement Agencies*, DC.GOV, <https://mpdc.dc.gov/page/covered-federal-law-enforcement-agencies> (last visited Sept. 16, 2017) (indicating that although Washington D.C has only one Metropolitan Police Department, its status as the home of our federal government provides for the presence of dozens of federal uniform law enforcement officers in the District).

179. Interview with Eric Waldt, Director of Training, Metro. Police Acad. (Oct. 19, 2015).

180. *Id.*

181. *See infra* (indicating the qualifications required of a legal topics instructor in each state).

182. These insights stem from the author’s experience as both a police academy cadet who saw his enjoyment of the legal topics was rather unique among his fellow cadets, and as an instructor in Ohio and Alabama police academies.

183. *Terry v. Ohio*, 392 U.S. 1 (1968).

184. *Miranda v. Arizona*, 384 U.S. 436 (1966).

185. Of the states that provided responsive information, only a handful require legal-subject instructors to be attorneys. *See infra* App. That is not to say academies in states without such a requirement do not use lawyers to teach legal topics. For example, the Alabama Law Enforcement Academy at Tuscaloosa often uses lawyers (like the author) to teach law-related classes even though Alabama does not require that instructors have Juris Doctor degrees.

officers.¹⁸⁶ In rare instances, the instructor is both a lawyer and a police officer. For example, one of the legal subject instructors in the Washington Law Enforcement Academy is a Seattle police officer who holds a Juris Doctor degree from Yale Law School.¹⁸⁷

b. Counting Hours

The legal-subject lectures described above are almost always delivered for a set number of hours¹⁸⁸ fixed by a state law enforcement training commission.¹⁸⁹ For example, the Alabama Peace Officers Standards & Training Commission allots 8 hours for “Laws of Arrest, State & Federal Criminal Procedure.”¹⁹⁰ And the Ohio Peace Officer Training Commission mandates 24 hours for “Arrest, Search & Seizure.”¹⁹¹

Mandating a set number of hours is problematic for two reasons. First, it can lead to insufficient instruction to ensure mastery. Second, where the allotted time is longer than necessary for a particular topic, an instructor may be unable to move on to other relevant instruction, leading to wasted instructional time. In the first instance, an instructor who wants to supplement the provided materials or engage in an extended discussion of the subject may run out of time.¹⁹² The time limit may also prevent an instructor from fully answering cadets’ questions or engaging in a Socratic colloquy. In the second instance, an instructor who is doing little more than following a prepared script or PowerPoint presentation may race through the material, leaving time to “fill” with off-subject discussions or “war stories.”¹⁹³

c. Testing and Levels of Learning

To ensure prospective police officers have retained the information delivered to them in the legal subjects lectures, most state academies require cadets

186. None of the instructors who taught legal subjects in the police academy attended by the author in Ohio were lawyers. All were long-time or retired police officers who followed the state-mandated curriculum without adding much, if any, insight into the subject matter.

187. Telephone Interview with Steven Grossfeld, Instructor, Wash. State Crim. Justice Comm’n (May 2016). Similarly, the author was both a licensed attorney and sworn police officer when he was teaching in Ohio police academies.

188. An “hour” of lecture is generally not a full sixty minutes. For example, in Ohio, an instructional hour is fifty minutes in length with a ten minute break every hour. This is similar to how the American Bar Association counts “hours” for law school instruction. A.B.A., *supra* note 128, at 21 (“For purposes of this Standard, fifty minutes suffices for one hour of classroom or direct faculty instruction.”).

189. *See infra*. App.

190. *See infra*. App.

191. *See infra*. App.

192. When the author teaches investigative detentions (*Terry* stops), he tries to supplement the lecture materials with a discussion of the original incident report Cleveland Police Detective McFadden filed and the background of what led to the stop of John Terry and his confederates in light of police practices in Cleveland, Ohio in the 1960s. As a law professor who has taught Criminal Procedure at the law school level, and as a friend of John Terry’s nephew, the author is able to go into much greater detail when teaching this extremely important area of law to police cadets.

193. When the author was a police academy cadet, one instructor showed the Hollywood movie *Super Troopers* when he finished delivering his prepared lecture early. Obviously, this use of time was not sanctioned by the Ohio Peace Officer Training Commission.

to pass either incremental tests or a final state-sanctioned examination.¹⁹⁴ In the author's experience, these examinations are multiple-choice. In jurisdictions like Ohio, testing is based on Student Performance Objectives ("SPO"), which are the key elements cadets are expected to memorize. Thus, though a student listens to a full lecture about a specific topic, he is only tested on the SPOs for that section. In some cases, the SPOs succinctly summarize the subject matter:

The exclusionary rule states that evidence improperly obtained by the police will be excluded from the criminal trial. The Supreme Court determined there must be consequences for improper police conduct.¹⁹⁵

In other cases, the SPOs seem almost silly:

Define the term "Felony":

An offense defined by law as a felony.

Define the term "Misdemeanor":

An offense defined by law as a misdemeanor.¹⁹⁶

In general, this level of lecture-based teaching and assessment through written multiple-choice testing is aimed at the first level of Bloom's Revised Taxonomy of Learning:¹⁹⁷ remembering or knowledge.¹⁹⁸ This level can be defined as "recall or retrieve previous[ly] learned information."¹⁹⁹ Examples include reciting a policy or elements of an offense.²⁰⁰

The second level, comprehension or understanding, can be defined as "comprehending the meaning, translation, interpolation, and interpretation of instructions and problems. Stat[ing] a problem in one's own words."²⁰¹ Though legal training in most police academies may reach this second level learning, memorization-based multiple-choice rarely develop this level of the Taxonomy. In fact, rarely do police academies reach any of the higher levels of the Taxonomy. As explained in the below recommendations, police academies should.

194. For example, in the author's experiences, in Alabama the academy administers a legal-subjects examination after the applicable lectures are delivered. On the other hand, in Ohio cadets must pass one comprehensive examination after they complete all academy training.

¹⁹⁵ OHIO PEACE OFFICER TRAINING COMM'N, PEACE OFFICER BASIC TRAINING: SEARCH & SEIZURE 19 (Effective Jul. 1, 2011) (on file with author).

¹⁹⁶ OHIO PEACE OFFICER TRAINING COMM'N, PEACE OFFICER BASIC TRAINING: CRIMINAL JUSTICE SYSTEM & STRUCTURE OF THE AMERICAN COURTS 17–18 (Effective Apr. 7, 2003) (on file with author).

197. David R. Krathwohl, 41 THEORY INTO PRACTICE 212, 214 (2002) (describing Bloom's Revised Taxonomy). Bloom's Taxonomy is used here because since its original publication in 1956, it "has had significant and lasting influence on the teaching and learning process at all levels of education to the present day." Nancy E Adams, *Bloom's Taxonomy of Cognitive Learning Objectives*, J Med Libr Assoc. 2015 Jul; 103(3): 152–153 (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4511057/>).

198. Bloom's Revised Taxonomy changed the names of the categories from nouns to verbs. *Id.* at 213–14.

199. Donald Clark, *Bloom's Taxonomy of Learning Domains*, <http://www.nwlink.com/~donclark/hrd/bloom.html> (last visited Sept. 1, 2017).

200. *Id.*

201. *Id.*

IV. IMPROVING POLICE LEGAL TRAINING

Modern police officers' main role in our society is to enforce the laws state legislatures write while protecting the rights of citizens not only from criminals, but also from the types of abuses that led the founders to enact the Bill of Rights. To do this, officers must have a better understanding of the two broad categories of legal knowledge: constitutional law and substantive law.²⁰² This can be done in three ways: making policing a true profession²⁰³, increasing the amount of legal training, and improving the way that training is delivered.

A. Policing as a True Profession

To become a law enforcement officer in almost every state, an individual only needs a high school diploma or GED and to complete, on average, 16 weeks of basic police academy training.²⁰⁴ That training includes dozens of practical and academic topics from firearms proficiency and driving skills to community diversity training and legal concepts.²⁰⁵ Less than two weeks of that training is devoted to all legal topics, which include both constitutional and substantive law. This is far less training than required of many other occupations, including those that are not tasked with protecting civil rights.²⁰⁶

For police officers to be considered true professionals, they must receive better academic training. Scholars of policing have devoted countless pages to the discussion of whether police officers should be college educated before starting their service.²⁰⁷ Though some argue a college degree is not necessary,²⁰⁸ no study has concluded that increased post-secondary education is detrimental.

Cost and recruitment are the main impediments to requiring all police officers to have at least a two-year degree. It is well documented that the increasing

202. See Logan, *supra* note 12, at 76.

203. A "profession" is defined as a "vocation requiring advanced education and training" (*Profession*, BLACK'S LAW DICTIONARY (10th ed. 2014)) or "an activity that requires specialised training, knowledge, qualification and skills. It implies membership of a professional body, and certificate of practice." *Difference Between Occupation and Profession*, KEY DIFFERENCES, (Oct. 31, 2015), <https://keydifferences.com/difference-between-occupation-and-profession.html>. On the other hand, an "occupation" is simply any "kind of economic activity [endeavored] by a person regularly for earning money." *Id.*

204. See *infra* App. Prospective police officers must also pass criminal background checks and meet certain basic physical fitness requirements. Some agencies may also require applicants to submit to drug testing and psychological evaluations. Their requirements vary so greatly from agency to agency, even within individual states, that it is beyond the scope of this Article.

205. See *supra* Part II(B).

206. See *supra* Part II(B). One may point out that police officers also receive field training from their employing police department after completing the police academy. While this is certainly true, it is also true of all other professions, from cosmetologists to lawyers. This training varies widely, from formalized field training programs like the one the author completed in his police department, to very short, informal post-academy training provided by small departments who simply cannot afford extended training. Thus, because post-academy field training is practically impossible to quantify, this Article focuses on basic academy training common to all officers in a particular state.

207. See, e.g., Rydberg & Terrill, *supra* note 90, at 94.

208. See, e.g., Bruns, *supra* note 142, at 100–101 (quoting various Police Chiefs about why they believe college degrees are not necessary).

cost of a college education has far exceeded the rate of inflation in the last few decades.²⁰⁹ But lower cost college education is prevalent in most states at community or junior colleges. According to the College Board, the average cost of tuition for a two-year degree at a public college is \$6,880, while the cost of an in-state public four-year degree is \$37,640.²¹⁰ Moreover, the Department of Education has a student loan forgiveness program specifically aimed at public service employees, including those in law enforcement.²¹¹

For this investment to “pay-off,” police officers must expect wages higher than those available to non-college-educated workers. Unfortunately, this is impossible in many jurisdictions. Pay for patrol officers varies wildly from one jurisdiction to another. One survey shows a range of pay from about \$24 to \$28 per hour, with a median of \$25 per hour, or \$52,498 per year.²¹² In one rural Alabama county, an entry level full-time deputy sheriff earns only \$13 per hour—about the same as a Starbucks shift manager.²¹³ That is barely more than the 2017 minimum wage in Washington State.²¹⁴ On the other hand, a new police officer in a well-to-do suburb of Cleveland Ohio can expect an annual starting salary of over \$68,000, and a base salary of at least \$80,000 after two years of service.²¹⁵ By way of comparison, general cosmetologists, who must undergo significantly more training than police officers,²¹⁶ average only \$26,000 per year.²¹⁷

209. See, e.g., Kim Clark, *College Board Says Tuition Rose Faster Than Inflation Again This Year*, TIME (Nov. 3, 2015), <http://time.com/money/4098683/college-board-tuition-cost-rose-inflation-2015>; Travis Mitchell, *Chart: See 20 Years of Tuition Growth at National Universities*, U.S. NEWS (Jul. 29, 2015, 9:00 AM), <http://www.usnews.com/education/best-colleges/paying-for-college/articles/2015/07/29/chart-see-20-years-of-tuition-growth-at-national-universities>.

210. *College Costs: FAQs*, BIGFUTURE, <https://bigfuture.collegeboard.org/pay-for-college/college-costs/college-costs-faqs> (last visited Sep. 16, 2017). These estimated costs do not include the price of books or living expenses. But most community college students attend local schools within driving distance of their permanent residence. These costs also do not account for academic and needs-based scholarships most higher education institutions offer. See *9 Things You Need to Know About Net Price*, BIGFUTURE, <https://bigfuture.collegeboard.org/pay-for-college/paying-your-share/9-things-you-need-to-know-about-net-price> (last visited Sep. 16, 2017).

211. See Public Service Loan Forgiveness Program, 34 C.F.R. § 685.219(d) (2016) (providing for forgiveness of “the principal and accrued interest that remains on all eligible loans” after 10 years of public service).

212. *Police Patrol Officer Hourly Wages*, SALARY.COM, <http://www1.salary.com/police-officer-hourly-wages.html> (last visited Nov. 26, 2017); *Police Patrol Officer Salaries*, SALARY.COM, <http://www1.salary.com/police-officer-salary.html> (last visited Nov. 26, 2017). This survey does not include other compensation such as medical and retirement benefits that are often better than those available to private sector employees.

213. Compare Lucy Berry, *Alabama Sheriff Calls Entry-Level Pay for Deputies “Pathetic”*, AL.COM (last updated Sep. 16, 2015, 11:56 AM), http://www.al.com/news/huntsville/index.ssf/2015/09/alabama_sheriff_calls_entry-le.html, with *Starbucks Hourly Pay*, GLASSDOOR.COM, <https://www.glassdoor.com/Hourly-Pay/Starbucks-Hourly-Pay-E2202.htm> (last visited Sep. 16, 2017).

214. Henry Rosoff, *State Minimum Wage to Increase to \$11 on New Year’s Day*, KIRO7.COM (last updated Dec. 30, 2016, 5:33 AM), <http://www.kiro7.com/news/local/2017-will-bring-higher-minimum-wage-in-washington/479530342>.

215. Beachwood Police Dep’t, *Police Testing*, <http://www.beachwoodohio.com/206/Police-Testing> (last visited Oct. 5, 2017).

216. See *supra* Part II(B).

217. Bureau of Lab. Stat., U.S. Dep’t of Lab., *Occupational Outlook Handbook*, <https://www.bls.gov/ooh/personal-care-and-service/barbers-hairdressers-and-cosmetologists.htm#tab-1> (last visited Nov. 25,

As noted in Part III(B), *supra*, some major city departments are moving away from requiring college degrees because of recruiting difficulties. Undoubtedly, increased salaries would go a long way in helping to recruit better educated candidates to become police officers.²¹⁸ Yet, though there is widespread agreement that other public employees like school teachers are underpaid, the pay of police officers is rarely discussed.²¹⁹

a. Requiring Post-Secondary Education in Law Enforcement

Despite the above-noted impediments, all sworn law enforcement officers should have at least an associate level degree in criminal justice or policing.²²⁰ As of this writing, only Minnesota has such a requirement.²²¹ The type of legal training this Article advocates is possible only if significantly more time is devoted to teaching legal subjects. A college program and environment is the best way to achieve this goal.

