

GUARDING AGAINST EXTREMISM IN LAW ENFORCEMENT

A Wellness Based Approach

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I. Executive Summary

The infiltration and proliferation of white supremacy and political extremism in American policing is a concern that has garnered increased attention in recent decades and particularly so following the January 6, 2021 attack on the U.S. Capitol which included some participants holding active or former associations with law enforcement. Bolstered by expanding catalogs of anecdotal evidence, a comprehensive body of recommendations has been developed through the work of academics, professional and advocacy organizations, and within the field of law enforcement itself that seeks to guard against the infiltration and spread of extremism into the ranks of policing. Among the recommendations amplified across the board, for example, are ones geared towards better screening in recruitment and hiring practices, including background investigations and psychological assessments; clear prohibitions around extremist expression and association with groups supporting extremist agendas; and accountability measures for individuals found to be engaged at any ideological level that undermines the mission of law enforcement and public trust.

Without question, such measures – already in place to varying degrees in many agencies – should be standard practice across the 18,000+ federal, state, and local departments serving communities large and small across the nation. We endorse and echo such recommendations as best practice. We submit, however, that much of the work in this area to date has left untouched the significant space between the bookends of pre-hire screening and in-service accountability. ***If our goal is not simply to root out but to prevent extremist ideology from taking root in the first place, attention must also be directed towards understanding how extremist ideology may gain foothold, even in agencies with robust pre-hire screening and accountability mechanisms, and how agencies can mitigate this risk.***

It is well accepted from a robust body of research in threat assessment and the study of violent radicalized actors that there is no “profile” of an extremist. Rather, individuals become radicalized through a gradual process of ideological engagement from a point of relative moderation, interruptible, but such that, by the time patterns of thought may emerge as observable behaviors, the underlying mindset is well-formed and rooted. ***Strain theory*** and corollaries in social psychology have been suggested as a useful framework for understanding how this can happen. Strain theory posits that negative attitudes and behaviors in general can be understood as reflections of deteriorated coping mechanisms, manifested in response to sustained stress and trauma. ***Extrapolating from these research principles, we submit that the cumulative physiological, cognitive, emotional, and psychological strain well-recognized in law enforcement creates an environment in which ideological extremism may foreseeably foment –***

even amongst a population of individuals carefully selected for their psychological resilience and behavioral norms.

While recognizing that only a fragment of a percent of any radicalizing population will reach a point of violent presentation, the risk of harm at even early stages of polarization is significant from both the perspectives of community trust and safety and – critically – officer health and safety. ***Aligning with broader efforts around officer wellness, we supplement the work of others in the areas of front-end hiring and back-end accountability by proposing strategies that address and arguably mitigate the risk of in-service radicalization as an occupational harm.*** Organizational culture, employee health and wellness, and community trust being paramount among the responsibilities of law enforcement leaders, we direct these recommendations primarily to the 18,000+ local, state, and federal police agencies across the country and to the policymakers responsible for their support. Core among the recommendations we offer, with the hope of providing additional considerations for informing ongoing work, are efforts directed toward:

- ❖ Building and sustaining an organizational culture grounded in transparency, equity, accountability, and procedural justice that flows both to the community and top-down through the ranks from leadership.
- ❖ Ensuring that external trainers or contractors involved in the training of department personnel reflect and be held to the same organizational expectations for standards of conduct as the personnel they are training.
- ❖ Offering regular in-service training in recognizing the physiological impact of stress and cognitive, emotional, and behavioral sequelae, specifically including a risk of emotional “hardening” that can lead to turn one towards ideological extremism.
- ❖ Ensuring that members are made aware and remain mindful that, because of their unique skillsets, they are often heightened targets for recruitment into extremist groups, with specific policies and training highlighting social media as a recognized tactic for attracting, recruiting, and ideologically sustaining identification with extremism agendas.
- ❖ Providing pre-incident briefing, in advance of events likely to be emotionally charged, such as political protests, and psychological “first aid,” or debriefing, after.
- ❖ Developing early awareness systems that are rooted in risk factors and/or indicators of occupational strain and promote opportunity for wellness-based interventions.

- ❖ Conducting regular mental health wellness check-ins for all employees.
- ❖ Providing education for law enforcement families to help them recognize and react to signs of radicalization.

Ultimately, we submit that addressing the risk of radicalization through a wellness-based, root cause approach, upstream of the point where negative behavior may warrant a disciplinary response or call into question one’s fitness to serve, is not only the right thing to do to preserve the organization’s significant interest in maintaining public trust and a healthy workforce but also avoids the potential for conflict under law that may arise when seeking to address risk factors prior to the point of escalation into the disciplinary realm.

II. Establishing Context

The existence of extremist actors and sympathizers in American law enforcement is well documented in literature and is not a recent phenomenon. From its roots in the slave patrols of the south¹ to the decades-long work of neo-Nazi William Pierce and his National Alliance to rally and recruit “lemmings” within law enforcement, academia, and the military to advance White Supremacy movements,² the history of policing in America carries with it a concerning undercurrent of racism, violence, and hate. The Center for Strategic & International Studies (CSIS), in an April 2021 brief, describes a history replete with acts of violence and domestic terrorism carried out by former or active law enforcement or military servicemembers.³ A study by the Anti-Defamation League (ADL) examined known cases of extremism involving members of law enforcement for purposes of understanding how agencies have responded, finding some clear associations with anti-government, sovereign citizen, and neo-Nazi/white supremacist organizations.⁴ Long the focus of non-governmental, public policy, and legal advocacy groups,⁵ the fraternity between law enforcement, the military, and extremist groups and individuals has, increasingly over the past 20 years, been of heightened focus at the highest levels of government. A now widely disseminated 2006 FBI intelligence briefing issued stark warning of self-initiated efforts by individuals within law enforcement ranks to volunteer their professional resources to white supremacist causes.⁶ Nine years later, the FBI warned again of the “active links” between law enforcement and white supremacist and militia extremists.⁷ Today, riding the crest of a surge in domestic terrorism incidents, the vast majority of which are carried out in the name of far-right extremist groups,⁸ these earlier warnings continue to evolve and raise serious concern.⁹

While its prevalence in law enforcement has not been empirically studied,¹⁰ there is ample evidence that extremist activity involving members of law enforcement has both increased and become more overt, or pronounced, over

the past several years – as it has in the population generally.¹¹ In the media, anecdotes abound. Consider, for example, among hundreds of others:

- a Portland, OR officer in Nazi uniform;¹²
- a Michigan officer fired after a KKK application was found in his home;¹³
- a Tulsa, OK police chief forced to resign after connections to neo-Nazi websites were discovered;¹⁴
- a Seattle police officer fired for angry social media posts attacking women, minorities, and “illegal immigrants”;¹⁵
- a Chicago police officer investigated for wearing extremist insignia to a protest in June 2020;¹⁶
- 13 Philadelphia police officers fired for racist Facebook posts.¹⁷

The problem extends beyond the anecdotes. A 2019 study reported indicators of wide-spread white supremacist ideology in departments around the country, with incidents in over 100 different departments, in nearly every state, involving overtly racist statements by officers.¹⁸ Records leaked from the Oath Keepers, a far right-wing, anti-government organization, not only show membership rosters comprising active duty officers from departments – including major departments – from around the country, but also describe recruitment strategies targeted specifically at law enforcement and military organizations.¹⁹ Another recent report identifies active associations between far-right extremist groups and police training consultants – a private sector industry that regularly evades any level of oversight.²⁰ Simply put, there is ample evidence that proclivities within the ranks of law enforcement towards extremist groups and chatter go beyond the isolated associations of a few.

That said, in many respects the significant risk of harm to both public *and* officer safety resulting from *any* degree of extreme ideological association or sympathy within law enforcement renders the true extent of the problem, while alarming, to some extent irrelevant. It is a central tenet of modern policing that community peace and safety are best served through principles of community policing – collaborations between police and the community that leverage the participation of community members to identify and address issues that impact their neighborhoods.²¹ Effective community policing, in turn, depends on a culture of procedural justice - in particular, the ability of police to build their legitimacy as unbiased (neutral) actors and decisionmakers.²² In the age of the internet and social media, where a single video can go “viral” within minutes, the impact of that single encounter can be devastating to police legitimacy across the profession, fueling perceptions of bias against some or favoritism towards others. Moreover, separate from the impact on the community, extreme ideology within the workplace not only fractures and breeds distrust between colleagues, but also, for those espousing the ideology, may lead to complacency in how they interact with like-minded

members of the public, ironically, placing themselves at a heightened risk of harm from the individuals with whom they share ideological affinity.²³

The January 6, 2021 attack on the U.S. Capitol that included some holding active or former associations with law enforcement has brought new urgency to act to protect against the spread of extremist ideology among those sworn to protect and serve our communities.²⁴ Numerous organizations have joined the effort to seek solutions to stem this alarming trend, including at least one ongoing project, parallel to this inquiry, by a team at the National Counterterrorism Innovation, Technology, and Education Center, to examine how police departments screen for potential extremist actors or sympathizers during the hiring process and in-service.²⁵ Our goal in this report is to provide knowledge that builds upon, without unnecessarily replicating, the good work of others in this important area.

We do so in three distinct steps. First, and foundationally, we seek to establish the lens through which extremism, as a word and as a construct, is defined. Recognizing the legal complexity that can attach when attempting to regulate content-based speech and activity, we focus on extremism not as a behavior, but as a mindset driven by psychological and environmental factors.

Second, having defined extremism as a construct, we turn to a discussion of factors – psychological and environmental – recognized to contribute to an extremist mindset or that may render an individual vulnerable to radicalization. ***Borrowing from the work of others in the area of strain theory and its corollaries in the behavioral sciences, we suggest that central to mitigating the threat of radicalization are strategies to protect against the inherent physical, emotional, and environmental stress associated with the police officer’s role.*** We emphasize the humanity of the overwhelming majority of officers who answer the call to serve, and do so, each day, with honor, integrity, and compassion, but we also acknowledge the psychological defense mechanisms that can activate in each of us when pulled too thin. We approach this section from a risk management and officer wellness perspective, noting the “outsized impact”²⁶ on both public *and* officer safety that arises when those who are sworn to uphold the civil rights of others instead align, or are perceived to align, with groups and ideologies that run counter to principles of equality and justice. In doing so, we discuss the legal considerations that attach.

Finally, we reference model policies and policy recommendations from agencies, professional bodies, and public policy research and advocacy organizations and, where we identify gaps, we offer our own recommendations to guide emerging best practice in this area. It is important in this regard to note two points. First, while some known connections between law enforcement and extremist groups run back centuries, the weight of the current efforts post-January 6 to address the infiltration of extremism into the

sworn ranks has focused on similar models in the military. Caution should be exercised not to draw too close a comparison between law enforcement and the military, but reports concerning radicalization within the latter are nonetheless useful review for several reasons that should be acknowledged:

- ❖ The issue is simply more studied in the context of the military, whether because of its prevalence, the greater notoriety of acts of domestic terrorism carried out by individuals with former or active military affiliations, or because the centralized command of the military, as opposed to the patchwork of the 18,000 local law enforcement agencies throughout the 50 states, lends the military to a more systemic study.²⁷ As such, many good policy recommendations have been made, and implemented, providing direction for further work.²⁸
- ❖ The representation of military veterans serving in law enforcement is not insignificant. Individuals with military experience possess attributes and skillsets valued in law enforcement, such as firearms training, physical conditioning, leadership abilities, respect for discipline and authority, and experience with cultural and ethnic diversity. Coupled with state and local laws that give honorably discharged veterans varying degrees of preference in hiring and promotion, such attributes make veterans welcomed candidates for police recruitment.^{29,30} As a result, former military personnel are well represented in the ranks of law enforcement, with one report noting that while only approximately six percent of the U.S. population has served in the military, nearly one in five law enforcement members (19%) are military veterans.³¹
- ❖ ***Importantly, because these attributes and skillsets that serve individuals well in the military and law enforcement are likewise valued by extremist groups, it is this same experience that renders them valuable targets for recruitment by extremist groups.***³² In other words, while members of the military and law enforcement share common traits desirable for the profession, they also share traits and skillsets that expose them to extremist recruitment efforts.

A second point we note upfront is that, too often, the conversation around law and policy focuses almost exclusively on the *symptoms* of the issue without addressing the root cause. Removing from the ranks individuals who express racist views, who express white supremacist views, or who encourage violence against our democratic institutions is a straightforward, necessary course of action. Digging deeply into factors that lead to extremist behavior, identifying those within an agency's control, and implementing preventative measures are more complicated tasks. For that reason, we focus our inquiry beyond identifying and "weeding out" those who would use their positions to inculcate far-wing ideologies, and instead emphasize and provide theory to advocate for

practices and supports to inoculate against early indicators of radicalization before ideologies can take root.

In that regard, it is important to make clear the lens through which this report should be received. In today’s hyperpolarized climate, where the bell curve of the political spectrum has all but inverted in the prevailing narrative into a battle between the “extreme” left and the “extreme” right, any discussion that touches upon political ideology is understandably fraught. In this report we focus on the far-right, white supremacist, anti-government affiliations that dominated the most serious incidents of extremism in American law enforcement history, ***but at no point in this report do we mean to paint with any broad brush the hundreds of thousands of police officers in this country who serve their communities with honor, integrity and compassion. Care should be taken to avoid any such inference.*** Nor do we mean to suggest that law enforcement officers are somehow uniquely predisposed to extremist sympathies. Starkly to the contrary, the extensive background and psychological examinations that most law enforcement candidates undergo pre-hire are designed in part to identify and disqualify candidates who may indicate such susceptibility. ***This report should be read to advance two overarching themes: (1) any one of us, as a sentient being, is subject to radicalization; and (2) environmental and social factors recognized to contribute towards radicalization being heightened and inherent in the work law enforcement officers are called upon to perform, it is the responsibility of law enforcement agencies to enact all measures they can to mitigate these factors in the interest of both public safety and officer wellness.***

III. Defining Extremism

Because any discussion around regulating ideology invokes First Amendment³³ complexity, it is necessary to be cautious and clear in how we conceptualize extremism for the purpose of this report. This is not a task that lends itself to simplicity:

Scientists, political authorities, and potential extremists usually define extreme phenomena in very different ways. There are many factors that influence the definition itself, such as a (non)democratic nature of the political system, the prevailing political culture, the system of values, ideology, political goals, personal characteristics and experiences, ethnocentrism, and many others. Extremism in terms of terrorism, racism, xenophobia, interethnic and inter-religious hatred, left- or right-wing political radicalism and religious fundamentalism is essentially a political term which determines those activities that are not morally, ideologically or politically in accordance with written (legal and constitutional) and non-written norms of the

state; that are fully intolerant toward others and reject democracy as a means of governance and the way of solving problems; and finally, that reject the existing social order. But nobody is really happy with such understanding, for firstly, it is not legally precise enough to be effective, and secondly, it might be philosophically, sociologically, psychologically and especially politically incorrect.³⁴

As a question of law, the term has been left remarkably *undefined*. To the contrary, since the United States Supreme Court's decision in *Brandenburg v. Ohio*,³⁵ striking down as violative of the First and Fourteenth Amendments a statute that would have punished a leader of the Ku Klux Klan for derogatory statements made at a rally, courts have largely sidestepped a definition, focusing instead on associated elements, such as violence, where the legal precedent is more clear. One commentator has framed the complexity before the courts as such:

Freedom is a powerful word and yet, in many instances, an abstract idea. Freedom of religion, speech, and association all meet at a crossroads when one explores the facets of extremism. Legally, extremism is often left untouched. ... Perhaps, courts are concerned with overstepping. Others might assume that courts and the legislature are unsure of how to address a problem that seems to spill into every aspect of the political landscape.³⁶

The result of this legal *laissez faire* has thus been a construct lacking any bright line for regulation – defaulting to a case-by-case assessment (or as one commentator described, recalling Justice Potter Stewart's oft-quoted test for pornography, "I know it when I see it.")³⁷

For this reason, agencies that have sought to tackle extremism – whether within the ranks or as part of their enforcement duties – have taken great care to distinguish between protected and unlawful activity. The FBI's standardized definitions of terminology, for example, focus almost exclusively on the "threat of potentially unlawful use or threat of force in furtherance of ideological agendas[.]" with explicit prohibition against initiating investigations based "solely" on First Amendment activity.³⁸ Department of Defense Instruction 1325.06, Handling Protest, Extremist, and Criminal Gang Activities Among Members of the Armed Forces, similarly defines "extremist activities" in the context of the lawfulness of the means in furtherance ideological goals.³⁹

If one's purpose in defining extremism is to support taking law enforcement or prosecutorial action, then focusing on the lawfulness of *actions* taken, as would be established under separate statutory authority (e.g., 18 U.S.C. § 2331(5), defining "domestic terrorism"), under the totality of the factual circumstances

at hand, is clearly appropriate. If for purposes of workplace policy, courts recognize that when acting as an employer, “the State has interests... in regulating the speech of its employees that differ significantly from those it possesses in connection with regulation of the speech of the citizenry in general.”⁴⁰ Thus, where (1) an employee’s speech as a citizen is on a matter of public concern, and (2) the employer is able to show that the employee’s interest in expressing himself on that matter is outweighed by injuries that that the speech could cause to the employer’s operations, an agency has ability to define “extremism” in policy terms more restrictive than a pure First Amendment analysis would allow. But if one’s purpose in defining extremism is to identify indicators upstream of unlawful action or expressive misconduct for purposes of intervening *before* an employee’s overt acts or expression become problematic, then shifting focus from action-based to mindset-based terminology provides for a “more promising approach” for tailoring mitigative strategies in response to early indicators.⁴¹ Grounding the inquiry in psychological terms has two clear benefits. It avoids, on one hand, the due process implications of efforts to regulate ideology in law, while aligning, on the other hand, with research and practical approaches to preventing extremist behavior by addressing root causes of radicalization.