Though police officers do not need the same level of training as attorneys, they do need a similar level of training in criminal law and criminal procedure. This is difficult to achieve in a police academy, even if the number of hours devoted to these subjects increases significantly. As noted above, law students are expected to devote about 450 hours to the legal subjects critical for law enforcement officers.²²² The structure and length of traditional police academies make achieving this level of training practically impossible.

b. Significantly Increasing the Time Devoted to Teaching Legal Subjects

The cost of obtaining a college degree and the availability of qualified candidates may create an insurmountable barrier-to-entry that may prevent most states from moving to a universal requirement for police officers to have bachelor or associate degrees in a field relevant to policing. Despite these difficulties, states can certainly mandate significantly increasing the amount of time devoted to teaching

2017); *see also* Karen Farnen, *What Are the Salary Ranges for Cosmetologists?*, CHRON.COM, <http://work.chron.com/salary-ranges-cosmetologists-8660.html> (last visited Feb. 16, 2017).

218. Interview with Matthew D. Bostrom, Sheriff, Ramsey County, Minn. (Jan. 27, 2015) (discussing the difficulty in recruiting law enforcement officers who have four-year degrees—especially minority candidates—because of an inability to offer starting salaries comparable to other jobs that require bachelor degrees).

219. *See, e.g.*, Abby Jackson, *A Teacher Argues the Profession Deserves More Pay: "I Love My Job—But I'm Broke"*, BUSINESS INSIDER (Feb. 12, 2017, 1:30 PM), <http://www.businessinsider.com/teacher-argues-profession-deserves-more-pay-2017-2>; Diane Wikse, *Opinion: Underpaid Preschool Teachers*, N.Y. TIMES (Feb. 13, 2017), <https://www.nytimes.com/2017/02/13/opinion/underpaid-preschool-teachers.html>; Rebecca Klein, *More Proof that American Teachers are Underpaid and Deserve More Respect*, HUFFINGTON POST (Nov. 24, 2015, 5:00 AM), http://www.huffingtonpost.com/entry/us-teacher-pay_us_56536f5be4b0258edb327d8f.

220. Scholars of criminology and policing have long explored whether post-secondary education should be required of police officers. Because the work in this area is extensive, I will avoid a long summary in this Article. For further information, *see e.g.*, Ryberg & Terrill *supra* note 90, at 92.

221. *See supra* Part III(E)(b). Though Washington, D.C. also requires police cadets to have at least the equivalent of an associate degree, only Minnesota requires a specific degree related to policing, or a nine-month college level program in addition to a degree in any other major. *See* Part III(E)(b).

222. *See supra* Part III(A).

legal subjects without erecting an insurmountable obstacle for cadets or police departments.

Unsurprisingly, increasing the length of the basic police academy will raise costs for either the police cadet or the cadet's employer. In states that allow open enrollment, the trainee generally bears the cost of paying for academy training.²²³ Each additional hour of required training will lead to an increase in the cost of tuition. In states where cadets must first obtain employment as a police officer before attending the academy, the employing agency will bear the additional cost of a longer academy in both tuition and salary.²²⁴ Although most states have systematically increased the amount of required police academy training over the last few decades, the author is unaware of any evidence that suggests the increased training requirements and their associated costs have led to insurmountable barriers-to-entry.

To the contrary, law enforcement agencies would likely see economic benefits from better trained officers in the form of reduced costs of litigation arising from officers' misapplication of the law. As one senior law enforcement officer told the Author when discussing the significant costs of litigation settlements paid by states and municipalities as a result of actions taken by poorly trained officers: "the cost of not training far exceeds the cost of training."²²⁵

B. A Deeper Understanding of Constitutional and Statutory Law

Extending the time devoted to teaching legal subjects to prospective police officers—whether by increasing the hours devoted to these topics in the police academy or requiring a post-secondary degree in policing—is an important component of improving legal training. Yet to achieve the needed understanding of constitutional and statutory law, the methods of instruction must also be changed. In most police academies cadets receive testing on their recall of elements of criminal offenses and black-letter constitutional principles.²²⁶ Thus, most officers leave academy training and begin their law enforcement careers without an adequate understanding of statutory interpretation or constitutional principles.

a. Improving the Teaching of Constitutional Law

In the context of police legal training, or areas in which police officers can make mistakes, constitutional law has two components. The first is what most law schools call Criminal Procedure I, which covers the constitutional aspects of criminal

223. "Open enrollment" academies allow aspiring police officers to complete police academy training before they have been offered employment at a law enforcement agency. In Ohio, for example, a cadet who completes the police academy has a two-year window in which to find a law enforcement job before he must repeat the academy. *See supra* note 155 and accompanying text.

224. In states like Alabama where a cadet must be employed by a law enforcement agency before attending academy training, the employing agencies pay the cadet a salary, as they do to every other employee, while he or she attends the academy. *See e.g.*, Birmingham Police Department, *Join the Team*, <http://police.birminghamal.gov/join-the-team/> (last visited Dec. 3, 2017).

225. Telephone interview with Robert Meader, Commander, Columbus, Ohio Police Department (May 12, 2017).

226. *See supra* Part III(F)(a).

law, including the Fourth, Fifth, and Sixth Amendments to the U.S. Constitution.²²⁷ The second is the interplay between criminal statutes and constitutionally protected conduct, which includes determining whether the statutes are constitutionally sound.²²⁸ Improved legal training in police academies must address both categories.

i. Constitutional Safeguards

Every professional police officer must fully understand the key provisions of the Bill of Rights constraining police conduct, which mainly includes: the Fourth Amendment's constraints on searches and detentions; the Fifth Amendment's prohibitions against compelled self-incrimination; and the Sixth Amendment's protection of a suspect's right to counsel. As noted above, most modern police academies teach only the conclusory, black-letter constitutional concepts.²²⁹ For example, "using the rationale from *Terry*, an officer may detain an individual based on the officer's reasonable, articulable suspicion that criminal activity was being planned or was in the process of being executed."²³⁰

In contrast, prospective law students do not learn just the state of the law as it is today—even though that is what each state's bar examination tests. Lawyers are expected to have a much deeper understanding of constitutional principles and their development. Without an understanding of the theoretical underpinnings and historical development of constitutional safeguards, lawyers cannot apply the law to novel situations.²³¹ Police officers, too, must apply these safeguards in novel situations without the benefit of time to contemplate all the legal ramifications from an office chair.²³²

Because police officers do not have the luxury of safety, time, and Westlaw or Lexis-Nexis, they must have a working knowledge of the legal theory that underlies the applicable legal rules. Officers often face unexpected real-life scenarios. Law enforcement officers who do not have an adequate foundation in the theoretical legal principles may be unprepared to make quick decisions about what

227. See *Criminal Procedure*, LEGAL INFORMATION INSTITUTE, https://www.law.cornell.edu/wex/criminal_procedure (last visited Sep. 21, 2017).

228. See *e.g.*, Logan *supra* note 12, at 76.

229. See *supra* Part III(F)(a).

230. Ohio Peace Officer Training Comm'n, Peace Officer Basic Training: Laws of Arrest 41 (Effective Jul. 1, 2013) (on file with author); see also *Terry v. Ohio*, 392 U.S. 1, 33 (1968).

231. See, *e.g.*, Peter Landmann & Michael Webster, *Introduction: The Practical Importance of Legal Theory*, 9 QUEEN'S L.J. 239, 239 (1989) ("To know what the law is, to know when flexibility must bow to rigidity and vice versa, we must know why the law is."). For an in-depth argument for the teaching of Constitutional safeguards against the use of lethal force against unarmed and fleeing felony suspects, see, Nancy C. Marcus, *Out of Breath and Down to the Wire: A Call for Constitution-Focused Police Reform*, 59 HOW. L.J. 5 (2015).

232. Scholars, and even courts, have recognized the concept of "paralysis by analysis," which posits police officers may be slow to act in high-stress, emergency situations if they are undertaking a mental analysis of the legal ramifications of their actions. See, *e.g.*, *Graham v. M.S. Connor*, 490 U.S. 386, 396–97 (1989) ("[R]easonableness must embody allowance for the fact that police officers are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly-evolving.").

actions they may legally take. Like lawyers, police officers must be able to make educated predictions about how courts will view their actions.²³³

ii. Constitutionality of Statutes

As noted at the beginning of this Article, law students learn early in their legal educations that statutes mean what courts say they mean. Legislatures write the laws, but the courts interpret their meaning and have the power to declare that certain criminal prohibitions are invalid because they violate state or federal constitutional safeguards.²³⁴ Thus it is not enough for police officers to know only what the statutes say—they must understand how courts have interpreted those statutes and what limitations courts have placed on their application.²³⁵ Police officers should be trained to apply a criminal statute implicating a suspect’s constitutional rights in an unexpected circumstance. To do this, officers must learn about conduct constitutionally protected under, for example, the First Amendment.

While teaching cadets the elements of common criminal statutes, academy curricula must also include a discussion of applicable constitutional protections. Officers would—and should—be in a better position to evaluate whether a statute is constitutionally sound. A patrol officer should know a statute prohibiting protesters from displaying the text of the First Amendment on a sidewalk next to the Supreme Court likely runs afoul of the First Amendment’s protection of peaceable assembly and petition.²³⁶ Likewise, an officer should know not to arrest an individual for “annoying a resident,” because such speech is constitutionally protected.²³⁷ Further, police officers should be taught that a suspect’s refusal to answer the officer’s questions by slamming the door in the officer’s face (without making contact) is not unlawful even if it “impedes a public official in the performance of the public official’s lawful duties [of investigating the alleged criminal conduct].”²³⁸

233. As Justice Oliver Wendell Holmes, Jr. famously wrote of the legal profession in *The Path of the Law*, “People want to know under what circumstances and how far they will run the risk of coming against what is so much stronger than themselves, and hence it becomes a business to find out when this danger is to be feared. The object of our study [of law], then, is prediction, the prediction of the incidence of the public force through the instrumentality of the courts.” 1 BOSTON L. SCHOOL MAG. 1, 1 (1897).

234. See *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803) and its progeny.

235. See *supra* Part I(A) (discussing disorderly conduct and flag desecration).

236. See, e.g., *United States v. Grace*, 461 U.S. 171, 174 (1983) (invalidating statute prohibiting picketing on the sidewalks near the Supreme Court building after a Court police officer threatened to arrest a citizen who was carrying a picket sign “on which was inscribed the verbatim text of the First Amendment”); Darren O’Connor, *Commander Lopez: No 1st Amendment Expression at Airport*, YOUTUBE (Jan. 29, 2017) <https://www.youtube.com/watch?v=3VrCyv5AuGk> (showing an officer telling a protestor he cannot carry a copy of the Constitution without a permit).

237. The municipality in which the author served as a police officer has an ordinance prohibiting insulting a city resident: “No person shall purposely conduct himself or herself in a noisy, boisterous, rude, insulting or other disorderly manner, by either words or acts, toward any other person, with intent to abuse or annoy such person, or so as to annoy any resident of the City, or disturb the good order and quiet of the same.” LYNDHURST, OHIO CODIFIED ORDINANCE 648.14(a) (1958). In 2010, a police lieutenant, who also happened to be a city resident, charged a woman with violating this statute when she was allegedly rude and annoying toward the lieutenant. Lyndhurst Municipal Court, Case No. 10-CRB-00700 (further detail unavailable).

238. LYNDHURST, OHIO CODIFIED ORDINANCE 606.14(a); U.S. CONST. amend. V.

The argument that police officers should not or need not be arbiters of the constitutionality of statutes is unsound.²³⁹ To the contrary, police officers are the frontline actors who interact with citizens daily in criminal-justice matters. When residents believe a criminal law may have been violated, they more often ask a police officer than a lawyer because they expect law enforcement officers to know criminal law.²⁴⁰ While courts often excuse certain police mistakes of law,²⁴¹ they do not excuse violations of clearly established precedent.²⁴² Better training in the interplay between statutory law and constitutional safeguards will lead to fewer mistakes of law and improve the perception of police officers in our communities.

b. Attaining the Higher Levels of Bloom's Taxonomy

As discussed above, most basic police academies teach and test at the first, and sometimes second, levels of Bloom's Revised Taxonomy of Learning.²⁴³ Just remembering or even understanding legal concepts is not sufficient for professional police officers. A patrol officer's work is rarely in an office—it is on the streets of our cities and towns, where officers encounter unusual legal situations on a regular basis. Basic police academies must teach prospective law enforcement officers to apply and analyze legal concepts—the next two levels of Bloom's Taxonomy.²⁴⁴

Officers taught to apply legal concepts will be able to “use a concept in a new situation” or apply “what was learned in the classroom [to] novel situations in the workplace.”²⁴⁵ The fourth level of learning—analyzing—allows students to “separate[] material or concepts into component parts so its organizational structure can be understood” and enables them to distinguish “between facts and inferences.”²⁴⁶ Two approaches can facilitate this higher level of learning: 1) ensuring that each academy cadet masters both substantive and constitutional legal concepts, and 2) using scenario-based training exercises.

239. See, e.g., *Michigan v. DeFillippo*, 443 U.S. 31, 38 (1979) (“Police are charged to enforce laws until and unless they are declared unconstitutional. The enactment of a law forecloses speculation by enforcement officers concerning its constitutionality—with the possible exception of a law so grossly and flagrantly unconstitutional that any person of reasonable prudence would be bound to see its flaws. Society would be ill-served if its police officers took it upon themselves to determine which laws are and which are not constitutionally entitled to enforcement.”).

240. See generally, e.g., *Village of Romeoville*, 12 P.E.R.I. 2022 (ISLRB 1996), 1996 WL 34548016 (discussing whether Lieutenants regularly answer legal questions from citizens on the streets as one of the factors to determine whether Lieutenants perform patrol duties).

241. See Logan, *supra* note 12 at 70.

242. See 42 U.S.C. § 1983 (2012); see also Diane M. Allen, Annotation, *Liability of Supervisory Officials and Governmental Entities for Having Failed to Adequately Train, Supervise, or Control Individual Peace Officers Who Violate Plaintiff's Civil Rights Under 42 U.S.C.A. § 1983*, 70 A.L.R. FED. 17 § 4(b) (2017).

243. See *supra* Part III(F)(c).

244. See Krathwohl, *supra* note 197, at 215. However, in acknowledging the quite-valid argument that police officers do not need to have the same level of education as lawyers, police recruits should not be expected to achieve the final two levels of learning, evaluating and creating.

245. Clark, *supra* note 199.

246. *Id.*

i. Assessing Mastery of Substantive and Constitutional Law

Most basic police academies use multiple choice examinations to assess the student's recall of the tested legal material.²⁴⁷ Such examinations, however, are an inadequate method of assessing a cadet's mastery of the material and his ability to apply legal concepts to real-life situations. The hour-based model of instruction used by almost every state does not allow every prospective officer to fully master the materials, especially when on average only 79.39 hours or 12.82% of total academy hours are devoted to all legal subjects.²⁴⁸ In most states, the number of hours set aside for teaching legal subjects is inadequate to ensure mastery.

Recognizing this, some jurisdictions, like Washington D.C.'s Metropolitan Police Academy, have moved away from setting a fixed number of hours for each topic, instead devoting as much (or as little) time as necessary for each student to achieve mastery.²⁴⁹ Admittedly, few states, especially those with academies that must follow the state-mandated curriculum, can move to a Washington D.C.-type model. Those jurisdictions should change the way mastery is evaluated from multiple-choice tests to issue-spotting exams like those used in law schools.