For purposes of this report, we borrow from the substantial research into the process of radicalization over the twenty years since September 11, 2001. Because overt behaviors that violate law and policy are readily addressed through means that do not implicate First Amendment associations, we distinguish along the continuum of radicalization between extremist ideologies and the methods through which ideological actors attempt to achieve their goals, focusing on the former. We do so in the context of definition of extremism drawn from the Palgrave Macmillan Dictionary of Political Thought:⁴²

Extremism can be used to refer to political ideologies that oppose a society’s core values and principles. In the context of liberal democracies this could be applied to any ideology that advocates racial or religious supremacy and/or opposes the core principles of democracy and universal human rights. The term can also be used to describe the methods through which political actors attempt to realise their aims, that is, by using means that ‘show disregard for the life, liberty, and human rights of others.’⁴³

This description is consistent with that presented in both academic literature⁴⁴ and the work of non-profit law and policy organizations⁴⁵ dedicated to bringing awareness and interdiction strategies to extremist groups.

IV. Preventing Extremism

A. Psychology of Extremism

Considerable resources have been directed into research seeking to understand the etiology of the extremist mindset. Though largely situated in the national security arena through government-funded anti-terrorism and threat assessment efforts following 9/11 and the rise of al Qaeda-inspired jihadism, there is broad enough consensus in the literature that the trajectory of radicalization, at least in its early stages, is sufficiently ideologically neutral to allow for generalized discussion of the risk factors that may create an “openness to socialization” into extremism, regardless of the eventual form it may take.⁴⁶ Thus, for our purposes here, in proposing both preventative and mitigative strategies to address the seeds of extremist thought from taking root and a framework for intervention should indicators of extremist ideology emerge, the broader body of research in this area is instructive. *We emphasize that we review this literature not because we seek in any way to “compare police to terrorists,” but because – accepting the widely-held view of radicalization, regardless of ideology, as a long process that begins from a point of moderation – it is from this body of research that we can derive knowledge around risk factors that may set this process in motion.*

Moreover, for our purposes, we can also disregard the “resounding failure,” as one researcher put it, of efforts to develop a profile of the violent extremist, at whom much of the prior research was focused.⁴⁷ Viewing radicalization as a “process or progression [by which] an individual or given group moves through time toward radical beliefs, in a volatile social environment which is constantly evolving,”⁴⁸ *we start from the point that, as we discuss later in this report, existing mechanisms can and should lead to the immediate rejection (pre-service) or termination (in-service) of anyone espousing, let alone engaging in, any act of violent extremism.* Thus, if one takes an “iceberg modeling” approach to conceptualizing the “radicalized population” overall, those at the tip – those exhibiting overt behaviors of violent extremism – should be readily identifiable, and readily removed from policing ranks. *It is instead that activity going on below the surface that poses the greater threat of harm to police organizations and the more challenging issue to address.*

Though numerous approaches have been employed to explain the cognitive mechanisms underlying the radicalization process,⁴⁹ at a macro level, most psychological modeling starts with the assumption that individuals, as rational actors, will tend towards moderation across behaviors.⁵⁰ From this point of moderation, various models have been proposed to reflect the process by which one moves through ideological engagement towards increasingly

polarized behavior. Schmid (2013) describes the process as one of gradual change to a point of violence, often precipitated, or accelerated, by a “catalyst event.”⁵¹ Borum (2003; 2011) proposed a four-stage model for the development of the extremist mindset, moving from a grievance (“it’s not right”) to injustice (“it’s not fair”) to target attribution (“it’s your fault”) to devaluation (“you’re all evil”).^{52,53} McCauley and Moskalenko (2008) proposed a pyramid model of increasing degrees of radicalization, where the relatively few individuals comprising the apex population of radical violent actors sit atop lower layers of activists, supporters, and sympathizers at varying levels of engagement.⁵⁴

Staircase Model of Radicalization⁵⁵



For present purposes, where our review is aimed towards developing implementable strategies to prevent both infiltration and proliferation of extremist thought, we find the “staircase” model proposed by Moghaddam (2005),⁵⁶ as visualized and elaborated upon by Muro (2017), a particularly compelling framework. Presented as a set of steps “housed in a building where everyone lives on the ground floor, but where an increasingly small number of people ascend to the higher floors, and very few people reach the top of the building[.]” *this model incorporates points key to our recommendations: (1) that we should accept that there is little to nothing discernably unique about the population of the “ground floor”; (2) we should thus assume that under the right constellation of physical, physiological, or environmental stressors, any one of us is susceptible to ideological influence; and (3) if an agency’s goal is to protect against both the presence and potential of ideological influence, counteractive measures should focus not simply on intervening where indicators of a radicalized (or radicalizing) mindset are present but, perhaps most importantly for purposes of preserving an agency’s significant*

*investment in its workforce, on proactively identifying and mitigating risk factors that may cause an otherwise healthy individual to escalate to that point.*⁵⁷

A promising direction for understanding how one moves up Moghaddam's "stairs" of escalation into extremist ideology is found in the work of sociologists and criminologists around "strain theory" – at its simplest, the theory that asocial behavior derives from strains between social pressures around desired goals and one's ability to achieve those goals. For example, sociologist Robert Merton argued, unable to obtain financial success through societally accepted means, individuals responding to the strain between their current status and their ideal may resort to crime to achieve their desired end.⁵⁸ In proposing a "general strain theory," sociologist Robert Agnew argued that theory could be applied in seeking to understand deviant behaviors beyond the criminogenic. Negative attitudes and behaviors in general, Agnew posited, can be understood as reflections of deteriorated coping mechanisms, manifested in response to adverse conditions or treatment.^{59,60} Such conditions may include the loss of positive influences (such as the loss of family, friends, supports), the addition of negative stimuli (such as physical or verbal assaults, criticism), or the failure to achieve a goal.⁶¹

"Role strain theory," introduced by sociologist William Goode, adds another dimension to the model. Role strain theory posits that the stability of social institutions depends on the role relationships between individuals, and the willingness of individuals to fulfill the social obligations of their role – which, it is generally accepted, most people are inclined to do.⁶² Individuals are rarely confined to one role, however. Most people fulfill multiple roles across multiple relationships, which can not only lead to conflicts of interest in different situations, but result in "role strain" as the individual attempts to fulfill conflicting roles in ways that, ultimately, may fall short of social expectations.⁶³

Role strain theory finds support in two related constructs:

- *Social identity theory* proposes that one derives their sense of identity – their "stable sense of self and resolved security in one's basic values, attitudes, and beliefs"⁶⁴ – from their membership in particular groups (family, team, profession, etc.), established through a three-stage cognitive process: (1) social categorization, in which we categorize individuals, including ourselves, in order to understand who they are and their role in society; (2) social identification, in which we take on the identity of the group(s) with whom we have categorized ourselves and attach emotional significance (self-esteem) to this identification; and (3) social comparison, in which we compare the group(s) to which we belong (in-groups) to other groups (out-groups). To maintain our self-

esteem, it is argued, our in-group must compare favorably to others; where there is misalignment, competing group identities can result in open hostility and competition.⁶⁵

- *Cognitive dissonance*, introduced by psychologist Leon Festinger, refers to psychological discomfort occurring when an individual is tasked to reconcile inconsistencies or contradictions in their actions or their thoughts about themselves, others, or their circumstances. In order to reduce this discomfort, Festinger argued, individuals will take predictable paths to cope with or reconcile these inconsistencies. They will either change their thoughts or behavior such that they align; they will change their cognition to justify their actions; or they will justify their actions by rejecting any conflicting information or thoughts (for example, as with confirmation bias, seeking out only information that aligns with existing beliefs).⁶⁶

Several researchers have urged strain theory and its corollaries in social identity constructs and cognitive dissonance as a useful framework for understanding how individuals come to develop extremist attitudes, generally, and particularly in the context of individuals experiencing collective strain – or strain that is inflicted in the name of a social, political, or religious ideology upon one’s social identity group by more powerful “others.”⁶⁷ The same framework extends easily to the field of policing – even in departments where extensive backgrounding and psychological testing can be expected to winnow out those exhibiting overt behaviors or presenting cognitive risk factors of vulnerability – in which the environment in which officers work and the often conflicting nature of the roles they are expected to play create unquestionable mental strain.

It should be remembered that, particularly amidst the enormous staffing challenges facing agencies across the country, and considering the significant financial cost of recruiting, selecting, and training officers, the loss of any officer, whether through resignation or termination, is consequential. For that reason, and if, again, a central focus of our report is to not simply present recommendations on removing officers exhibiting extremist motives or behavior from the ranks but to prevent against the seeds of extremism from taking root in (to return to Moghaddam’s metaphor) the “house in which we all live,” there are good reasons, for both public trust and organizational efficiency, to dedicate equal attention to protecting against those factors that may lead officers up that first step of radicalization. To do so, we must also acknowledge the environment in which those factors flourish.

B. The Law Enforcement Environment, Occupational Stress, and Strain Theory

We start by first refining Moghaddam's model to note that the "house" in discussion is not "one in which we all live" – it is, quite to the contrary, a house occupied by individuals who have been, *or should have been*, pre-selected for their character, fortitude, and resilience. Indeed, for most agencies, a candidate's fitness to serve is assessed, pre-hire, by way of a months-long and multi-stage process, with each step aimed not simply at testing for general aptitude but identifying underlying traits, characteristics, or propensities that may bear for or against one's ability to meet the complex demands of the job in a manner that meets high standards of ethics, disposition and integrity.⁶⁸ In most states,⁶⁹ pre-employment psychological examinations are required to assess applicants' emotional stability and psychological suitability for the job, including relevant personality characteristics such as social competence, adaptability, assertiveness, dependability, attention to safety, integrity/ethics, stress tolerance, decision-making, and avoiding risk-taking behaviors. In other words, there is, *or should be*, careful vetting of those entering the house to begin with.

The importance of this pre-selection process cannot be overstated, particularly considering the rapidly evolving transformation of policing over the course of the 21st century. At one point a career often shared across families and generations, agencies across the country are increasingly struggling to recruit and retain talent⁷⁰ – a staffing crisis under further pressure in the aftermath of the pandemic, a strong jobs market, and the social unrest following the murder of George Floyd in 2020. At the same time, weakening social safety nets have left more communities vulnerable to poverty, mental illness, and homelessness. The opioid crisis of the 1990s has proliferated into an epidemic aggravated by powerful, even more lethal, synthetic analogs. Without adequate alternatives, police are increasingly finding themselves at the dynamic intersection of public safety and public health. Coupled with heightened scrutiny and the ever-increasing sophistication of the tools, data and equipment law enforcement officers must manage, the complexity and consequence of the work have never been greater.⁷¹

Corey and Zelig (2020) aptly describe the conflict that ultimately emerges:

[P]olicing can be understood to have *instrumental* and *symbolic* roles. The former has to do with issues such as crime reduction, public safety, and prosecution of offenders; the latter is concerned with public perception of safe communities, as well as trust and confidence in, and the legitimacy of, the police profession.^[72] These roles, and public perceptions of how successful police are in performing them, are increasingly in conflict because of social change. One such change is reflected in "non-crime demands" on

police, which are estimated to account for about 80% of police calls for services. These calls result mainly from failures in other social service delivery and criminal justice systems, such as mental health, drug, and alcohol treatment; housing; public schools; the courts and correctional institutions. As the instrumental police role broadens, the number of non-crime contacts with citizens increases. But when responding to non-crime calls for service involving the mentally ill, the homeless, and parties in dispute, the potential for violent escalation also increases, which undermines public assessment of police officers in their symbolic role.⁷³

Strain theory would have this role conflict play out in predictable ways and indeed, there is ample evidence that it does. At the individual level, the strain between one's idea and the reality of policing is well-accepted as a source of cumulative occupational and organizational stress;⁷⁴ indeed, the "cognitive dissonance theory of police resignation" cites this strain as a driver of self-initiated officer resignation.⁷⁵ Legislative efforts, too, are increasingly acknowledging the impact of occupational strain on officers' physical, psychological, and physiological well-being and the importance of providing officers mitigative support. As a report from the Department of Justice to the Congress in support of the Law Enforcement Mental Health and Wellness Act of 2017 (signed into law January 2018) observes:

The daily realities of the job can affect officers' health and wellness. They face a constant need to be vigilant, long hours and shift work, exposure to the daily tragedies of life, and regular interaction with people who are in crisis or hostile toward them. Patrol officers face a national undercurrent of heightened public scrutiny of the profession that overshadows the legitimacy of their individual efforts. Corrections officers can expect to encounter verbal abuse and physical assaults from prisoners and exposure to hazardous materials and blood-borne pathogens. All of these things added to the ordinary hassles of the workplace and their personal lives can lead to cumulative stress and burnout.

Officers anticipate and accept the unique dangers and pressures of their chosen profession. However, people under stress find it harder than people not experiencing stress to connect with others and regulate their own emotions. They experience narrowed perception, increased anxiety and fearfulness, and degraded cognitive abilities. This can be part of a healthy fight-or-flight response, but it can also lead to significantly greater probabilities of errors in judgment, compromised performance, and injuries. Failing to address the mental health and wellness of officers can

ultimately undermine community support for law enforcement and result in officers being less safe on the job.

Psychological stress may also have serious consequences for the individual officer's health. In particular, traumatic law enforcement work has been shown to increase officers' risk of developing post-traumatic stress disorder (PTSD) symptoms. PTSD is associated with major depression, panic attacks, phobias, mania, substance abuse, and increased risk of suicide. PTSD can increase the risk of cardiovascular disease, hypertension, heart disease, and possibly stroke as well.⁷⁶

At a more macro level, it is well understood from the fields of both sociology and organizational/industrial psychology that in any occupation, employees tend to adopt a subculture of shared beliefs, attitudes, and values driven by the nature of their work and their environments.⁷⁷ In policing, this occupational culture (consistent with principles of social identity theory) is usually defined in terms of an "insular dualism" of "us versus them" – the "thin blue line" that prevents society from falling into a state of moral decay and unrest.⁷⁸ Cochran and Bromley (2003), for example, explain the attitudes that emerge in these terms:

The occupational environment of criminal justice includes exposure to human misery, exposure to great situational uncertainty, and exposure to intrinsic danger, all coupled with high levels of coercive authority and 'invisible discretion' granted to these officers which enable them to carry out their mandates. Moreover, most criminal justice employees work in unique organizational environments which expose them to rigid, militaristic authority structures with fixed lines of command and communication that are coupled with often vague and conflicting guidelines for policing and procedures. As a result, these employees are faced with tremendous job-related stressors. In an efforts to cope with these working conditions, these employees are said to adopt a unique subcultural response ... presumed to be made manifest in the manner by which officers perceive their role as police and the scope of this role; their beliefs regarding how the role should and should not be performed; and their attitudes toward the criminal law, criminal procedures including department policies, the police and other criminal justice practitioners, criminal offenders, victims, and witnesses, even citizens as a whole.⁷⁹

Thus, just as individuals under strain may seek to alleviate the discomfort of cognitive dissonance by realigning their thoughts or behaviors in a manner that better reconciles conflicting ideals, occupational culture can be understood

as an aggregate manifestation of the same, rooted in “anomie,” or the “conceptual dichotomy between cultural goals and institutional means to achieve these goals.”⁸⁰

If it is accepted that (1) as a condition of the nature and environment of their work, officers are exposed to high degrees of strain that (2) can have psychological, physiological, and physical impacts on their well-being, potentially leading to (3) poor coping mechanisms at both individual and occupational levels, it is not difficult to place the question of “how extremism emerges” squarely within the radicalization framework earlier discussed. In Moghaddam’s model, viewing the “house in which we all live” as the environment into which all new officers enter, a movement towards to first step up the radicalization can be understood as the first cognitive shifts towards a realignment of values, driven by the undeniable strain of their work and the insularity of their environment and peer group, at work and online. The cognitive and behavioral indicators of the psychological distress documented in the area of officer wellness mirror those identified as driving extremist thought and action.⁸¹ Some have spoken of the feelings of paranoia, dispossession, and the “angry mind” of the extreme right wing of American politics.⁸² A 2021 report from the Rand Corporation, following interviews with former extremists and their families, identified several key risk factors for radicalization, including overwhelming anger, trauma or PTSD, substance use, feelings of victimization, stigmatization, and marginalization.⁸³ ***By no means are such negative coping responses unique to police, but – notwithstanding the heightened levels of resilience one might expect of those so carefully backgrounded and screened – by no means should law enforcement be deemed immune.***