As every law-school graduate is well aware, Scantron²⁵⁰ testing is quite rare in law school. Instead, law schools utilize essay examinations which require students to analyze a factual scenario to determine the legal issues raised and to explain how the legal concepts they have learned apply. Likewise, police cadets should analyze factual scenarios and apply the legal concepts they have learned to explain how they would lawfully respond when faced with similar situations on the streets. Fact-pattern-based examinations would better allow state law enforcement licensing authorities to ensure new police officers are able to respond to a call about allegedly criminal activity and to determine what, if any, crime was committed while also safeguarding the constitutional rights of the suspected perpetrator.

ii. Scenario-Based Training

Educational psychology studies have shown that students who simply memorize concepts have a hard time transferring that knowledge to settings outside of the classroom.²⁵¹ To better prepare police academy students to show mastery of legal concepts in fact-pattern based examinations, academies should shift the delivery model from lecture-based to scenario-based. That is, instead of simply lecturing cadets about the elements of a criminal offense, students should walk through simulated scenarios where they must make decisions like the ones they will make once they begin their law enforcement careers. This type of training is not foreign to police academies—it is often used when teaching cadets physical skills like making traffic stops, searching buildings, and controlling subjects during an

247. See *supra* Part III(F)(c).

248. See *infra* App.

249. See *supra* Part III(E)(b).

250. As used here, the term "Scantron" refers to all "fill-in-the-bubble" multiple-choice testing, much as "Xerox" is often used as a generic term for photocopies.

251. See David N. Perkins, & Gavriel Salomon, *Knowledge to Go: A Motivational and Dispositional View of Transfer*, 47 EDUC. PSYCHOL. 248, 248 (2012); see also Daniel L. Schwartz, Catherine C. Chase & John D. Bransford, *Resisting Overzealous Transfer: Coordinating Previously Successful Routines With Needs for New Learning*, EDUC. PSYCHOL. 204 (2012).

arrest.²⁵² Scenario-based training is common at the federal level. As part of the FBI's 20-week²⁵³ intensive training program, FBI Special Agent trainees participate in case exercises where "the students are given an integrated case scenario that starts with a tip and culminates in the arrests of multiple subjects."²⁵⁴ They also complete a "Capstone" exercise in which cadets participate in a "terrorism and intelligence-driven scenario" and testify in a mock trial.²⁵⁵ In fact, "practical exercises" are one of the four key components of the training program.²⁵⁶

Some state academies are also moving in the direction of using more scenario-based training. In Washington State, where every state law enforcement officer must attend the State's single training academy, scenario-based training plays a more prominent role.²⁵⁷ Washington's academy presents recruits with real-world scenarios in rooms furnished like the inside of someone's home, except the furniture is made of foam.²⁵⁸ This type of simulation training followed by a well-designed debriefing would allow cadets to see how the legal concepts to which they are introduced in the classroom apply when they arrive at a call for service.

In states that allow individual academies to add additional training to the state-mandated minimums, some use this additional time for scenario-based training. For example, the Columbus, Ohio police academy requires cadets to show mastery of the week's lessons through scenario-based exercises every Friday.²⁵⁹ These exercises incorporate both legal and non-legal concepts and allow instructors to identify areas of cadets' weaknesses so they can adjust future training or provide additional instruction.²⁶⁰

Scenario-based legal training followed by fact-pattern based examinations will improve the ability of entry-level police officers to know and apply legal principles at the beginning of their law-enforcement careers. This type of training and assessment coupled with an increase in the time devoted to teaching legal subjects will improve the state of American policing.

252. Interview with Trenton J. Dresson, Former Police Officer in Salt Lake City, Utah (Feb. 18, 2017) (describing Salt Lake Community College Law Enforcement Academy, which regularly devotes one class day per week to scenario-based exercises mostly focusing on policing tactics and use of force).

253. *New Agent Training*, FBI.GOV, <https://www.fbi.gov/services/training-academy/new-agent-training> (last visited Sept. 21, 2017). Unfortunately, the author was not able to obtain information from the FBI about the type and duration of legal training FBI cadets receive. However, one secondary source indicates new agents must complete 655 hours of instruction in five major areas: 1) Academics, 2) Firearms, 3) Physical Training/Defensive Tactics, and 4) Practical Exercises. See INT'L BUS. PUBL., UNITED STATES: THE FBI ACADEMY HANDBOOK, 25 (2005). Trainees must pass two legal exams with a score of at least 85% to successfully complete the training academy. See *id.*

254. *New Agent Training*, *supra* note 253.

255. *Id.*

256. INT'L BUS. PUBL., *supra* note 253, at 25.

257. David Kroman, *Can Sue Rahr Reinvent Policing?*, CROSSCUT.COM (April 28, 2015), <http://crosscut.com/2015/04/can-sue-rahr-reinvent-policing/>.

258. *Id.*

259. Telephone interview with Robert Meader, Commander, Columbus, Ohio Police Dep't (May 12, 2017).

260. *Id.*

c. Post Academy Field Training and In-Service Legal Training

Though this Article focuses primarily on the delivery of legal training to police officers in their basic academies prior to assuming law-enforcement duties, post-academy field training and continuous in-service training are also important components of professional policing. Field training is the time a new officer spends with a more senior training officer before assuming full law enforcement duties. In-service training, as the name implies, is continuing education and training provided to officers throughout their careers.

As one law enforcement executive noted,²⁶¹ the comparison of law enforcement academy hours to cosmetology school hours²⁶² is not completely fair because police officers often undergo additional field training after the police academy, where cosmetologists can begin work as soon as they pass the state licensure examination. While this criticism has some merit, it is practically impossible to account for post-academy field training because there are no uniform state-level standards.²⁶³ Some large departments require new officers to complete 640 hours of post-academy field training and then spend seven weeks working under the direct supervision of a sergeant before being qualified to work patrol on their own.²⁶⁴ But, because such extensive post-academy training is not universal and the extent and content of the training varies widely,²⁶⁵ it cannot be relied upon to supplement the required basic academy training program.

Once an officer completes his full training regimen and is functioning as an autonomous police officer, any additional training—legal and otherwise—he receives is “in-service.” Lawyers know well that in our criminal justice system “the law” constantly evolves. Not only do state legislatures constantly pass or revise criminal statutes, but courts’ interpretation of statutory law and constitutional principles is ever evolving. Thus, police officers whose understanding of the law stagnates at the academy level cannot be expected to act reasonably and lawfully later in their careers. Police executives have noted officers who are sued for civil rights violations typically are not rookies, but have at least a few years of experience.²⁶⁶

Today, most states require sworn police officers to complete some amount of in-service training—whether annually or every two to three years.²⁶⁷ Of the states that provided responsive data, only a few specifically require regular legal updates,²⁶⁸

261. *Id.*

262. *See supra* Part II(B).

263. Telephone interview with Robert Meader, *supra* note 258.

264. *Id.* (describing the 2080 hours of training provided to new Columbus, Ohio police officers, including an extended 29-week police academy, 15 weeks of post-academy field training with a senior officer, one week of additional classroom training, and seven weeks working under the constant supervision of a sergeant). This training far exceeds the Ohio Peace Officer Training Commission minimum requirements. The author also underwent close to 600 hours of post-academy field training before assuming full law enforcement duties.

265. The author is aware of at least one small Ohio police department that provides little more than two weeks of field training, which consists mainly of making traffic stops and writing citations.

266. Telephone interview with Robert Meader, *supra* note 258.

267. *See infra* App.

268. *See infra* App.

while every state requires annual firearms proficiency training and qualification.²⁶⁹ Consequently, delivering regular legal updates to officers falls to their individual police departments.²⁷⁰ Some provide this training regularly to all officers, while others do not have the financial resources to do so.²⁷¹

Other than the handful of annual U.S. Supreme Court decisions that directly affect daily police conduct,²⁷² most precedential decisions come from state courts. State law enforcement training commissions should undertake the work of compiling relevant case law and communicating it to departmental training officers or individual police officers in those departments that cannot provide this in-service training.²⁷³

V. CONCLUSION

The touchstone measure of police behavior is objective reasonableness.²⁷⁴ To determine if an officer's conduct was constitutionally sound, a court compares the officer's actions to what a reasonable officer in the same circumstances would have done.²⁷⁵ The objectively reasonable police officer must have a significant, rather than superficial, understanding of the laws the officer enforces and the constitutional principles that limit enforcement. To achieve this ideal, police academies must increase the amount of legal training they provide to prospective officers and improve the methods of delivering that training.

In-depth legal training—covering both constitutional and statutory law—delivered to capable police recruits will lead to better, smarter decisions by police officers when interacting with citizens. These legally well-trained officers will be in a better position to avoid or prevent unlawful or questionable conduct—improving today's strained police-citizen relations.

269. See generally, Gregory B. Morrison, *Police Department and Instructor Perspectives on Pre-Service Firearm and Deadly Force Training*, 29,2 POLICING 226–45 (2006) (discussing typical firearm training programs).

270. The author has presented legal updates, including statutory and case law, to all officers of The University of Alabama Police Department, and a neighboring municipal department.

271. In the author's experience, small departments employing mostly part-time officers do not provide regular in-service legal training to their officers. At the other extreme, large departments have more difficulties ensuring all officers receive regular legal updates.

272. In 2016, for example, the U.S. Supreme Court handed down only two decisions that influence daily policing: *Birchfield v. North Dakota*, 136 S. Ct. 2160, 2184 (2016) (holding that a warrantless blood draw of a suspected drunk driver violates the 4th Amendment), and *Utah v. Strieff*, 136 S. Ct. 2056, 2061 (2016) (finding “the discovery of a valid arrest warrant was a sufficient intervening event to break the causal chain between the unlawful stop and the discovery of drug-related evidence on Strieff's person.”). Federal Courts of Appeal also provide precedential guidance on police behavior and these decisions must also be made known to the police officers within the court's jurisdiction.

273. In Ohio, the state Attorney General's Office (the state agency that houses the Ohio Peace Officer Training Commission) regularly sends e-mails to all sworn law enforcement officers that often contain case law updates. Examples are on file with author. In Alabama, state agencies make no such compilations of case law. The Author has compiled relevant appellate case law in preparing legal update trainings.

274. *Graham v. Connor*, 490 U.S. 386, 388 (1989).

275. *Id.* at 396. Though *Graham* concerned the reasonable use of force in a Fourth Amendment seizure, *id.*, a similar objective reasonableness standard is applied to other police action implicating constitutional rights. See Allen, *supra* note 242.

APPENDIX

Alabama²⁷⁶

- Unified Academy curriculum: Yes
- Level of education required for cadets: High School/GED
- Commission is required before Academy.²⁷⁷
- Post Academy requirements/any related to legal topics: 12 hours per year (general)
- Qualifications of instructor teaching legal topics: Certified Instructor or Assistant District Attorney.

Total training hours:	520
Hours of Non-Statutory Law:	42
Hours of State Laws/Statutes:.....	20
Hours of Traffic/Motor Vehicle Laws:.....	4
Total Hours Legal:	66
% of hours devoted to All Legal Topics:.....	12.69%
% of hours devoted to General Legal Topics:.....	8.08%
% of hours devoted to State Laws/Statutes:	3.85%
% of hours devoted to Traffic/Motor Vehicle Laws:	0.77%

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Laws of Arrest, State & Federal Criminal Procedure	8
Searching & Transporting Prisoners	4
Laws of Corrections & Custody	4
Civil Procedure	2
Interrogations & Confessions—5th & 6th Amendments	4
Alabama Rules of Evidence	3
Criminal/Civil Liability & Civil Rights	4
US Constitution, Bill of Rights & Constitutional Principles	2
Criminal Procedure	2
ADA/Sexual Harassment	1
Court Procedures	8
<i>Subtotal Non-Statutory Legal Topics</i>	42
<i>State Laws/Statutes</i>	
Alabama Criminal Law	16
Alabama Immigration Law	4
<i>Subtotal State Laws/Statutes</i>	20
<i>Traffic/Motor Vehicle Laws</i>	
Motor Vehicle Laws	4
<i>Subtotal State Laws/Statutes</i>	4
Total Legal Hours:	66

²⁷⁶ Letter from R. Alan Benefield, Exec. Sec'y, State of Alabama Peace Officers' Standards & Training Comm'n, to author (Sept. 14, 2015) (on file with author).

²⁷⁷ A law enforcement agency must hire or sponsor a cadet before the cadet enters the police academy. *Id.*

Alaska²⁷⁸

- Unified Academy curriculum: No.
- Level of education required for cadets: High School/GED
- Commission is not required before entering Academy.²⁷⁹
- Post Academy requirements/any related to legal topics: ongoing Domestic Violence training.
- Qualifications of instructor teaching legal topics: Bachelor's Degree plus 3 years experience in subject area instructor is teaching.

Total training hours:400

²⁷⁸ E-mail from Sarah L. Hieb, Acting Exec. Dir., Alaska Police Standards Council, to author (Sept. 18, 2015) (on file with author). The state has three police academies which are “free to set their own curriculums,” but must include, among other topics, “instruction in criminal law,” though there “is no set number of hours in legal topics required.” *Id.*

²⁷⁹ An aspiring police officer may attend an “open enrollment” police academy before seeking employment with a law enforcement agency. *Id.*

Arizona²⁸⁰

- Unified Academy curriculum: Arizona Peace Officer Standards and Training Board sets minimum standards.
- Level of education required for cadets: High School/GED
- Commission is required before Academy.²⁸¹
- Post Academy requirements/any related to legal topics:²⁸²
- Qualifications of instructor teaching legal topics: Specialist Instructor (typically an attorney) or a recognized General Instructor with expertise in law/legal matters.

Total training hours:	585
Hours of Non-Statutory Law:	69
Hours of State Laws/Statutes:	24
Hours of Traffic/Motor Vehicle Laws:	N/A
Total Hours Legal:	93
% of hours devoted to All Legal Topics:	15.90%
% of hours devoted to General Legal Topics:	11.79%
% of hours devoted to State Laws/Statutes:	4.10%
% of hours devoted to Traffic/Motor Vehicle Laws:	N/A

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Introduction to Criminal Law	4
Laws of Arrest	15
Search & Seizure	18
Rules of Evidence	6
Summons, Subpoenas, Warrants	4
Civil Process	2
Administration of Criminal Justice	2
Juvenile	4
Courtroom Demeanor	4
Constitutional Law	6
Civil Liability	4
<i>Subtotal Non-Statutory Legal Topics</i>	69
<i>State Laws/Statutes</i>	
Substantive Criminal Law	24
<i>Subtotal State Laws/Statutes</i>	20
Total Legal Hours:	93

²⁸⁰ E-mail from Rick Watling, Training Supervisor, Arizona Peace Officer Standards and Training Bd., to author (Sept. 22, 2015) (on file with author).

²⁸¹ A cadet must be hired or sponsored by a law enforcement agency before entering the police academy. *Id.*

²⁸² This information was not provided.