The role of social media in fostering the radicalization process warrants particular consideration. A 2018 study by the National Consortium for the Study of Terrorism and Responses to Terrorism (START),⁸⁴ for example, reviewing the social media activities of nearly 500 extremists, reported that in nearly 90% of cases, social media played a role in the radicalization process, with lone actors (those acting alone in their extremist activities) being particularly active on social media. A report from the Tech Transparency Project identified that of the 221 organizations identified by either the Anti-Defamation League or Southern Poverty Law Center as hate groups, more than half had a presence on Facebook; of the 153 total individual Facebook pages linked to white supremacist content, nearly 65% was autogenerated by Facebook itself.⁸⁵ Within law enforcement, the use of social media to propagate messages of hate is increasingly of heightened focus. One report, for example, purports to identify over 400 police officers – from small rural sheriff’s departments to the largest agencies in the country – subscribing to online groups trafficking in far right-wing extremist ideologies.⁸⁶ The Plain View Project, a database of public social media postings, has identified over

5,000 entries by current or former law enforcement officers espousing violence, racism and bigotry.⁸⁷ ABC News reported on a secret Facebook group including current and former employees of the Customs and Border Protection Agency containing offensive posts about migrants and migrant deaths.⁸⁸

Strain theory, “group polarization theory,” and similar constructs in social psychology have all been cited in explaining the “echo chamber” of social media as both a toehold for and accelerant of the radicalization process.⁸⁹

Social media radically changed the mechanism by which we access information and form our opinions. ... Online polarization, for instance, may foster misinformation spreading. Our attention span remains limited, and feed algorithms might limit our selection process by suggesting contents similar to the ones we are usually exposed to. Furthermore, users show a tendency to favor information adhering to their beliefs and join groups formed around a shared narrative, that is, echo chambers. We can broadly define echo chambers as environments in which the opinion, political leaning, or belief of users about a topic gets reinforced due to repeated interactions with peers or sources having similar tendencies and attitudes. ...

According to group polarization theory, an echo chamber can act as a mechanism to reinforce an existing opinion within a group and, as a result, move the entire group toward more extreme positions.⁹⁰

The damage that can result from officers’ inappropriate online activity, not only in undermining organizational and professional legitimacy but also in destroying their careers, offers good direction for policy and training in this area. Moreover, as we noted earlier in this paper, the overlay of military representation in law enforcement brings additional considerations. There is ample reason to believe that whatever the true extent of white supremacy among police may be, overt extremist sympathy and behavior within the military have been more frequently documented. The previously cited study from the CSIS indicates the growing involvement of U.S. military personnel in domestic terrorism plots and attacks.⁹¹ An NPR study identified that one out of five individuals facing criminal charges arising out of the January 6, 2021, attack on the Capitol served in the military.⁹² The Department of Defense, in a 2021 report, noted the growing threat, laying out immediate and recommended actions to counter extremist activities.⁹³

Finally, some discussion of the military overlay in civilian policing is important. The attributes and skillsets that military veterans bring to law enforcement (firearms training, physical conditioning, leadership abilities, respect for discipline and authority, and experience with cultural and ethnic diversity) also render them uniquely susceptible targets for right-wing and

anti-government extremist groups. We should thus remember, then, when we consider those invited into the “house” of Moghaddam’s model, we are including in this population individuals who come from a similar occupational culture of insularity, and – at least like those on the older end of policing⁹⁴ – are more likely to lean to the right politically.⁹⁵

This is significant when we consider the factors that influence progression, as Borum described, from “it’s not right” to “it’s not fair” to “it’s your fault” that leads those relatively few up the radicalization staircase. Fundamentally, radicalization is a social process. Whether through friends, family, coworkers, or in social media forums “full of conspiracy theories parading as political and social commentary,” it is, ultimately, the social engagement that allows it to advance.⁹⁶ For this reason, any strategies to protect against the initiation or proliferation of extremism in policing must necessarily direct focused attention not just towards efforts to “screen out” but “select in” measures to intervene at root levels of the long trajectory of the radicalization process, *i.e.*, well before an employee’s expression or activity becomes of overt concern.

Because any such strategies also skate close to legal implications, however, we address briefly the First Amendment and the Americans with Disabilities Acts – two relevant areas of law.

C. Legal Considerations

1. First Amendment

The Supreme Court has established, in a number of cases, that public employees do not shed their First Amendment rights of speech and political association in exchange for their jobs.⁹⁷ At the same time, however, the law is clear that “the government as employer has far broader powers than does the government as sovereign.”⁹⁸ Thus, whereas “[t]he First Amendment demands a tolerance of ‘verbal tumult, discord, and even offensive utterance’ as ‘necessary side effects of... the process of open debate,’”⁹⁹ it is recognized that the government’s interest in maintaining effective operations allows for greater regulation:

“It is clearly established that a State may not discharge an employee on a basis that infringes that employee’s constitutionally protected interest in freedom of speech.” *Rankin v. McPherson*, 483 U.S. 378, 383. This does not imply that public employees are free to say anything they wish; only constitutionally protected speech serves as an impermissible basis for discharge. But even where constitutionally protected speech is involved, public employees are not free simply to speak their minds.

Rather, the determination of whether a discharge for free speech was proper requires “a balance between the interests of the employee, as a citizen, in commenting on matters of public concern, and the interest of the [government], as an employer, in promoting the efficiency of the public services it performs through its employees.” *Pickering v. Board of Education*, 391 U.S. 563, 568 (1968).¹⁰⁰

The test, set forth under *Pickering*, as to whether an employer’s regulation of expressive association is permissible is a two-fold inquiry into: (1) whether the employee’s association relates to a matter of public concern; and (2) whether the employee’s interest in that association is outweighed by injury that the speech could cause to the employer’s operations. For the purposes of this report, the test is one easily resolved. A collection of Supreme Court decisions consider, as matters of public concern, anything “that is a subject of legitimate news interest; that is, a subject of general interest and of value and concern to the public at the time of publication.”¹⁰¹ Speech or association “relating to any matter of political, social, or other concern to the community” will fall into this category.¹⁰² Thus, as to this first prong of this test, if the point of intervention is tied to association or expression short of what would constitute unlawful threats of violence, political speech – no matter how noxious or unfounded – will likely be found a matter of public concern.

Such a finding does not, however, immunize that employee from regulation. Where the employee’s expressive conduct involves a matter of concern, the burden shifts to the government to show injury – or to show that the employee’s expression is likely to compromise legitimate and substantial interests. Justifications for employment action may include considerations around “maintaining efficiency, discipline, and integrity, preventing disruption of operations, and avoiding having the judgment of the agency brought into serious disrepute.”¹⁰³

In the private sector, where it is not the government but a private employer setting parameters around employee expression, regulations are frequently grounded in “business necessity” rules which recognize the risk of negative publicity, drops in sales, and boycotts, etc. (“In this digital and highly partisan age, so many people are just looking for a reason to take a stand against a company based on political, social or moral issues.”)¹⁰⁴ In law enforcement, the stakes are unquestionably higher:

As an institutional force, the police are intricately intertwined in the social fabric of American democracy. Law enforcement officials have been charged with a complex mission and accorded extraordinary powers. Society has done so with the expectation that officers will fulfill their responsibilities in a fair, impartial, ethical, and legal manner. In essence, this means police hold

positions of public trust and are expected to carry out their mission in a fashion consistent with the fundamental principles underlying a democratic society.¹⁰⁵

The unique role that police officers hold in society thus demands heightened care in both the pre-hire selection process and establishing, through clear policies and accountability measures, parameters around expression in-service – even where related to a matter of public concern. Pre-hire, a candidate for employment cannot claim a protected property interest in a prospective job.¹⁰⁶ ***For this reason, an agency’s ability to screen out candidates for employment based upon otherwise-protected associations and expressions are largely unfettered from a First Amendment perspective, and matters that may bear on a candidate’s integrity, such as discussed in the prior section of this report, are common and routine as best practice in law enforcement recruitment and do not implicate a protected interest.*** Dimensions included in the 2022 Backgrounds Investigation Manual published by the California Commission on Police Officer Standards and Training (POST) relating to suitability for employment include, for example, as indicators for disqualification, activities that “would be offensive to contemporary community standards of propriety,” “associations with those who commit crimes or otherwise demonstrate unethical/immoral behavior,” “inappropriate comments regarding race, religion, gender, national origin [etc.]” and “affiliation and engagement with a hate group, participation in hate group activities, or public expressions of hate.”¹⁰⁷

In-service, under the *Pickering* rule, an agency’s ability to regulate an employee’s expression and associations is guided by the agency’s ability to demonstrate that the resulting or foreseeable injury to the employer’s operations outweighs the employee’s liberty interests in such expression or association. In law enforcement, this should not be a high bar. From Sir Robert Peel’s admonition nearly two hundred years ago (“to recognize always that the power of the police to fulfill their functions and duties is dependent on public approval of their existence, actions, and behaviour, and on their ability to secure and maintain public respect”)¹⁰⁸ to the President’s 2015 Task Force on 21st Century Policing (“trust between law enforcement agencies and the people they protect and service is essential ... to the stability of our communities, the integrity of our criminal justice system, and the safe and effective delivery of policing services”),¹⁰⁹ to rededicated efforts to restore community trust following the unrest of 2020 and the January 6th assault on the Capitol, the duty to conduct oneself in a manner that is consistent with these ideals has long been at the core of the ethical standards one swears to uphold as a law enforcement officer.¹¹⁰ ***For this reason, consistent with the “wide discretion and control over the management of its personnel and internal affairs... [including] the prerogative to remove employees whose conduct hinders efficient operation and to do so with***

*dispatch[,]”¹¹¹ policies that prohibit employees from engaging in speech or association that undermines the agency’s mission will generally be upheld.*¹¹²

Moreover, regardless of any First Amendment protection applied to expression or association, the First Amendment does not shield the fact of such association for purposes of establishing other evidentiary matters, including bias.¹¹³ This has significant implications for law enforcement, where *Brady v. Maryland*¹¹⁴ imposes broad requirements on the government, in criminal matters, to turn over to the defense any evidence favorable to the accused and material to his guilt or punishment, including evidence that may be used to impeach the prosecution’s witnesses. Such evidence includes acts, associations, or expression that reflect bias, moral turpitude, or integrity – thus bearing not simply on the credibility of an officer but on the integrity of any case that officer is involved in. For this reason alone, strong policies around employee standards of conduct, while they have been argued as *de facto* regulations on employee speech and association, are justified and upheld as a means of preserving the integrity of the department.¹¹⁵ Consider, for example, *Dible v. City of Chandler*:¹¹⁶

[T]he interest of [a] City in maintaining the effective and efficient operation of the police department is particularly strong. It would not seem to require an astute moral philosopher or a brilliant social scientist to discern the fact that [certain] activities, when known to the public, would be ‘detrimental to the mission and functions of the employer.’ And although the government’s justification cannot be mere speculation, it is entitled to rely on ‘reasonable predictions of disruption.’ Police departments, and those who work for them, are engaged in a dangerous calling and have significant powers. The public expects officers to behave with a high level of propriety, and, unsurprisingly, is outraged then they do not do so.

(Internal citations omitted.) While the conduct in *Dible* differs from the associations considered here, the analysis is the same: ***activities that call into question the character and integrity expected of a police officer are not protected employment rights.*** The model policy on standards of conduct promulgated by the International Association of Chiefs of Police¹¹⁷ reflects this point:

Unbecoming conduct – Officers shall not conduct themselves in a manner, on or off duty, that:

- a. Casts doubt on their integrity, honesty, moral judgment, or character;
- b. Brings discredit to this agency; or
- c. Impairs the agency’s efficient and effective operation.

Finally, it should be remembered that any tension between the First Amendment and the government's interest in an in-service setting arises only to the extent that adverse employment action is contemplated. *If the goal of an interventive strategy is to provide mitigative efforts, particularly around wellness, at early indicator stages before an employee's expression reaches the point of a policy violation, the government action does not touch upon a property interest and the Pickering rule can be set aside.*

2. Americans with Disabilities Act/ADA Amendments Act of 2008

The Americans with Disabilities Act (ADA)¹¹⁸ extended to state and local governments the provisions of the Rehabilitation Act of 1973 that made it illegal for federal executive agencies to discriminate against individuals with certain disabilities, limit blanket exclusions based upon disability, and that require assessment on a case-by-case basis:

No otherwise qualified individual with a disability ... shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in any program or activity receiving Federal financial assistance[.]¹¹⁹

A "qualified individual with a disability" is defined by the U.S. Department of Justice (Civil Rights Division/Disability Right Section) as

An employee or job applicant who meets legitimate skill, experience, education, or other requirements of an employment position that he or she holds or seeks. The person must also be able to perform the "essential" (as opposed to marginal or incidental) functions of the position either with or without reasonable accommodation. Job requirements that screen out or tend to screen out people with disabilities are legitimate only if they are job-related and consistent with business necessity.¹²⁰

To protect against discrimination based upon a disability, the ADA prohibits an employer from asking about a disability or administering a medical examination until after the employer has made a conditional offer of employment (COE). Psychological assessments that are designed to identify personality traits that may render a candidate unsuitable to serve as a police officer are considered "medical examinations" within the meaning of the ADA; consistent with the ADA, such examinations can be administered (1) if required of all entering employees and (2) following the issuance of a COE.

In contrast, a psychological examination can be administered post-hire based only on a showing of job-relatedness and consistency with business

necessity.¹²¹ To satisfy the standards that apply to such a “fit for duty” assessment, the employer must be able to establish (1) reasonable cause to believe that the employee has a mental impairment that substantially limits their ability to perform the essential requirements of the position and (2) reasonable cause to believe that the employee has a mental impairment that may pose a significant risk of harm to themselves or others in the workplace. As a legal and policy matter, this is an area laden with nuance, especially in the context of a restorative framework that seeks to leverage early indicators of psychological distress as opportunities for early intervention.

3. Avoiding Legal Risk

Pre-hire, the process of both “screening out” the at-risk and “selecting in” the positive is a matter of the sophistication and rigor of the agency’s background process and psychological screening. Cybervetting strategies, for example, may allow agencies to corroborate or contradict information on an application and identify online and social media behavior or communications that may bear for or against an agency’s ideals.¹²² Comprehensive testing allows agencies to screen for psychological indicators of dysfunctional police officer behavior as well as for attributes highly correlated with psychological health and successful performance. As a rule, neither of these activities – if consistent across candidates, properly timed, and applied in a manner that does not otherwise infringe upon a protected interest¹²³ – implicates a First Amendment or ADA concern or, importantly, any recognized labor right. Accordingly, to the extent the inquiry focuses around preventing those who harbor extremist beliefs or recognized predispositions towards radicalization from entering any agency’s workforce, existing and emerging best practices in backgrounding and psychological screening provide for validated gatekeeping.

In-service, however, the burden on the employer to satisfy the business necessity rules under both *Pickering* and the ADA create a higher bar. Under *Pickering*, an employee has no First Amendment right to engage in expression or behavior that undermines the public’s trust in that officer to carry out their significant authority in a fair, impartial, ethical, and legal manner. These same concerns will likely also satisfy the “job-relatedness” inquiry under the ADA.¹²⁴ Where to draw the line, however, is a more difficult question. In the hyperpolarized political climate that has so far marked this century, where the simple act of supporting one party over another may render one an “extreme winger” in the eyes of those differently affiliated, this is not an easy calculus – on or off-duty. As one police chief put it, the challenge is “to recognize extremes and have no place for them in this democracy, but also to recognize views that are different from their own and not vilify or call them extremist.”¹²⁵

If the agency’s goal is to not only to prevent those holding extremist beliefs from entering the ranks but to ensure adequate mechanisms to “root out” any such individuals making it into the ranks, it is critical

that the agency establish clear policies around political speech, use of social media, and expectations for employee conduct for employment action to survive legal challenge. This includes mechanisms for ensuring that any individuals who serve in a training capacity or are in a position to influence officers' performance – and in particular any outside trainers contracted by the department who are not otherwise held to the same standards and expectations – be likewise vetted for activity or associations that run counter to the department's ethics. If, however, it is accepted that, by the time an employee's overt expressions reach the point where adverse employment action is warranted, the underlying mindset motivating the behavior are already established, and if it is acknowledged that the early "warning flags" of radicalized thinking overlap with indicators of poor psychological health increasingly recognized as occupational injuries generally endemic in law enforcement, then it is incumbent on agencies to implement strategies to mitigate against the inherent risk of psychological injury. Doing so upstream of the point where misconduct may warrant a disciplinary response or of behaviors that may call for psychological examination is not only the right thing to do to preserve the organization's significant interest in maintaining a healthy workforce, but also avoids the potential for conflict under either the First Amendment, the ADA, or labor rights concerns.