Arkansas²⁸³

- Unified Academy curriculum: Arkansas Commission On Law Enforcement Standards and Training sets minimum standards.
- Level of education required for cadets: High School/GED
- Commission is required before Academy.²⁸⁴
- Post Academy requirements/any related to legal topics: Officers must complete 16 hours of training annually. No requirement for continuing legal training.²⁸⁵
- Qualifications of instructor teaching legal topics: A specialist instructor (typically an attorney) or a recognized general instructor with expertise in law/legal matters. A general instructor must have 3 years of law enforcement experience, meet “minimum education background as recognized by the Commission,” and complete instructor training.

Total training hours:	480
Hours of Non-Statutory Law:	44
Hours of State Laws/Statutes:.....	N/A
Hours of Traffic/Motor Vehicle Laws:.....	N/A
Total Hours Legal:	44
% of hours devoted to All Legal Topics:.....	9.17%
% of hours devoted to General Legal Topics:.....	9.17%
% of hours devoted to State Laws/Statutes:	N/A
% of hours devoted to Traffic/Motor Vehicle Laws:	N/A

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Arrest/Search Procedures	4
C.N.A.	1
Civil rights/criminal civil liability	3
Criminal Procedure	4
Interviews/Interrogations/Confessions	3
Intro to Fourth Amendment	2
Intro to Constitution	2
Investigative Detention	3
Probable Cause	2
Racial Profiling	2
Search of Motor Vehicles	3
Search of Persons	3
Search of Premises	4
Testifying in Court	4
Use of Force	5
<i>Subtotal Non-Statutory Legal Topics</i>	44
Total Legal Hours:	44

²⁸³ E-mail from Juan Reyes, Training Supervisor, Arkansas Law Enforcement Training Acad., to author (Sept. 4, 2015) (on file with author).

²⁸⁴ A law enforcement agency must hire or sponsor a cadet before the cadet enters the police academy. *Id.*

²⁸⁵ *Id.*

California²⁸⁶

- Unified Academy curriculum: Yes.
- Level of education required for cadets: High School/GED
- Commission is not required before Academy.²⁸⁷
- Post Academy requirements/any related to legal topics: California peace officers must participate in Continued Professional Training (CPT) in two year cycles.²⁸⁸
- Qualifications of instructor teaching legal topics:²⁸⁹

Total training hours:	664
Hours of Non-Statutory Law:	47
Hours of State Laws/Statutes:.....	4
Hours of Traffic/Motor Vehicle Laws:.....	N/A
Total Hours Legal:	51
% of hours devoted to All Legal Topics:.....	7.68%
% of hours devoted to General Legal Topics:.....	7.08%
% of hours devoted to State Laws/Statutes:	0.60%
% of hours devoted to Traffic/Motor Vehicle Laws:	N/A

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Criminal Justice System	2
Intro to Criminal Law	4
Juvenile Law and Procedure	3
Laws of Arrest	12
Laws of Seizure	12
Use of Force	12
Custody	2
<i>Subtotal Non-Statutory Legal Topics</i>	47
<i>State Laws/Statutes</i>	
Alcohol Beverage Control Law	2
General Criminal Statutes	2
<i>Subtotal State Laws/Statutes</i>	4
Total Legal Hours:	51

²⁸⁶ E-mail from Jeff Nelson, Senior Consultant, California Basic Training Bureau, to author (Oct. 5, 2015) (on file with author).

²⁸⁷ An aspiring police officer may attend an “open enrollment” police academy before seeking employment with a law enforcement agency. *Id.*

²⁸⁸ E-mail from Jeff Nelson, Senior Consultant, California Basic Training Bureau, to author (Oct. 5, 2015) (on file with author).

²⁸⁹ This information was not provided.

Colorado²⁹⁰

- Unified Academy curriculum: Yes.
- Level of education required for cadets: High School/GED
- Commission is not required before Academy.²⁹¹
- Post Academy requirements/any related to legal topics: 60 hours per year.
- Qualifications of instructor teaching legal topics:²⁹²

Total training hours:	548
Hours of Non-Statutory Law:	38
Hours of State Laws/Statutes:	42
Hours of Traffic/Motor Vehicle Laws:	N/A
Total Hours Legal:	80
% of hours devoted to All Legal Topics:	14.6%
% of hours devoted to General Legal Topics:	6.93%
% of hours devoted to State Laws/Statutes:	7.66%
% of hours devoted to Traffic/Motor Vehicle Laws:	N/A

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Criminal Process	8
Judicial Process	4
Arrest, Search & Seizure	12
Interrogations, Confessions, and Techniques	2
Rules of Evidence	4
Legal Liability	4
Court Testimony	4
<i>Subtotal Non-Statutory Legal Topics</i>	38
<i>State Laws/Statutes</i>	
Colorado Criminal Code and Related Federal Statutes	32
Colorado Children's Code	4
Liquor Code	2
Controlled Substances	4
<i>Subtotal State Laws/Statutes</i>	42
Total Legal Hours:	80

²⁹⁰ COLORADO PEACE OFFICER STANDS. & TRAINING, CRIM. JUST. SEC., COLORADO DEP'T OF LAW, POST MANUAL (Jan. 2017), https://coloradopost.gov/sites/default/files/post/POST_MANUAL_Rules/Manuals/final_2017_manual_jan_complete.pdf.

²⁹¹ Cadets may open-enroll through community college programs. Colorado POST-Approved Basic Academies, COLORADO PEACE OFFICER STANDS. & TRAINING, <https://www.coloradopost.gov/academy/basic-academy> (last accessed Sept. 3, 2017).

²⁹² Colorado does not require a legal-subject instructor to have a Juris Doctor degree: "Academic instructors shall possess the requisite education, experience and/or training necessary, as determined by the academy director, to competently instruct specific academic courses or blocks of instruction." COLORADO PEACE OFFICER STANDS. & TRAINING, *supra* note 290, at B-58.

Connecticut²⁹³

- Unified Academy curriculum: Yes.
- Level of education required for cadets: High School/GED ²⁹⁴
- Commission is required before Academy.²⁹⁵
- Post Academy requirements/any related to legal topics: None.
- Qualifications of instructor teaching legal topics:²⁹⁶

Total training hours:	871
Hours of Non-Statutory Law:	104
Hours of State Laws/Statutes:	38
Hours of Traffic/Motor Vehicle Laws:	N/A
Total Hours Legal:	142
% of hours devoted to All Legal Topics:	16.3%
% of hours devoted to General Legal Topics:	12.17%
% of hours devoted to State Laws/Statutes:	4.13%
% of hours devoted to Traffic/Motor Vehicle Laws:	N/A

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Constitutional Law	4
Civil Liability	9
Immigration Law	2
Laws of Evidence	7
Laws of Arrest	24
Search and Seizure	36
Search Warrant Preparation	4
Use of Force	14
Courtroom Testimony and Demeanor	4
<i>Subtotal Non-Statutory Legal Topics</i>	93
<i>State Laws/Statutes</i>	
Connecticut Liquor Laws	2
Connecticut Criminal Law	31
Hunting Laws	1
Weapons and Permits	2
<i>Subtotal State Laws/Statutes</i>	36
Total Legal Hours:	142

²⁹³ Letter from Thomas E. Flaherty, Police Acad. Adm'r, Connecticut Police Officer Stands. & Training Council (Sept. 3, 2015) (on file with author); *see also Summary Curriculum Changes*, CONNECTICUT POLICE OFFICER STANDS. & TRAINING COUNCIL (Aug. 2015), http://www.ct.gov/post/lib/post/basic_training/871_curriculum_hours.pdf.

²⁹⁴ Connecticut also requires that prospective cadets pass an entrance examination. *See* Entry, Certification, & Renewal Requirements, Connecticut Police Officer Stands. & Training Council, <http://www.ct.gov/post/cwp/view.asp?a=2058&q=291942> (last visited Sept. 3, 2017).

²⁹⁵ A law enforcement agency must hire or sponsor a cadet before the cadet enters the police academy. *Id.*

²⁹⁶ This information was not provided.

Delaware²⁹⁷

- Unified Academy curriculum: Yes
- Level of education required for cadets: High School/GED
- Commission is required before Academy.²⁹⁸
- Post Academy requirements/any related to legal topics: 16 hours per year (general).
- Qualifications of instructor teaching legal topics: Certified.

Total training hours:	568
Hours of Non-Statutory Law:	54
Hours of State Laws/Statutes:	20
Hours of Traffic/Motor Vehicle Laws:	20
Total Hours Legal:	94
% of hours devoted to All Legal Topics:	16.55%
% of hours devoted to General Legal Topics:	9.51%
% of hours devoted to State Laws/Statutes:	3.52%
% of hours devoted to Traffic/Motor Vehicle Laws:	3.52%

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Civil Disobedience/Labor Disputes	4
Constitution & Bill of Rights	2
Courtroom Procedure and Demeanor	8
Laws of Arrest, Laws of Evidence, and Search & Seizure	40
<i>Subtotal Non-Statutory Legal Topics</i>	54
<i>State Laws/Statutes</i>	
Delaware Criminal Code	20
<i>Subtotal State Laws/Statutes</i>	20
<i>Traffic/Motor Vehicle Laws</i>	
Delaware Motor Vehicle Laws	20
<i>Subtotal State Laws/Statutes</i>	20
Total Legal Hours:	94

²⁹⁷ Regulations of the Delaware Council on Police Training, 801 Del. Reg. Regs. 13–17.

²⁹⁸ A law enforcement agency must hire or sponsor a cadet before the cadet enters the police academy. *Id.*

Florida²⁹⁹

- Unified Academy curriculum: Yes.
- Level of education required for cadets: High School/GED
- Commission is required before entering Academy.³⁰⁰
- Post Academy requirements/any related to legal topics.³⁰¹
- Qualifications of instructor teaching legal topics.³⁰²

Total training hours:	770
Hours of Non-Statutory Law:	62
Hours of State Laws/Statutes:	N/A
Hours of Traffic/Motor Vehicle Laws:	N/A
Total Hours Legal:	62
% of hours devoted to All Legal Topics:	8.05%
% of hours devoted to General Legal Topics:	8.05%
% of hours devoted to State Laws/Statutes:	N/A
% of hours devoted to Traffic/Motor Vehicle Laws:	N/A

²⁹⁹ E-mail from Judd Butler, Training & Research Manager, Florida Dep't of Law Enf'mt (Sept. 10, 2015, 2:32 p.m.) (on file with author).

³⁰⁰ A law enforcement agency must hire or sponsor a cadet before the cadet enters the police academy. *Id.*

³⁰¹ This information was not provided.

³⁰² This information was not provided.

Georgia³⁰³

- Unified Academy curriculum: Yes
- Level of education required for cadets: High School/GED
- Commission is not required before Academy.³⁰⁴
- Post Academy requirements/any related to legal topics: 20 hours per year (general).
- Qualifications of instructor teaching legal topics: Instructors must complete an 80-hour instructor course.

Total training hours:	408
Hours of Non-Statutory Law:	60
Hours of State Laws/Statutes:	34
Hours of Traffic/Motor Vehicle Laws:	16
Total Hours Legal:	110
% of hours devoted to All Legal Topics:	26.96%
% of hours devoted to General Legal Topics:	14.71%
% of hours devoted to State Laws/Statutes:	8.33%
% of hours devoted to Traffic/Motor Vehicle Laws:	3.92%

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Criminal Justice System	4
Criminal Procedure	34
Peace Officer Liability	4
Interviews and Interrogations	8
Courtroom Demeanor and Testimony	6
Use of Force	4
<i>Subtotal Non-Statutory Legal Topics</i>	60
<i>State Laws/Statutes</i>	
Georgia Criminal Law	24
Crimes Against Children	6
Juvenile Law	4
<i>Subtotal State Laws/Statutes</i>	34
<i>Traffic/Motor Vehicle Laws</i>	
Motor Vehicle Law	16
<i>Subtotal State Laws/Statutes</i>	16
Total Legal Hours:	110

³⁰³ E-mail from Mitch Jones, Director, Georgia Peace Officer Stnds. & Training Council (May 17, 2016) (on file with author); *see also* GEORGIA POLICE OFFICER STANDS. & TRAINING COUNCIL, RULES (2016), https://www.gapost.org/pdf_file/rulebk16.pdf.

³⁰⁴ An aspiring police officer may attend an “open enrollment” police academy before seeking employment with a law enforcement agency. *See* Jones, *supra* note 303.

Hawaii³⁰⁵

- Unified Academy curriculum: No
- Level of education required for cadets: High School/GED
- Post Academy requirements/any related to legal topics:³⁰⁶
- Qualifications of instructor teaching legal topics: Instructors must hold the rank of Corporal or above and complete a 24-hour instructor course.

Total training hours:	1068
Hours of Non-Statutory Law:	49
Hours of State Laws/Statutes:.....	55
Hours of Traffic/Motor Vehicle Laws:.....	20
Total Hours Legal:	124
% of hours devoted to All Legal Topics:.....	11.61%
% of hours devoted to General Legal Topics:.....	4.59%
% of hours devoted to State Laws/Statutes:	5.15%
% of hours devoted to Traffic/Motor Vehicle Laws:	1.87%

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Constitutional Law	3
Civil Rights	2
Laws of Arrest and Procedure	19
Search and Seizure	19
Rules of Evidence	1
Asset Forfeiture	1
Constitutional Warning and Procedure	2
Field Show-Up Procedure	2
<i>Subtotal Non-Statutory Legal Topics</i>	49
<i>State Laws/Statutes</i>	
Statutory Law	44
Revised Ordinances	8
Liquor Laws	4
<i>Subtotal State Laws/Statutes</i>	55
<i>Traffic/Motor Vehicle Laws</i>	
Traffic Laws	20
<i>Subtotal State Laws/Statutes</i>	20
Total Legal Hours:	124

³⁰⁵ E-mail from Carl Kalani, Captain, Training Division, Honolulu Police Dep't (Sept. 17, 2017) (on file with author).

³⁰⁶ This information was not provided.

Idaho³⁰⁷

- Unified Academy curriculum: Yes
- Level of education required for cadets: High School/GED
- Commission is not required before Academy.³⁰⁸
- Post Academy requirements/any related to legal topics: 40 hours every two years (general).
- Qualifications of instructor teaching legal topics: Instructors must be attorneys or have deep background knowledge of the legal topics taught.

Total training hours:	515.5
Hours of Non-Statutory Law:	22
Hours of State Laws/Statutes:.....	13
Hours of Traffic/Motor Vehicle Laws:.....	4
Total Hours Legal:	39
% of hours devoted to All Legal Topics:.....	7.57%
% of hours devoted to General Legal Topics:.....	4.27%
% of hours devoted to State Laws/Statutes:	2.52%
% of hours devoted to Traffic/Motor Vehicle Laws:	0.78%

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Search & Seizure	8
Miranda	1.5
US Constitution	2
Use of Force	4
Idaho Laws of Arrest	6.5
<i>Subtotal Non-Statutory Legal Topics</i>	22
<i>State Laws/Statutes</i>	
Fish & Game Law	2
Idaho Criminal Code	8
Idaho Brand Law	1
Idaho Liquor Law	2
<i>Subtotal State Laws/Statutes</i>	13
<i>Traffic/Motor Vehicle Laws</i>	
Traffic Law	4
<i>Subtotal State Laws/Statutes</i>	4
Total Legal Hours:	39

³⁰⁷ E-mail from Joseph Whilden, Training Bureau Manager, Idaho Peace Officer Stands. & Training (Oct. 20, 2015) (on file with author).

³⁰⁸ An aspiring police officer may attend an “open enrollment” police academy before seeking employment with a law enforcement agency. *Id.*

Indiana³⁰⁹

- Unified Academy curriculum: No³¹⁰
- Level of education required for cadets: High School/GED
- Commission is required before Academy.³¹¹
- Post Academy requirements/any related to legal topics: 24 hours per year (general).
- Qualifications of instructor teaching legal topics: Certified instructor who may be an attorney.

Total training hours:	480
Hours of Non-Statutory Law:	51.4
Hours of State Laws/Statutes:	N/A
Hours of Traffic/Motor Vehicle Laws:	10.5
Total Hours Legal:	61.95
% of hours devoted to All Legal Topics:	12.91%
% of hours devoted to General Legal Topics:	10.72%
% of hours devoted to State Laws/Statutes:	N/A
% of hours devoted to Traffic/Motor Vehicle Laws:	2.19%

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Constitutional Law	3.15
Intro to Criminal Law	1.05
Reading & Briefing Legal Opinions	1.05
Criminal Law Case Studies	46.2
<i>Subtotal Non-Statutory Legal Topics</i>	51.45
<i>Traffic/Motor Vehicle Laws</i>	
Traffic Law	10.5
<i>Subtotal State Laws/Statutes</i>	10.5
Total Legal Hours:	61.95

³⁰⁹ E-mail from Mark Bridge, Basic Course Commander, Ind. Law Enforcement Academy (Sept. 1, 2015) (on file with author).

³¹⁰ Academy curriculum must be approved by state governing board. *Id.*

³¹¹ A law enforcement agency must hire or sponsor a cadet before the cadet enters the police academy. *Id.*

Iowa³¹²

- Unified Academy curriculum: No³¹³
- Level of education required for cadets: High School/GED³¹⁴
- Commission is required before Academy.³¹⁵
- Post Academy requirements/any related to legal topics: 12 hours per year or 36 hours every three years. In addition, annual training in CPR and mental health is required.
- Qualifications of instructor teaching legal topics: Instructors must have a J.D.

Total training hours:	590
Hours of Non-Statutory Law:	37
Hours of State Laws/Statutes:.....	27
Hours of Traffic/Motor Vehicle Laws:.....	12
Total Hours Legal:	76
% of hours devoted to All Legal Topics:.....	12.88%
% of hours devoted to General Legal Topics:.....	6.27%
% of hours devoted to State Laws/Statutes:	4.58%
% of hours devoted to Traffic/Motor Vehicle Laws:	2.03%

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Civil Liability	2
Civil Process	1
Confessions & Admissions	3
Laws of Arrest	2
Peace Officer & Management Rights	1
Procedural Due Process	1
Rules of Evidence	2
Search and Seizure	14
Use of Force	4
Court Organization	2
Moot Court	3
Testifying in Court	2
<i>Subtotal Non-Statutory Legal Topics</i>	37
<i>State Laws/Statutes</i>	
Criminal Law	18
Juvenile Law	3
Narcotics Law	2
O.W.I. Legal	4
<i>Subtotal State Laws/Statutes</i>	27
<i>Traffic/Motor Vehicle Laws</i>	
Motor Vehicle Law	12
<i>Subtotal State Laws/Statutes</i>	12
Total Legal Hours:	76

³¹² Letter from Russell H. Rigdon, Legal Instructor, Iowa Law Enf't Agency (Nov. 2, 2015) (on file with author).

³¹³ The Iowa Law Enforcement Academy sets the minimum standards. *Id.*

³¹⁴ Academy applicants who have a 2 or 4-year college degree in police science or criminal justice can qualify for a shorter police academy. *Id.*

³¹⁵ A law enforcement agency must hire or sponsor a cadet before the cadet enters the police academy. *Id.*

Kansas³¹⁶

- Unified Academy curriculum: Yes.
- Level of education required for cadets: High School/GED³¹⁷
- Commission is required before Academy.³¹⁸
- Post Academy requirements/any related to legal topics: 40 hours per year.
- Qualifications of instructor teaching legal topics: Instructors must be Kansas licensed attorneys with at least 3-years experience.

Total training hours:	560
Hours of Non-Statutory Law:	28
Hours of State Laws/Statutes:.....	15
Hours of Traffic/Motor Vehicle Laws:.....	N/A
Total Hours Legal:	43
% of hours devoted to All Legal Topics:.....	7.68%
% of hours devoted to General Legal Topics:.....	5.00%
% of hours devoted to State Laws/Statutes:	2.68%
% of hours devoted to Traffic/Motor Vehicle Laws:	N/A

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Constitutional Law	2
Criminal Procedure and Laws of Arrest	2
Search and Seizure/Fourth Amendment and Exclusionary Rule/Warrants	13
Admissions and Confessions	5
Civil Process	2
KS Civil and Criminal Liability of Law Enforcement	4
<i>Subtotal Non-Statutory Legal Topics</i>	28
<i>State Laws/Statutes</i>	
KS Criminal Law and Code	13
Alcohol Beverage Control Laws	2
<i>Subtotal State Laws/Statutes</i>	15
Total Legal Hours:	43

³¹⁶ E-mail from Gary Steed, Exec. Dir., Kan. Comm'n on Peace Officers' Stands. & Training (Sept. 3, 2015) (on file with author).

³¹⁷ KAN. STAT. ANN. § 74-5605(b)(4) (West 2008).

³¹⁸ KAN. STAT. ANN. § 74-5605(b) (West 2008).

Kentucky³¹⁹

- Unified Academy curriculum: Yes
- Level of education required for cadets: High School/GED
- Commission is required before Academy.³²⁰
- Post Academy requirements/any related to legal topics: 40 hours per year (general)
- Qualifications of instructor teaching legal topics: Instructors must be Kentucky licensed attorneys and complete an instructor course.

Total training hours:	928
Hours of Non-Statutory Law:	60
Hours of State Laws/Statutes:.....	30
Hours of Traffic/Motor Vehicle Laws:.....	4.5
Total Hours Legal:	94.5
% of hours devoted to All Legal Topics:.....	10.18%
% of hours devoted to General Legal Topics:.....	6.47%
% of hours devoted to State Laws/Statutes:	3.23%
% of hours devoted to Traffic/Motor Vehicle Laws:	0.48%

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
US Constitution and Law Enforcement	2
Intro to Legal Foundations	3
Liability Management for Law Enforcement	3
Use of Force Principles	2
Use of Force Practical Applications	3
Terry Stop and Frisk	3
Arrest of Persons Law	2
Intro to Case Preparation	1.5
Arrest of Persons Practical Application	2
Intro to Search and Seizure	3
PC and Warrants	2
Drafting Search Warrants	3.5
Warrantless Search and Seizure	4
Evidence Law	1.5
Legal Components of Reports	2
Warrant Service Practical Applications	5
Legal Fundamentals of Suspect ID	1
Interrogation Law	2
Traffic Court Preparation	1
Traffic Moot Court	5
Preparing the Court	2
Moot Court	7.5
<i>Subtotal Non-Statutory Legal Topics</i>	60
<i>State Laws/Statutes</i>	
Intro to Kentucky Criminal Law Manual	2
Intro to Penal Code	2
Inchoate Offenses	1
Ethics and Related Offenses	1
Riot, Disorderly Conduct, Criminal Mischief and Arson	2
Theft and Related Offenses	2
Assault and Related Offenses	2
Burglary and Related Offenses	2
Firearm and Related Offenses	1

³¹⁹ E-mail from Edlinae Sweat, Ky. Dep’t of Criminal Justice Training (Sept. 10, 2015) (on file with author).

³²⁰ A law enforcement agency must hire or sponsor a cadet before the cadet enters the police academy. *Id.*

Homicide Offenses	1
Controlled Substance Law	2
Domestic Violence Law	4
Sexual Offenses	2
Human Trafficking Offenses	1
Juvenile Law	3
Missing Persons Law	1
Escape and Related Offenses	1
<i>Subtotal State Laws/Statutes</i>	30
<hr/> <i>Traffic/Motor Vehicle Laws</i>	
Vehicle Offenses	2
DUI/BTO Law	2.5
<i>Subtotal State Laws/Statutes</i>	4.5
Total Legal Hours:	94.5

Louisiana³²¹

- Unified Academy curriculum: Yes
- Level of education required for cadets: High School/GED
- Commission is required before Academy.³²²
- Post Academy requirements/any related to legal topics: 20 hours per year (general).
- Qualifications of instructor teaching legal topics: Instructors must be certified.

Total training hours:	360
Hours of Non-Statutory Law:	40
Hours of State Laws/Statutes:	N/A
Hours of Traffic/Motor Vehicle Laws:	N/A
Total Hours Legal:	40
% of hours devoted to All Legal Topics:	11.11%
% of hours devoted to General Legal Topics:	11.11%
% of hours devoted to State Laws/Statutes:	N/A
% of hours devoted to Traffic/Motor Vehicle Laws:	N/A

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Definitions	
The Court System	
Court Cases & Sources of Rights	
Probable Cause and Reasonable Suspicion	
Exclusionary Rule	
Stop & Frisk	
Border Searches & Seizures	
Stationhouse Detentions	
Arrests & Responses to Terrorism	
Search & Seizure of Things	
Vehicle Stops, Searches & Inventories	
Plain View	
Open Fields	
Abandonment & Electronic Surveillance	
Line-Ups & Other Pretrial Identification Procedures	
Confessions & Admissions	
Witnesses, the Hearsay Rule & Privileged Communications	
Legal Liabilities	
Elements of Criminal Conduct	
<i>Subtotal Non-Statutory Legal Topics</i>	40 ³²³

³²¹ Letter from Bob Wertz, Law Enft Training Manager, La. Comm'n on Law Enft (May 19, 2016) (on file with author).

³²² A law enforcement agency must hire or sponsor a cadet before the cadet enters the police academy. *Id.*

³²³ Louisiana did not provide a breakdown indicating how many of the total 40 hours are devoted to each listed subject.

Maine³²⁴

- Unified Academy curriculum: Yes
- Level of education required for cadets: High School/GED
- Commission is not required before Academy.³²⁵
- Post Academy requirements/any related to legal topics: 20 hours every two years.
- Qualifications of instructor teaching legal topics: Most legal subject instructors are staff from the Maine Attorney General's Office.

Total training hours:	720
Hours of Non-Statutory Law:	32
Hours of State Laws/Statutes:.....	47
Hours of Traffic/Motor Vehicle Laws:.....	14
Total Hours Legal:	93
% of hours devoted to All Legal Topics:.....	12.92%
% of hours devoted to General Legal Topics:.....	4.44%
% of hours devoted to State Laws/Statutes:	6.53%
% of hours devoted to Traffic/Motor Vehicle Laws:	1.94%

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Constitutional Law	2
Seizure of Persons	7
Search and Seizure	13
Admissions and Confessions	4
Use of Force	4
Civil Liability	2
Constitutional Law	2
Seizure of Persons	7
Search and Seizure	13
Admissions and Confessions	4
<i>Subtotal Non-Statutory Legal Topics</i>	32
<i>State Laws/Statutes</i>	
Maine Criminal Law and Investigations	35
Maine Juvenile Law and Youth Services	4
Maine Liquor Law	3
Title 12 Laws	3
Maine Inspection Law	2
<i>Subtotal State Laws/Statutes</i>	47
<i>Traffic/Motor Vehicle Laws</i>	
Maine Motor Vehicle Law	14
<i>Subtotal State Laws/Statutes</i>	14
Total Legal Hours:	93

³²⁴ E-mail from David E. Tyrol, Training Coordinator, Maine Crim. Just. Acad. to Yuri Linetsky, Director of the Civil Law Clinic, The U. of Ala. Sch. Of Law (Sept. 1, 2015 07:43) (on file with author).

³²⁵ An aspiring police officer may attend an "open enrollment" police academy before seeking employment with a law enforcement agency. *Id.*

Maryland³²⁶

- Unified Academy curriculum:
- Level of education required for cadets: High School/GED
- Commission [] required before Academy.³²⁷
- Post Academy requirements/any related to legal topics: 18 hours every year.
- Qualifications of instructor teaching legal topics: Instructors must be certified.

Total training hours:600

³²⁶ MD. CODE REGS. § 12.04.01.09 (2017).

³²⁷ This information was not provided.

Massachusetts³²⁸

- Unified Academy curriculum: Yes
- Level of education required for cadets: High School/GED³²⁹
- Commission is not required before Academy.³³⁰
- Post Academy requirements/any related to legal topics: 40 per year, including 6 hour legal update.
- Qualifications of instructor teaching legal topics: Instructors with a J.D. are preferred, but is not required.

Total training hours:	902
Hours of Non-Statutory Law:	54
Hours of State Laws/Statutes:	36
Hours of Traffic/Motor Vehicle Laws:	27
Total Hours Legal:	117
% of hours devoted to All Legal Topics:	12.97%
% of hours devoted to General Legal Topics:	5.99%
% of hours devoted to State Laws/Statutes:	3.99%
% of hours devoted to Traffic/Motor Vehicle Laws:	2.99%

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Constitutional Law	40
Court Procedures (Including Moot Court)	11
Criminal Justice System	3
<i>Subtotal Non-Statutory Legal Topics</i>	54
<i>State Laws/Statutes</i>	
Criminal Law	36
<i>Subtotal State Laws/Statutes</i>	36
<i>Traffic/Motor Vehicle Laws</i>	
Maine Motor Vehicle Law (Including Bike Laws)	27
<i>Subtotal State Laws/Statutes</i>	27
Total Legal Hours:	117

³²⁸ E-mail from Marylou Powers, Director of Training, Municipal Police Training Comm. To Yuri Linetsky, Director of the Civil Law Clinic, The U. of Ala. Sch. Of Law (Jun. 13, 2016, 07:28) (on file with author).

³²⁹ E-mail from Marylou Powers, Director of Training, Municipal Police Training Comm. To Yuri Linetsky, Director of the Civil Law Clinic, The U. of Ala. Sch. Of Law (Jun. 13, 2016, 11:22) (on file with author).

³³⁰ An aspiring police officer may attend an "open enrollment" police academy before seeking employment with a law enforcement agency. *Id.*

Mississippi³³¹

- Unified Academy curriculum: Yes
- Level of education required for cadets: High School/GED³³²
- Commission is not required before Academy.³³³
- Post Academy requirements/any related to legal topics: 20-24 hours per year; no legal subjects required.
- Qualifications of instructor teaching legal topics: Instructors must be law school graduates or have “substantial legal training and experience.”