V. Policy Recommendations and Action Items¹²⁶

We have argued in this paper that preventing and eradicating extremism within the ranks requires more than clear prohibitions in hiring and retention. It requires agencies to implement strategies to mitigate against factors that may render an individual vulnerable to radicalization and to intervene at points of demonstrated vulnerability before an individual's expressions or behaviors become overtly problematic. Consistent with this holistic approach, we categorize policy recommendations and action items into four levels. ***Foundational considerations*** are those that relate to establishing an organizational culture, or a set of ethics, standards, and commitments around which all other agency practices and operations are centered – from recruitment and hiring to end of career. ***Pre-employment considerations*** are those relating to recruitment and hiring – from outreach, to testing, to backgrounding, to conditional offers of employment, and to selection to serve. ***In-service considerations*** are those relating to training, policy, wellness, supervision, mentoring, counseling, and disciplinary intervention, up to and including termination. Finally, considerations around ***coordinated strategies*** are those reflecting needed action at the national, state, and local levels to advance research and prevention in this area.

All the points presented below are themselves separate subjects of substantial research, study, and wide-ranging discussion. It is our purpose here to identify broad considerations for continued attention with specific regard to combatting

radicalization and extremism within the ranks, while directing more granular inquiries to the organizations dedicated to research and best practices in these areas.

A. Foundational Considerations – Law Enforcement

Establishing organizational culture. Whereas occupational culture derives from similarities across organizations and is determined by frontline workers, organizational culture refers to the attitudes and expectations of individual entities within that occupation and is set, through leadership, top-down.¹²⁷ It is, to metaphorize to Moghaddam’s model, the “house rules” that all who enter should understand and embrace. Agencies, and the jurisdictions they serve, should:

- ❖ Establish a strong and comprehensive code of ethics and standards for employee conduct that make clear that there is no room for prejudice, favoritism, or hate.¹²⁸
- ❖ Incorporate into policy and training principles of Active Bystandership, teaching and empowering officers to change culture by intervening when they see their peers engaging in problematic activity.¹²⁹
- ❖ Include as equally integral to the agency’s mission its commitment to the safety, well-being, and success of its employees. A guide from the Major Cities Chiefs Association and the Department of Justice’s Community Oriented Police Services (COPS) program¹³⁰ borrows from the private sector in urging police organizations to root a commitment to wellness in its core values:

Articulate and commit to core values that have safety and wellness at the center. ... It’s not enough to say “we value safety” or “we value healthy employees.” ... Dupont, for example, states its core values on its website: “We share a personal and professional commitment to protecting the health and safety of our employees, our contractors, our customers, and the people of the communities in which we operate.” The implication here is that safety and health are a shared responsibility, not just one on which the organization’s leadership must deliver.

- ❖ Promote active and engaged leadership that embodies, amplifies, and regularly affirms the agency’s values, to those both in the department and in the community.¹³¹
- ❖ Establish a robust hate crimes investigation unit.¹³² Swift and comprehensive action against hate crimes not only reinforces to

the community that prejudice and hate will not be tolerated but also reinforces the same values within the agency.

B. Pre-Employment Considerations – Law Enforcement

Recruitment and Hiring. The most effective way to prevent against extremism in the ranks is to prevent those who are members of, or sympathetic to, extremist groups or causes from entering the ranks in the first place. Agencies should:

- ❖ Actively engage in diversity outreach in recruitment efforts. Diversity within the ranks promotes not only community safety and public trust but can also break down barriers in the workplace. Agencies should actively recruit a diverse workforce that reflects the demographic makeup of the community and shares the agency’s values.¹³³
- ❖ Conduct thorough and complete backgrounding of candidates, to include cybervetting for association with groups or ideology promoting hate or violence, including review of social media postings.¹³⁴
- ❖ Ensure that background investigators are educated as to symbolism that may be conveyed through tattoos, branding, or scarring.¹³⁵
- ❖ Develop backgrounding protocols for applicants that do not simply “screen out,” but rather affirmatively “screen in” candidates with desired characteristics. Require comprehensive psychological screening for risk factors and indicators of poor coping responses to stress and professional strain.¹³⁶

C. In-Service Considerations – Law Enforcement

Periodic Background Checks. Agencies should consult with their attorneys as to considerations around whether, and in what circumstances, agencies can conduct periodic background checks of current employees, including social media reviews.

Policies and Training. Policies and training establish the roadmap for organizational success and legitimacy. Agencies should establish and publish to the community clear policies that reflect the organization’s code of ethics and workplace commitments. Training to these policies should conform to best practices around adult learning and include not simply the *what* and the *how* but the *why*. Policies and training should include:

- ❖ Bias-free policing, addressing both bias towards others and in-group favoritism. Agencies should specifically consider trainings around the role of police in a democratic society and how greater political movements can impact the role and perception of police. As part of

both training and practice, agencies should intentionally seek out opportunities to expand exposure to diversity.¹³⁷

- ❖ Standards and conduct, establishing clear expectations and restrictions around professionalism, performance, adherence to law and policy, and political activity, including expression, association, and behavior, both in and outside the workplace. Such standards should specifically exclude the use of discriminatory language, jokes, statements, and gestures.
- ❖ Integrated Communications, Assessment, and Tactics training, such as presented by the Police Executive Research Forum, including scenario-based trainings that provide employees opportunities to exercise principles of procedural justice.¹³⁸
- ❖ Grooming and appearance, particularly with respect to tattoos, branding, or scarring reflecting controversial content.

Use of Social Media. Numerous jurisdictions have policies in place governing the use of social media for investigative purposes.¹³⁹ Separately, agencies should have strong social media policies that include clear guideposts for determining when employees' rights to express themselves on matters of public concern are outweighed by the agency's interests. Posts, "likes," memes, etc. that advocate hate or violence should be explicitly prohibited. Policy should expressly identify the risk of *Brady* implications with respect to an officer's credibility.¹⁴⁰

Wellness. Police are exposed to significant levels of acute and cumulative strain as a condition of their duties, and unless adequately addressed, can lead to disabling psychological, physiological, and physical problems. It is incumbent on agencies to prepare their employees for these issues and ensure appropriate preventative, mitigative, and interventive strategies to protect against negative cognitive, emotional, and behavioral reactions.¹⁴¹ Strategies should include:

- ❖ Awareness training as to the physiological impact of stress and cognitive, emotional, and behavioral sequelae. As part of this, agencies should proactively discuss the risk of political radicalization as a cognitive response correlated with the occupational strain inherent in policing. Education should include the role that confirmation bias and social media can play in fomenting political ideology and urge avoidance of social media groups that perpetuate such content. Such training should include, wherever possible, use of programs from organizations such as Life After Hate (<https://www.lifeafterhate.org/>) that offer a lived experience perspective.
- ❖ Law enforcement professional bodies and/or the Department of Justice, should partner with individuals or organizations of

individuals who have become radicalized (such as Life After Hate) to develop anti-radicalization awareness training for law enforcement officers.

- ❖ Pre-incident counseling, such as in advance of crowd management events likely to be politically charged.
- ❖ Psychological first aid, or debriefing, following traumatic or highly charged incidents.
- ❖ Early Awareness Risk Protocols (also called Early Intervention or Early Awareness Systems) that are rooted in risk factors or indicators of occupational strain and promote opportunity for wellness-based intervention.
- ❖ Regular mental health wellness consultations for all employees and expanding opportunities for mental health care.
- ❖ Developing mentorship programs for officers that provide them with non-supervisory, non-clinical support structures.
- ❖ Providing education to law enforcement families to help them recognize and react to signs of radicalization.
- ❖ Establishing “re-entry” programs for employees returning from military service to allow healthy transition back into the agency.

Supervision.¹⁴² Without question, sergeants and other first-line supervisors hold critical positions in any department. They are responsible for ensuring that the agency’s values are reflected on the street. They are responsible for shaping the performance of the largest and most visible aspects of policing. They know firsthand what their officers are experiencing and how they are performing. Supervisors should be provided supports necessary to develop and sustain healthy, high performing squads, including:

- ❖ Advanced training in situational awareness and recognizing risk factors and indicators of occupational strain. Supervisors should remain alert for opportunities to intervene early, through counseling and mentoring or engaged “check-ins,” even where there is only the potential of cognitive distress.
- ❖ Flexibility within an accountability structure to address and counsel minor policy or training violations outside of a disciplinary framework (promoting organizational justice).
- ❖ Scenario-based training in counseling and intervention strategies, consistent with principles of early awareness risk protocols.