Total training hours:	480
Hours of Non-Statutory Law:	32
Hours of State Laws/Statutes:.....	24
Hours of Traffic/Motor Vehicle Laws:.....	24
Total Hours Legal:	80
% of hours devoted to All Legal Topics:.....	16.67%
% of hours devoted to General Legal Topics:.....	6.67%
% of hours devoted to State Laws/Statutes:	5.00%
% of hours devoted to Traffic/Motor Vehicle Laws:	5.00%

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Constitutional Law; Search & Seizure; Laws of Arrest	12
Courtroom procedure and rules of evidence	4
Courtroom Testimony, Demeanor, and Mock Trial	4
Use of Force	8
Civil Liability	4
<i>Subtotal Non-Statutory Legal Topics</i>	32
<i>State Laws/Statutes</i>	
Mississippi Criminal Law	16
Mississippi Juvenile Law	8
<i>Subtotal State Laws/Statutes</i>	24
<i>Traffic/Motor Vehicle Laws</i>	
Mississippi Motor Vehicle Law and Enforcement	16
DUI Law	8
<i>Subtotal State Laws/Statutes</i>	24
Total Legal Hours:	80

³³¹ E-mail from Robert Davis, Director, Office of Stands. & Training, Mississippi Dep’t of Public Safety (May 12, 2016, 04:46 PM) (on file with author).

³³² *Id.*

³³³ An aspiring police officer may attend an “open enrollment” police academy before seeking employment with a law enforcement agency. *Id.*

Missouri³³⁴

- Unified Academy curriculum: No³³⁵
- Level of education required for cadets: High School/GED
- Commission is not required before Academy.³³⁶
- Post Academy requirements/any related to legal topics: 4 hours of legal studies are required every 3 years.
- Qualifications of instructor teaching legal topics: Must be licensed as an instructor.

Total training hours:	600 ³³⁷
Hours of Non-Statutory Law:	38
Hours of State Laws/Statutes:	26
Hours of Traffic/Motor Vehicle Laws:	N/A
Total Hours Legal:	64
% of hours devoted to All Legal Topics:	10.66%
% of hours devoted to General Legal Topics:	6.33%
% of hours devoted to State Laws/Statutes:	4.33%
% of hours devoted to Traffic/Motor Vehicle Laws:	N/A

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Use of Force	4
Civil Process	2
Intro to Legal Blocks	2
Criminal Process	2
Rules of Evidence	3
Admissions and Confessions/Miranda	5
Contact, Detention, and Arrest	4
Prisoner Rights and Privileges	2
Searches, Seizures and the Search Warrant	2
Non-Fourth Amendment Searches	2
Stop and Frisk	1
Search Incident to Arrest	3
Searches and Seizures without a Warrant	4
Peace Officer Liability	2
<i>Subtotal Non-Statutory Legal Topics</i>	38
<i>State Laws/Statutes</i>	
General Provisions	2
Criminal Statutes	23
Criminal Code Overview	1
<i>Subtotal State Laws/Statutes</i>	26
Total Legal Hours:	62

³³⁴ E-mail from Jeremy S. Spratt, Program Manager, Missouri Peace Officer Stands. & Training Program (Sept. 2, 2015, 03:22 PM) (on file with author).

³³⁵ *Id.*

³³⁶ An aspiring police officer may attend an “open enrollment” police academy before seeking employment with a law enforcement agency. *Id.*

³³⁷ Individual academies may increase the required training to over 900 total hours. *Id.*

Montana³³⁸

- Unified Academy curriculum: Yes
- Level of education required for cadets: High School/GED
- Commission is required before Academy.³³⁹
- Post Academy requirements/any related to legal topics: 20 hours every two years.
- Qualifications of instructor teaching legal topics: N/A³⁴⁰

Total training hours:	480
Hours of Non-Statutory Law:	38
Hours of State Laws/Statutes:	10
Hours of Traffic/Motor Vehicle Laws:	6
Total Hours Legal:	54
% of hours devoted to All Legal Topics:	11.25%
% of hours devoted to General Legal Topics:	7.92%
% of hours devoted to State Laws/Statutes:	2.08%
% of hours devoted to Traffic/Motor Vehicle Laws:	1.25%

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Court systems	2
Legal issues in the use of force	4
Search warrants and courtroom testimony	12
Juvenile law	2
Civil process	2
Risk management and liability reduction	4
Laws of Searches, Seizures and Arrest	5
Laws of Interview and Statements	4
Prohibitive conduct	2
POST Council	1
<i>Subtotal Non-Statutory Legal Topics</i>	38
<i>State Laws/Statutes</i>	
Montana Criminal Codes	8
Laws of Gambling and Tobacco	2
<i>Subtotal State Laws/Statutes</i>	10
<i>Traffic/Motor Vehicle Laws</i>	
Montana Traffic Codes	6
<i>Subtotal State Laws/Statutes</i>	6
Total Legal Hours:	46

³³⁸ Letter from Perry Johnson, Exec. Dir., Mont. Pub. Safety Officer Standards & Training Council, to author (Sep. 2, 2015) (on file with author).

³³⁹ Generally, a law enforcement agency must hire or sponsor a cadet before the cadet enters the police academy, though there “is a competitive preservice program which would allow an individual to attend the academy without being employed by an agency.” *Id.*

³⁴⁰ This information was not provided.

Nebraska³⁴¹

- Unified Academy curriculum: Yes
- Level of education required for cadets: High School/GED
- Commission is required before Academy.³⁴²
- Post Academy requirements/any related to legal topics: 12 hours per year.
- Qualifications of instructor teaching legal topics: Instructors must have a J.D.

Total training hours:	641
Hours of Non-Statutory Law:	50
Hours of State Laws/Statutes:	12
Hours of Traffic/Motor Vehicle Laws:	N/A
Total Hours Legal:	62
% of hours devoted to All Legal Topics:	9.67%
% of hours devoted to General Legal Topics:	7.80%
% of hours devoted to State Laws/Statutes:	1.87%
% of hours devoted to Traffic/Motor Vehicle Laws:	N/A

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Constitutional Law	5
Arrest, Search & Seizure	24
Miranda and Confessions	6
Use of Force	6
Courtroom Performance	3
Intro to Juvenile Justice	4
Garrity ³⁴³	2
<i>Subtotal Non-Statutory Legal Topics</i>	50
<i>State Laws/Statutes</i>	
Criminal Elements	12
<i>Subtotal State Laws/Statutes</i>	12
Total Legal Hours:	62

³⁴¹ Letter from William J. Muldoon, Dir., Law Enf't Training Ctr, Neb. Comm'n on Law Enf't & Crim. Justice (Aug. 31, 2015) (on file with author).

³⁴² Nebraska does provide a program offering open enrollment, though that program was suspended as of 2015 due to otherwise-filled training courses. *Id.*

³⁴³ See Garrity "Warnings," GARRITY RIGHTS, <http://www.garrityrights.org/garrity-warnings.html> (last visited Sept. 12, 2017).

Nevada³⁴⁴

- Unified Academy curriculum: Yes.³⁴⁵
- Level of education required for cadets: High School/GED
- Commission is not required before Academy.³⁴⁶
- Post Academy requirements/any related to legal topics: 12 hours every year.
- Qualifications of instructor teaching legal topics: Instructors must complete an instructor course.

Total training hours: 480³⁴⁷

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i> ³⁴⁸	
Civil Liability	
Constitutional Law	
Probable Cause	
Rights of Victims	
Search & Seizure	
<i>State Laws/Statutes</i> ³⁴⁹	
Crimes against persons	
Crimes against property	
Juvenile law	
Laws governing coroners	
Laws relating to arrest	
Laws relating to drugs	
Misc. crimes	

³⁴⁴ E-mail from Boe R. Turner, Bureau Chief, Prof'l Dev. Bureau, Nev. Comm'n on Peace Officers' Standards & Training (Sept. 14, 2015, 10:51 AM) (on file with author).

³⁴⁵ *Id.*

³⁴⁶ An aspiring police officer may attend an "open enrollment" police academy before seeking employment with a law enforcement agency. *Id.*

³⁴⁷ *Id.*

³⁴⁸ Nevada did not provide a breakdown of the required hours. *See id.*

³⁴⁹ *Id.*

New Hampshire³⁵⁰

- Unified Academy curriculum: Yes
- Level of education required for cadets: High School/GED
- Commission is required before Academy.³⁵¹
- Post Academy requirements/any related to legal topics: 12 hours per year.
- Qualifications of instructor teaching legal topics: Instructors must have a Bachelor Degree and five years of law enforcement experience.

Total training hours:	684
Hours of Non-Statutory Law:	36
Hours of State Laws/Statutes:.....	31
Hours of Traffic/Motor Vehicle Laws:.....	28
Total Hours Legal:	95
% of hours devoted to All Legal Topics:.....	13.89%
% of hours devoted to General Legal Topics:.....	5.26%
% of hours devoted to State Laws/Statutes:	4.53%
% of hours devoted to Traffic/Motor Vehicle Laws:	4.09%

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Arrest laws	12
Constitutional Law - Violations	8
Rules of Evidence	4
Search & Seizure	8
Warrants & Complaints	4
<i>Subtotal Non-Statutory Legal Topics</i>	36
<i>State Laws/Statutes</i>	
Alcohol and Tobacco Laws	3
CC - Crimes against Persons	4
CC - Crimes against Property	3
CC - Criminal Statutes	4
CC - Defenses and Justifications	2
CC - Criminal Offenses and RSA's	5
CC - Public Order Crimes	2
Drug Laws	4
Juvenile Law	4
<i>Subtotal State Laws/Statutes</i>	31
<i>Traffic/Motor Vehicle Laws</i>	
DWI and ALS ³⁵² Laws	8
Motor Vehicle Laws	20
<i>Subtotal State Laws/Statutes</i>	28
Total Legal Hours:	95

³⁵⁰ E-mail from Timothy J. Merrill, Retired Chief, N.H. Police Standards & Training Council, to author (May 16, 2016, 3:50 PM) (on file with author).

³⁵¹ A law enforcement agency must hire or sponsor a cadet before the cadet enters the police academy. *See id.*

³⁵² ALS refers to Administrative License Suspensions that often accompany driving while intoxicated offenses.

New Mexico³⁵³

- Unified Academy curriculum: Yes
- Level of education required for cadets: High School/GED
- Commission is required before Academy.³⁵⁴
- Post Academy requirements/any related to legal topics: 40 hours every two years.
- Qualifications of instructor teaching legal topics: Instructors must be certified.

Total training hours:	665
Hours of Non-Statutory Law:	53
Hours of State Laws/Statutes:	16
Hours of Traffic/Motor Vehicle Laws:	1
Total Hours Legal:	70
% of hours devoted to All Legal Topics:	10.53%
% of hours devoted to General Legal Topics:	7.97%
% of hours devoted to State Laws/Statutes:	2.41%
% of hours devoted to Traffic/Motor Vehicle Laws:	0.15%

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Authority and Jurisdiction	3
Constitutional Law	2
Criminal Procedures and Laws of Arrest	7
Search & Seizure	24
Use of Force	8
Courtroom Testimony and Demeanor	2
Police Officer as Prosecutor/Legal Practice Exercises	7
<i>Subtotal Non-Statutory Legal Topics</i>	53
<i>State Laws/Statutes</i>	
Criminal Law	10
Civil Laws	1
Liquor Laws	1
Indian County Law	1
Juvenile Law	1
Child Abuse and Neglect	1
Handling Juvenile and their Problems	1
<i>Subtotal State Laws/Statutes</i>	16
<i>Traffic/Motor Vehicle Laws</i>	
Vehicle Code and Enforcement	1
<i>Subtotal State Laws/Statutes</i>	1
Total Legal Hours:	70

³⁵³ E-mail from Brian Coss, Deputy Dir., N.M. Law Enf't Acad., to author (May 23, 2016, 3:45 PM) (on file with author).

³⁵⁴ A law enforcement agency must hire or sponsor a cadet before the cadet enters the police academy. *Id.*

New York³⁵⁵

- Unified Academy curriculum: Yes
- Level of education required for cadets:³⁵⁶
- Commission is required before Academy.³⁵⁷
- Post Academy requirements/any related to legal topics: N/A³⁵⁸
- Qualifications of instructor teaching legal topics: N/A³⁵⁹

Total training hours:	641
Hours of Non-Statutory Law:	30
Hours of State Laws/Statutes:	18
Hours of Traffic/Motor Vehicle Laws:	5
Total Hours Legal:	53
% of hours devoted to All Legal Topics:	8.27%
% of hours devoted to General Legal Topics:	4.68%
% of hours devoted to State Laws/Statutes:	2.81%
% of hours devoted to Traffic/Motor Vehicle Laws:	0.78%

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Constitutional Law	2
NY Criminal Procedure	21
NY Juvenile Procedure	5
Civil Liability	2
<i>Subtotal Non-Statutory Legal Topics</i>	30
<i>State Laws/Statutes</i>	
NY State Penal Code	16
Ancillary NY Statutes	2
<i>Subtotal State Laws/Statutes</i>	18
<i>Traffic/Motor Vehicle Laws</i>	
Motor Vehicle and Traffic Law	5
<i>Subtotal State Laws/Statutes</i>	5
Total Legal Hours:	53

³⁵⁵ N.Y. DIV. OF CRIM. JUST. SRVCS., BASIC COURSE FOR POLICE OFFICERS (Sep. 2016), <http://www.criminaljustice.ny.gov/ops/docs/training/pubs/basicpolice/bcpoutline.pdf>.

³⁵⁶ An aspiring police officer may attend an "open enrollment" police academy before seeking employment with a law enforcement agency. N.Y. DIV. OF CRIM. JUSTICE SVCS., PRE-EMPLOYMENT POLICE BASIC TRAINING: ADMINISTRATOR'S GUIDE 1 (Jul. 2015), <http://www.criminaljustice.ny.gov/ops/docs/training/pubs/basicpolice/prepaddinguide.pdf>.

³⁵⁷ A law enforcement agency must hire or sponsor a cadet before the cadet enters the police academy. N.Y. DIV. OF CRIM. JUST. SRVCS., *supra* note 355.

³⁵⁸ This information was not provided.

³⁵⁹ This information was not provided.

North Carolina³⁶⁰

- Unified Academy curriculum:³⁶¹
- Level of education required for cadets: High School/GED
- Commission is not required before Academy.³⁶²
- Post Academy requirements/any related to legal topics: 40 hours every two years.
- Qualifications of instructor teaching legal topics: Instructors must be certified, but those with a Juris Doctor can avoid certain training requirements.

Total training hours:	665
Hours of Non-Statutory Law:	53
Hours of State Laws/Statutes:.....	16
Hours of Traffic/Motor Vehicle Laws:.....	1
Total Hours Legal:	70
% of hours devoted to All Legal Topics:.....	10.53%
% of hours devoted to General Legal Topics:.....	7.97%
% of hours devoted to State Laws/Statutes:	2.41%
% of hours devoted to Traffic/Motor Vehicle Laws:	0.15%

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Authority and Jurisdiction	3
Constitutional Law	2
Criminal Procedures and Laws of Arrest	7
Search & Seizure	24
Use of Force	8
Courtroom Testimony and Demeanor	2
Police Officer as Prosecutor/Legal Practice Exercises	7
<i>Subtotal Non-Statutory Legal Topics</i>	53
<i>State Laws/Statutes</i>	
Criminal Law	10
Civil Laws	1
Liquor Laws	1
Indian County Law	1
Juvenile Law	1
Child Abuse and Neglect	1
Handling Juvenile and their Problems	1
<i>Subtotal State Laws/Statutes</i>	16
<i>Traffic/Motor Vehicle Laws</i>	
Vehicle Code Enforcement	1
<i>Subtotal State Laws/Statutes</i>	1
Total Legal Hours:	70

³⁶⁰ Letter from Criminal Justice Stands. Div., N.C. Dep't of Just., to author (on file with author).

³⁶¹ *Id.*

³⁶² An aspiring police officer may attend an “open enrollment” police academy before seeking employment with a law enforcement agency. *Id.*

North Dakota³⁶³

- Unified Academy curriculum: Yes
- Level of education required for cadets: High School/GED
- Commission is not required before Academy.³⁶⁴
- Post Academy requirements/any related to legal topics: 60 hours every three years.
- Qualifications of instructor teaching legal topics: Instructors must be subject matter experts or assistant Attorneys General.

Total training hours:	484
Hours of Non-Statutory Law:	35
Hours of State Laws/Statutes:.....	37
Hours of Traffic/Motor Vehicle Laws:.....	21
Total Hours Legal:	93
% of hours devoted to All Legal Topics:.....	19.01%
% of hours devoted to General Legal Topics:.....	7.23%
% of hours devoted to State Laws/Statutes:	7.64%
% of hours devoted to Traffic/Motor Vehicle Laws:	4.34%

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
ND Criminal Justice System	2
Criminal/Civil Liability--Standards of Performance	2
Authority and Jurisdiction	1
Constitutional Law	2
Criminal Procedure and Laws of Arrest	2
Search & Seizure	6
Admissions & Confessions	2
Civil Law	2
Use of Force Legal Issues	4
Courtroom Testimony & Demeanor	4
Rules of Evidence	8
<i>Subtotal Non-Statutory Legal Topics</i>	35
<i>State Laws/Statutes</i>	
Criminal Law	16
Liquor Laws	1
Game & Fish Laws	1
Juvenile Law & Justice	2
Juvenile Justice System and LE Handling of Youth	1
Domestic Violence & Police Response & Scenarios	16
<i>Subtotal State Laws/Statutes</i>	37
<i>Traffic/Motor Vehicle Laws</i>	
Traffic Law	18
Motorized Recreation Law	2
ND Vehicle Dealer & Registration Law	1
<i>Subtotal State Laws/Statutes</i>	21
Total Legal Hours:	93

³⁶³N.D. Law Enf't Training Acad., Basic Training Program (Feb. 1, 2016) (on file with author).

³⁶⁴ An aspiring police officer may attend an "open enrollment" police academy before seeking employment with a law enforcement agency. *Id.*

Ohio³⁶⁵

- Unified Academy curriculum: Yes
- Level of education required for cadets: High School/GED
- Commission is not required before Academy.³⁶⁶
- Post Academy requirements/any related to legal topics: 20 hours every year.
- Qualifications of instructor teaching legal topics: Instructors must be certified or have a Juris Doctor degree.

Total training hours:	681
Hours of Non-Statutory Law:	38
Hours of State Laws/Statutes:.....	49
Hours of Traffic/Motor Vehicle Laws:.....	8
Total Hours Legal:	95
% of hours devoted to All Legal Topics:.....	13.95%
% of hours devoted to General Legal Topics:.....	5.58%
% of hours devoted to State Laws/Statutes:	7.20%
% of hours devoted to Traffic/Motor Vehicle Laws:	1.17%

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Arrest, Search & Seizure	24
Civil Liability & Use of Force	6
Testifying in Court	5
Fundamentals of the Criminal Justice System	3
<i>Subtotal Non-Statutory Legal Topics</i>	38
<i>State Laws/Statutes</i>	
Ohio Revised Code	44
Introduction to the Ohio Revised Code	5
<i>Subtotal State Laws/Statutes</i>	49
<i>Traffic/Motor Vehicle Laws</i>	
Motor Vehicle Offenses	8
<i>Subtotal State Laws/Statutes</i>	8
Total Legal Hours:	95

³⁶⁵ E-mail from Eric J. Schaefer, Deputy Dir. of Educ. & Policy, Ohio Peace Officer Training Comm'n to author (May 20, 2016 1:19 PM) (on file with author).

³⁶⁶ An aspiring police officer may attend an “open enrollment” police academy before seeking employment with a law enforcement agency. *Id.*

Oklahoma³⁶⁷

- Unified Academy curriculum:³⁶⁸
- Level of education required for cadets: High School/GED
- Commission is required before Academy.³⁶⁹
- Post Academy requirements/any related to legal topics: 25 hours every year.
- Qualifications of instructor teaching legal topics: Instructors must be attorneys.

Total training hours:	584
Hours of Non-Statutory Law:	40.5
Hours of State Laws/Statutes:	11
Hours of Traffic/Motor Vehicle Laws:	N/A
Total Hours Legal:	51.5
% of hours devoted to All Legal Topics:	8.82%
% of hours devoted to General Legal Topics:	6.93%
% of hours devoted to State Laws/Statutes:	1.88%
% of hours devoted to Traffic/Motor Vehicle Laws:	N/A

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Introduction to Criminal Law	3
Civil Liability & Civil Process	4
Legal Research	2
Interview & Interrogations	1.5
Concept of Probable Cause	2
Laws of Arrest	2
Use of Force	1.5
Search Warrants	4
Search Warrant Exceptions	4
Rules of Evidence	3
Exclusionary Rule	1.5
Trial of a Criminal Case	5
Indian Country Jurisdiction	4
Defense to Crimes	3
<i>Subtotal Non-Statutory Legal Topics</i>	40.5
<i>State Laws/Statutes</i>	
Weapons Law	3
Major Crimes	3
Juvenile Code	3.5
Immigration Law	1.5
<i>Subtotal State Laws/Statutes</i>	11
Total Legal Hours:	51.5

³⁶⁷ Letter from Steve Emmons, Exec. Dir., Okla. Council of Law Enf't Educ. & Training (to author Aug. 31, 2015) (on file with author).

³⁶⁸ The Oklahoma Council on Law Enforcement Education and Training sets minimum training requirements. *Id.*

³⁶⁹ A law enforcement agency must commission or sponsor a cadet before the cadet enters the police academy. *Id.*

Oregon³⁷⁰

- Unified Academy curriculum: Yes
- Level of education required for cadets: High School/GED
- Commission is required before Academy.³⁷¹
- Post Academy requirements/any related to legal topics: 84 hours every three year.
- Qualifications of instructor teaching legal topics: A certified instructor must have 3 years' experience in a certifiable public safety position, or non-certified professional, or educational experience which allows instructor to possess the requisite knowledge, skills, and abilities to instruct

Total training hours:640

³⁷⁰ E-mail from Lindsay Hale, Prof'l Standards Div. Dir., Dep't of Pub. Safety Standards. & Training (to author Sep. 9, 2015 2:54 PM) (on file with author).

³⁷¹ A law enforcement agency must hire a cadet before the cadet enters the police academy. *Id.*

Pennsylvania³⁷²

- Unified Academy curriculum: Yes
- Level of education required for cadets: High School/GED
- Commission is not required before Academy.³⁷³
- Post Academy requirements/any related to legal topics: 12 hours every year; 3 hours of legal updates are mandated.
- Qualifications of instructor teaching legal topics: All certified general instructors are qualified to teach legal subjects.

Total training hours:	800
Hours of Non-Statutory Law:	64
Hours of State Laws/Statutes:	32
Hours of Traffic/Motor Vehicle Laws:	48
Total Hours Legal:	144
% of hours devoted to All Legal Topics:	18.00%
% of hours devoted to General Legal Topics:	8.00%
% of hours devoted to State Laws/Statutes:	4.00%
% of hours devoted to Traffic/Motor Vehicle Laws:	6.00%

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Constitutional Law	4
Criminal Procedure/Laws of Arrest	32
Search and Seizure	24
Civil Laws	4
<i>Subtotal Non-Statutory Legal Topics</i>	64
<i>State Laws/Statutes</i>	
Criminal Law	32
<i>Subtotal State Laws/Statutes</i>	32
<i>Traffic/Motor Vehicle Laws</i>	
Vehicle Code and Enforcement	48
<i>Subtotal State Laws/Statutes</i>	48
Total Legal Hours:	144

³⁷² E-mail from Isaac W. Suydam, Dir. of Training, Mun. Police Officers' Educ. & Training Comm'n, to author (Nov. 9, 2015) (on file with author).

³⁷³ An aspiring police officer may attend an "open enrollment" police academy before seeking employment with a law enforcement agency. *Id.*

Rhode Island³⁷⁴

- Unified Academy curriculum: Yes
- Level of education required for cadets: High School/GED
- Commission is required before Academy.³⁷⁵
- Post Academy requirements/any related to legal topics: N/A³⁷⁶
- Qualifications of instructor teaching legal topics: N/A³⁷⁷

Total training hours:	905
Hours of Non-Statutory Law:	48
Hours of State Laws/Statutes:	4
Hours of Traffic/Motor Vehicle Laws:	30
Total Hours Legal:	82
% of hours devoted to All Legal Topics:	9.06%
% of hours devoted to General Legal Topics:	5.30%
% of hours devoted to State Laws/Statutes:	0.44%
% of hours devoted to Traffic/Motor Vehicle Laws:	3.31%

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Rhode Island State Law	40
Mock Court/Courtroom Testimony	8
<i>Subtotal Non-Statutory Legal Topics</i>	48
<i>State Laws/Statutes</i>	
Rhode Island Liquor Law	2
Juvenile Law	2
<i>Subtotal State Laws/Statutes</i>	4
<i>Traffic/Motor Vehicle Laws</i>	
Rhode Island Motor Vehicle Code	30
<i>Subtotal State Laws/Statutes</i>	30
Total Legal Hours:	82

³⁷⁴ E-mail from Scott N. Raynes, Exec. Dir., Rhode Island Mun. Police Training Acad., to author (May 13, 2016) (on file with author); *Basic Recruit Training Course Sample Outline*, R.I. MUN. TRAINING ACADEMY, <http://rimpa.ri.gov/basicrecruitment/samplebasiccourses.php> (last visited Sep. 22, 2017).

³⁷⁵ A law enforcement agency must hire or sponsor a cadet before the cadet enters the police academy. Raynes, *supra* note 374.

³⁷⁶ This information was not provided.

³⁷⁷ This information was not provided.

South Carolina³⁷⁸

- Unified Academy curriculum: Yes
- Level of education required for cadets: High School/GED
- Commission is required before Academy.³⁷⁹
- Post Academy requirements/any related to legal topics: 40 hours every three years, including two hours of legal updates annually.
- Qualifications of instructor teaching legal topics: Instructors must be attorneys admitted to the South Carolina Bar.

Total training hours:	543.25
Hours of Non-Statutory Law:	59
Hours of State Laws/Statutes:	8
Hours of Traffic/Motor Vehicle Laws:	N/A
Total Hours Legal:	67
% of hours devoted to All Legal Topics:	12.33%
% of hours devoted to General Legal Topics:	10.86%
% of hours devoted to State Laws/Statutes:	1.47%
% of hours devoted to Traffic/Motor Vehicle Laws:	N/A

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Arrests	2
Civil Liability	4
Civil Process	2
Confessions, Interrogation, Miranda Rule	4
Courtroom Preparation and Testimony (Practical)	4
Courts, Crimes and Courtroom Procedures	3
Ethics and Misconduct in Law Enforcement	3
Evidence	4
Exclusionary Rule	2.5
First Amendment Issues	1
Intro to Criminal Law	6
Investigative Detention (Stop & Frisk)	3
Probable Cause	2.5
Searches I	6
Searches II	4
Searches III	4
Trial Advocacy	4
<i>Subtotal Non-Statutory Legal Topics</i>	59
<i>State Laws/Statutes</i>	
Specific Crimes-Crimes Against Person	4
Specific Crimes-Crimes Against Property	4
<i>Subtotal State Laws/Statutes</i>	8
Total Legal Hours:	67

³⁷⁸ Letter from Hubert F. Harrel, Dir., South Carolina Criminal Justice Acad., to author (Sep. 3, 2015) (on file with author).

³⁷⁹ A law enforcement agency must hire or sponsor a cadet before the cadet enters the police academy. *Id.*

South Dakota³⁸⁰

- Unified Academy curriculum: Yes
- Level of education required for cadets: High School/GED
- Commission [] required before Academy.³⁸¹
- Post Academy requirements/any related to legal topics: 40 hours every two years.
- Qualifications of instructor teaching legal topics:³⁸²

Total training hours:	520
Hours of Non-Statutory Law:	26.5
Hours of State Laws/Statutes:	N/A
Hours of Traffic/Motor Vehicle Laws:	8
Total Hours Legal:	34.5
% of hours devoted to All Legal Topics:	6.63%
% of hours devoted to General Legal Topics:	5.1%
% of hours devoted to State Laws/Statutes:	N/A
% of hours devoted to Traffic/Motor Vehicle Laws:	1.54%

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Criminal Elements	4
Criminal Law	4
Search & Seizure: Residences	4
Stop, Arrest, & Search of Person	4
Vehicle Stops & Searches	4.5
Miranda, Confessions & Lineups	4
Criminal Procedure	2
<i>Subtotal Non-Statutory Legal Topics</i>	26.5
<i>Traffic/Motor Vehicle Laws</i>	
Traffic Law	8
<i>Subtotal State Laws/Statutes</i>	8
Total Legal Hours:	34.5

³⁸⁰ S.D. Admin R. 02:01:06:05 (2011); *Law Enforcement Officers Standards and Training Commission*, S.D. OFFICE OF THE ATT'Y GENERAL, http://atg.sd.gov/docs/LET_Basic_Officer_Course_Hours.pdf (last visited Dec. 3, 2017).

³⁸¹ This information was not provided.

³⁸² This information was not provided.

Tennessee³⁸³

- Unified Academy curriculum: N/A³⁸⁴
- Level of education required for cadets: High School/GED
- Commission is required before Academy.³⁸⁵
- Post Academy requirements/any related to legal topics: 40 hours per year.
- Qualifications of instructor teaching legal topics: Instructors must have four years of law enforcement experience.

Total training hours:	400
Hours of Non-Statutory Law:	50
Hours of State Laws/Statutes:.....	N/A
Hours of Traffic/Motor Vehicle Laws:.....	N/A
Total Hours Legal:	50
% of hours devoted to All Legal Topics:.....	12.50%
% of hours devoted to General Legal Topics:.....	12.50%
% of hours devoted to State Laws/Statutes:	N/A
% of hours devoted to Traffic/Motor Vehicle Laws:	N/A

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Restraint of police powers vs. citizens as dictated by court decisions in the area of the 1st, 4th, 5th, 6th, 8th, and 14th Amendments	
Post-arrest and pre-trial statutory procedure	
Civil liability of police	50
<i>Subtotal Non-Statutory Legal Topics</i>	50
<i>State Laws/Statutes</i>	
Criminal offenses local ordinances	
<i>Subtotal State Laws/Statutes</i>	
<i>Traffic/Motor Vehicle Laws</i>	
Traffic / Motor Vehicle laws	
<i>Subtotal State Laws/Statutes</i>	
Total Legal Hours:	50

³⁸³ TENN. PEACE OFFICERS STANDARDS & TRAINING COMM’N, RULES (Oct. 2014), <http://www.tn.gov/assets/entities/commerce/attachments/POSTRules.pdf>.

³⁸⁴ This information was not provided.

³⁸⁵ A law enforcement agency must hire or sponsor a cadet before the cadet enters the police academy. *How Do I attend the Tennessee Law Enforcement Trailing Academy (TLETA)?*, TENN. DEP’T OF COMMERCE & INSURANCE, <https://www.tn.gov/commerce/topic/let-faqs> (last visited Sept. 20, 2017).

Texas³⁸⁶

- Unified Academy curriculum: Yes
- Level of education required for cadets: High School/GED
- Commission is not required before Academy.³⁸⁷
- Post Academy requirements/any related to legal topics: N/A³⁸⁸
- Qualifications of instructor teaching legal topics: N/A³⁸⁹

Total training hours:	643
Hours of Non-Statutory Law:	64
Hours of State Laws/Statutes:	70
Hours of Traffic/Motor Vehicle Laws:	N/A
Total Hours Legal:	134
% of hours devoted to All Legal Topics:	20.84%
% of hours devoted to General Legal Topics:	9.95%
% of hours devoted to State Laws/Statutes:	10.89%
% of hours devoted to Traffic/Motor Vehicle Laws:	N/A

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
U.S. & Texas Constitution, Bill of Rights, and Criminal Justice System	8
Code of Criminal Procedure	20
Arrest, Search, and Seizure	28
Civil Process	8
<i>Subtotal Non-Statutory Legal Topics</i>	64
<i>State Laws/Statutes</i>	
Penal Code	44
Alcoholic Beverage Code	4
Health and Safety Code--Controlled Substances Act	12
Family Code--Juvenile Issues	10
<i>Subtotal State Laws/Statutes</i>	70
Total Legal Hours:	134

³⁸⁶ 643-HOUR BASIC PEACE OFFICER COURSE, HOUSE SELECT COMMITTEE ON MENTAL HEALTH, Texas at 3 (Jun. 2, 2016), <http://www.legis.state.tx.us/tlodocs/84R/handouts/C3822016060210001/dbda6937-b941-41e0-b800-e598371f01c4.PDF>.

³⁸⁷ 37 TEX. ADMIN. CODE § 7.217 (2016).

³⁸⁸ This information was not provided.

³⁸⁹ This information was not provided.

Utah³⁹⁰

- Unified Academy curriculum: Yes
- Level of education required for cadets: High School/GED
- Commission is not required before Academy.³⁹¹
- Post Academy requirements/any related to legal topics: 40 hours every year.
- Qualifications of instructor teaching legal topics: Instructors must have a Juris Doctor degree.

Total training hours:	367 ³⁹²
Hours of Non-Statutory Law:	18
Hours of State Laws/Statutes:	26
Hours of Traffic/Motor Vehicle Laws:	N/A
Total Hours Legal:	44
% of hours devoted to All Legal Topics:	11.99%
% of hours devoted to General Legal Topics:	4.90%
% of hours devoted to State Laws/Statutes:	7.08%
% of hours devoted to Traffic/Motor Vehicle Laws:	N/A

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Laws of Arrest	4
Laws of Search and Seizure	6
Laws of Evidence	4
Laws of Reasonable Force	2
Liability of Peace Officers	2
<i>Subtotal Non-Statutory Legal Topics</i>	18
<i>State Laws/Statutes</i>	
Crimes Against Persons I	3
Crimes Against Persons II	4
Crimes Against Property I	3
Crimes Against Property II	4
Crimes Against Family	1
Crimes Against Administration of Government	1
Crimes Against Public Order and Decency	2
Controlled Substance Law	2
Alcohol Beverage Control Act	2
Juvenile Law	4
<i>Subtotal State Laws/Statutes</i>	26
Total Legal Hours:	44

³⁹⁰ E-mail from Diedra Ha, Basic Training Technician, Utah Peace Officer Standards & Training, to author (Sept. 10, 2015, 03:38 CST) (on file with author).

³⁹¹ An aspiring police officer may attend a “satellite” police academy before seeking employment with a law enforcement agency. *Id.*

³⁹² Utah also has “Special Function Officers” who require 219 hours of Academy training. The legal subjects training is the same as full “Law Enforcement Officers.” *Id.*

Vermont³⁹³

- Unified Academy curriculum: Yes.
- Level of education required for cadets: High School/GED
- Commission is required before Academy.³⁹⁴
- Post Academy requirements/any related to legal topics: 25 hours every year.
- Qualifications of instructor teaching legal topics: Instructors must be subject matter experts.

Total training hours:	856
Hours of Non-Statutory Law:	48.5
Hours of State Laws/Statutes:	14
Hours of Traffic/Motor Vehicle Laws:	44
Total Hours Legal:	106.5
% of hours devoted to All Legal Topics:	12.44%
% of hours devoted to General Legal Topics:	5.67%
% of hours devoted to State Laws/Statutes:	1.64%
% of hours devoted to Traffic/Motor Vehicle Laws:	5.14%

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Police Liability	0.5
Criminal Law	48
<i>Subtotal Non-Statutory Legal Topics</i>	48.5
<i>State Laws/Statutes</i>	
Use of Vermont Statutes	2
Landlord & Tenant Law	2
Juvenile Law and Procedure	8
Introduction to Fish & Wildlife	2
<i>Subtotal State Laws/Statutes</i>	14
<i>Traffic/Motor Vehicle Laws</i>	
Motor Vehicle Law	44
<i>Subtotal State Laws/Statutes</i>	44
Total Legal Hours:	106.5

³⁹³ E-mail from Richard Gauthier, Executive Director, VT Criminal Justice Training Council, to author (May 11, 2016, 01:39 CST) (on file with author).

³⁹⁴ A law enforcement agency must hire or sponsor a cadet before the cadet enters the police academy. *Id.*

Virginia³⁹⁵

- Unified Academy curriculum:³⁹⁶
- Level of education required for cadets: High School/GED
- Commission is required before Academy.³⁹⁷
- Post Academy requirements/any related to legal topics: 40 hours every two years, including 4 hours of legal training and 2 hours of diversity training.
- Qualifications of instructor teaching legal topics: Any officer with two years' experience and is a certified instructor.

Total training hours:480

³⁹⁵ E-mail from Sharon W. Gray, Field Servs. Manager, Div. of Law Enf't. and Sec. Servs. Va. Dep't of Criminal Justice Servs, to author (Sep. 21, 2015, 02:01 CST) (on file with author).

³⁹⁶ The Virginia Department of Criminal Justice Services sets minimum standards. *Id.*

³⁹⁷ A law enforcement agency must hire or sponsor a cadet before the cadet enters the police academy. *Id.*

Washington³⁹⁸

- Unified Academy curriculum: Yes.
- Level of education required for cadets: High School/GED
- Commission is required before Academy.³⁹⁹
- Post Academy requirements/any related to legal topics: 24 hours every year.
- Qualifications of instructor teaching legal topics: Current instructor has a Juris Doctor degree.

Total training hours:	720
Hours of Non-Statutory Law:	37
Hours of State Laws/Statutes:	48
Hours of Traffic/Motor Vehicle Laws:	6
Total Hours Legal:	91
% of hours devoted to All Legal Topics:	12.64%
% of hours devoted to General Legal Topics:	5.14%
% of hours devoted to State Laws/Statutes:	6.67%
% of hours devoted to Traffic/Motor Vehicle Laws:	0.83%

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Introduction to Criminal Procedures	1
Police Liability	2
Case Law Assignment	1
Civil Rights and Color of Law Matters	2
Understanding Perceptions & Bias	4
Case Law Presentations	9
Social Contacts and Terry Stops	2
Community Caretaking and Knock & Announce	1
Exigent Circumstances & Consent Searches	2
Procedures of Arrest	4
Frisking and Searching	2
Courtroom Testimony & Rules of Evidence	3
Vehicle Searches and Impounds	2
Miranda	2
<i>Subtotal Non-Statutory Legal Topics</i>	37
<i>State Laws/Statutes</i>	
Criminal Law Fundamentals	8
Noise Complaints	1
Complicity and Anticipatory Offenses	2
Burglary, Trespass & Vehicle Prowl	2
Firearms & Dangerous Weapons	4
Assault & Harassment	4
Domestic Violence	8
Property Crimes	3
Fraud and Forgery	2
Homicide & Felony Murder Rule	2
Serving Court Orders and Civil Stand-bys	2
Robbery & Kidnapping	4
Crimes Against Children	3
Sex Offenses	3
<i>Subtotal State Laws/Statutes</i>	48

³⁹⁸ E-mail from David Bales, Instructional Servs. Manager, Wash. State Criminal Justice Training Comm'n, to author (May 17, 2016, 03:58 CST) (on file with author).

³⁹⁹ A cadet must be hired by a law enforcement agency before entering the police academy. *How to Become a Police Officer*, WASHINGTON STATE CRIMINAL JUSTICE TRAINING COMMISSION, https://fortress.wa.gov/cjtc/www/index.php?option=com_content&view=article&id=427&catid=0 (last visited Dec. 3, 2017).

<i>Traffic/Motor Vehicle Laws</i>	
Rules of the Road and Equipment Violations	3
Drivers License Violations	1
DUI Laws	2
<i>Subtotal State Laws/Statutes</i>	6
Total Legal Hours:	91

West Virginia⁴⁰⁰

- Unified Academy curriculum: Yes.
- Level of education required for cadets: High School/GED
- Commission is not required before Academy.⁴⁰¹
- Post Academy requirements/any related to legal topics: 16 hours every year in addition to 8 hours of biannual firearms training.
- Qualifications of instructor teaching legal topics: N/A⁴⁰²

Total training hours:	835
Hours of Non-Statutory Law:	88
Hours of State Laws/Statutes:.....	18
Hours of Traffic/Motor Vehicle Laws:.....	26
Total Hours Legal:	132
% of hours devoted to All Legal Topics:.....	15.81%
% of hours devoted to General Legal Topics:.....	10.54%
% of hours devoted to State Laws/Statutes:	2.16%
% of hours devoted to Traffic/Motor Vehicle Laws:	3.11%

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Admissions & Confessions	4
Civil Liability	4
Courtroom Testimony & Demeanor	8
Criminal Procedures	4
Domestic Violence	8
Interview & Interrogations	8
Laws of Arrest	8
Laws of Evidence	4
Racial Profiling	4
Search & Seizure	16
Sex Crimes	4
Statements & Confessions	4
Use of Force	4
Principles of Investigations	8
<i>Subtotal Non-Statutory Legal Topics</i>	88
<i>State Laws/Statutes</i>	
West Virginia Criminal Law	16
West Virginia Liquor & Beer Laws	2
<i>Subtotal State Laws/Statutes</i>	18
<i>Traffic/Motor Vehicle Laws</i>	
WV Motor Vehicle Law	26
<i>Subtotal State Laws/Statutes</i>	26
Total Legal Hours:	132

⁴⁰⁰ E-mail from Charles A. Sadler, Law Enforcement Prof'l Standards Coordinator, W. Va. Div. of Justice & Cmty. Standards, to author (Aug. 31, 2015) (on file with author).

⁴⁰¹ An aspiring police officer may attend an "open enrollment" police academy before seeking employment with a law enforcement agency. *Id.*

⁴⁰² This information was not provided.

Wisconsin⁴⁰³

- Unified Academy curriculum: Yes.
- Level of education required for cadets: High School/GED⁴⁰⁴
- Commission is not required before Academy.⁴⁰⁵
- Post Academy requirements/any related to legal topics: 24 hours annually.
- Qualifications of instructor teaching legal topics: Instructors must be licensed attorneys or have completed instructor training.

Total training hours:	720
Hours of Non-Statutory Law:	40
Hours of State Laws/Statutes:.....	22
Hours of Traffic/Motor Vehicle Laws:.....	N/A
Total Hours Legal:	62
% of hours devoted to All Legal Topics:.....	8.61%
% of hours devoted to General Legal Topics:.....	5.56%
% of hours devoted to State Laws/Statutes:	3.06%
% of hours devoted to Traffic/Motor Vehicle Laws:	N/A

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Constitutional Law	32
Testifying in Court	8
<i>Subtotal Non-Statutory Legal Topics</i>	40
<i>State Laws/Statutes</i>	
Crimes	14
Juvenile Law	8
<i>Subtotal State Laws/Statutes</i>	22
Total Legal Hours:	62

⁴⁰³ E-mail from Dana G. Vike, Certification & Curriculum Supervisor, Training & Standards Bureau, Wis. Dep’t of Justice, to author (May 12, 2016) (on file with author).

⁴⁰⁴ Police officers who enter service with only a High School Diploma or GED must earn at least an Associate’s degree within 5 years of hire. *Id.*

⁴⁰⁵ An aspiring police officer may attend an “open enrollment” police academy before seeking employment with a law enforcement agency. *Id.*

Wyoming⁴⁰⁶

- Unified Academy curriculum: Yes.
- Level of education required for cadets: High School/GED
- Commission is not required before Academy.⁴⁰⁷
- Post Academy requirements/any related to legal topics: 40 hours every two years.
- Qualifications of instructor teaching legal topics: Instructors must have a Juris Doctor degree.

Total training hours:	592
Hours of Non-Statutory Law:	46
Hours of State Laws/Statutes:	10
Hours of Traffic/Motor Vehicle Laws:	4
Total Hours Legal:	60
% of hours devoted to All Legal Topics:	10.14%
% of hours devoted to General Legal Topics:	7.77%
% of hours devoted to State Laws/Statutes:	1.69%
% of hours devoted to Traffic/Motor Vehicle Laws:	0.68%

Covered Legal Subjects	Hours
<i>Non-Statutory Legal Topics</i>	
Basic Law and the Constitution	5
Civil Liability	2
Investigative Detention	3
Juvenile Law	3
Laws of Arrest	4
Laws of Criminal Interrogation	4
Legal Issues Scenario Discussions	3
Rules of Evidence	3
Search & Seizure	4
Search Warrants	5
Use of Force Lecture & Scenario Discussions	10
<i>Subtotal Non-Statutory Legal Topics</i>	46
<i>State Laws/Statutes</i>	
Wyoming Criminal Law (Statutes)	7
Wyoming Criminal Law (Procedures)	3
<i>Subtotal State Laws/Statutes</i>	10
<i>Traffic/Motor Vehicle Laws</i>	
Traffic Law	4
<i>Subtotal State Laws/Statutes</i>	4
Total Legal Hours:	60

⁴⁰⁶ E-mail from Leonard R. DeClercq, Dir., Wyo. Peace Officer Standards & Training Comm’n, to author (May 18, 2016) (on file with author).

⁴⁰⁷ An aspiring police officer may attend an “open enrollment” police academy before seeking employment with a law enforcement agency. *Id.*