D. Coordinated Strategies – Local, State and Federal Initiatives

With an estimated 18,000 law enforcement agencies in the United States, only 5% of which employ greater than 100 officers,¹⁴³ and with widely varied capacity for personnel management among them, substantial attention has been pledged towards fostering a more comprehensive approach at the national level to promote more and better training, evidence-based best practices, and

– critically – enhanced funding structures to support strategies for recruiting, vetting, hiring, supporting, and maintaining a productive and principled workforce. President Biden’s Executive Order on Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety,¹⁴⁴ for example, provides:

*It is therefore the policy of my Administration to increase public trust and enhance public safety and security by encouraging equitable and community-oriented policing. We must commit to new practices in law enforcement recruitment, hiring, promotion, and retention, as well as training, oversight, and accountability. Insufficient resources, including those dedicated to support officer wellness — needed more than ever as officers confront rising crime and the effects of the coronavirus disease 2019 (COVID-19) pandemic — jeopardize the law enforcement community’s ability to build and retain a highly qualified and diverse professional workforce. **We must work together to ensure that law enforcement agencies have the resources they need as well as the capacity to attract, hire, and retain the best personnel, including resources to institute screening mechanisms to identify unqualified applicants and to support officers in meeting the stresses and challenges of the job.** We must also ensure that law enforcement agencies reflect the communities they serve, protect all community members equally, and offer comprehensive training and development opportunities to line officers and supervisors alike.*

[Emphasis supplied.] Similarly, in announcing a new Collaborative Reform Initiative continuum through the Community Oriented Policing Services (COPS) office this past Spring, offering customizable technical assistance, critical response programs, and organizational assessment programs to support agencies in strengthening areas including officer health and wellness and community engagement.¹⁴⁵ **We applaud the sound work of policymakers in recognizing that reform depends on providing agencies the necessary resources to effect and sustain change and urge a continued push to ensure funding for evidence-based, best practice approaches to building law enforcement capacity and resilience.** We specifically highlight the need for the federal government to establish or expand grant programs for training on extremism, early warning detection. In addition to funding opportunities offered through the Office of Justice Programs (such as Byrne JAG grants) and the COPS office, and considered the strong emerging nexus between “Incel” groups, white supremacy, and far-right extremism, we urge the Department of Justice to consider expanding grant programs offered through the Office on Violence Against Women to this purpose.¹⁴⁶ We urge agencies at the local and state levels – and importantly,

those executives responsible for their maintenance support – to prioritize funding for local agencies to meet the challenges identified in this paper and to leverage all available federal funding opportunities.¹⁴⁷

Specific areas for which funding should be dedicated include:

Enhanced Oversight. Jurisdictions of all sizes should establish independent oversight bodies to receive, investigate, and adjudicate claims of officer misconduct, including concerns about extremist activity by members of the agency, through accountability mechanisms that are clear, timely, transparent, and reflect principles of organizational justice.¹⁴⁸

Wellness and Professional Development. Local, state, and federal jurisdictions should enact requirements, supported with adequate funding, to ensure that law enforcement agencies are sufficiently staffed to guard against overwork and fatigue, to ensure that mental health and counseling services are available not simply to, but within wherever possible, law enforcement agencies, and to offer employees opportunities for professional growth.

Centralized data. The Federal Government should expand and make more publicly available a national database including information concerning officers who have been terminated for espousing extremist views or engaging in extremist activities.¹⁴⁹

Reporting. As it has recently done to address concerns around election threats and violence,¹⁵⁰ the Federal Government should create effective channels for communities to report concerns about suspected extremists in law enforcement. Such efforts should be expressly included in efforts relating to countering domestic terrorism, generally.

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We assume that moderate behaviors, exhibited by majorities of people, are guided by a set of basic biological and psychogenic needs; these reciprocally constrain behaviors enacted on their behalf. In other words, behaviors that satisfy one need while undermining another would tend to be avoided. For example, the need for esteem and admiration may be seen as best served by heroism in battle yet concerns for safety and the survival instinct may prohibit such risky heroics. Because people generally strive to satisfy their fundamental needs, they tend to stay within a restricted behavioral range that these constrain; this results in the moderate pattern of conduct defining the behavioral norm displayed by majorities of persons. In this manner, motivational dynamics at the individual level translate into social patterns in which the majorities of persons (the “mainstream”) exhibit moderation and the minorities (the “fringe”) display extremism.

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- ⁸⁶ Carless, W. and Corey, M. (2019). *To protect and slur: Inside hate groups on Facebook, police officers trade racist memes, conspiracy theories and Islamophobia*. <https://revealnews.org/article/inside-hate-groups-on-facebook-police-officers-trade-racist-memes-conspiracy-theories-and-islamophobia/>.
- ⁸⁷ See, e.g., *Plain View Project*. <https://www.plainviewproject.org>.
- ⁸⁸ Mihalek, D.J. and Frankel, R.M. The dangers of social media for law enforcement take center stage amid series of scandals: Analysis. ABC News, July 11, 2019. <https://abcnews.go.com/US/dangers-social-media-law-enforcement-center-stage-amid/story?id=64252037>.
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<https://www.npr.org/2021/01/21/958915267/nearly-one-in-five-defendants-in-capitol-riot-cases-served-in-the-military>.

⁹³ Department of Defense, *Report on Countering Extremist Activity Within the Department of Defense* (noting DoD efforts since 1969 to assess and address extremism within the ranks) <https://media.defense.gov/2021/Dec/20/2002912573/-1/-1/0/REPORT-ON-COUNTERING-EXTREMIST-ACTIVITY-WITHIN-THE-DEPARTMENT-OF-DEFENSE.PDF>.

⁹⁴ Carpenter, B.N., Raza, S.M. (1987). Personality characteristics of police applicants: comparisons across subgroups and with other populations. *Journal of Police Science and Administration*. 15(1): 10-17.

⁹⁵ Bledsoe, E. (2022). *What Percentage of the US Military is Conservative – 4 Sources*. <https://www.thesoldiersproject.org/percentage-of-the-us-military-is-conservative/>.

⁹⁶ Budge, S. (2021). *Violent Extremism is a Social Process: And That's Exactly How We Fight It*. <https://www.lifeafterhate.org/blog/2021/11/12/violent-extremism-is-a-social-process-and-thats-exactly-how-we-fight-it>.

⁹⁷ *Brantli v. Finkel*, 445 U.S. 138 (1983); *Rutan v. Republican Party*, 497 U.S. 62 (1990).

⁹⁸ *Waters v. Churchill*, 511 U.S. 661 (1994).

⁹⁹ *Id.* at 672 (citing *Cohen v. California*, 403 U.S. 15 (1971)).

¹⁰⁰ *Casey v. City of Cabool, MO.*, 12 F.3d 799, 802 (8th Cir. 1993).

¹⁰¹ *City of San Diego v. Roe*, 53 U.S. 77 (2004).

¹⁰² *Connick v. Myers*, 461 U.S. 138, 146 (1983).

¹⁰³ *Piscottano v. Murphy*, 511 F.3d 247, 271 (2nd Cir. 2007).

¹⁰⁴ Spiggle, T., *Your Free Speech Rights (Mostly) Don't Apply at Work*. <https://www.forbes.com/sites/tomspiggle/2018/09/28/free-speech-work-rights/?sh=69c113ec38c8>.

¹⁰⁵ Kappeler, V.E., Sluder, R.D., and Alpert, G.P. (1998). *Forces of Deviance: Understanding the Dark Side of Policing*. Waveland Press, Inc.: Long Grove, IL; see also Stephens, D.W.; Carter, D.L. (1994). *Police Ethics, Integrity, and Off-Duty Behavior: Policy Issues of Officer Conduct*. In Barker, T. and Carter, D.L. (1994). *Police Deviance*, Third Ed. Cincinnati: Anderson Pub. Co. (because police officers are entrusted with the responsibility of enforcing society's law and protecting citizens from harm, their credibility depends upon their own personal compliance with the law and behaviors that promote public order and citizen safety).

¹⁰⁶ See, e.g., *Johnson v. New York City Police Dept.*, 25 Fed. Appx. 32 (2001) (applicant for police department, disqualified following a psychological assessment, has only an "unprotected unilateral expectation" of employment).

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- ¹⁰⁷ California POST (2022). *Background Investigation Manual*. https://post.ca.gov/portals/0/post_docs/publications/background-investigation-manual/Background_Investigation.pdf.
- ¹⁰⁸ Lentz, S. A.; Chaires, R. H. (2007). The invention of Peel's principles: a study of policing "textbook" history. *Journal of Criminal Justice* (35)(1): 69-71. <https://www.sciencedirect.com/science/article/abs/pii/S0047235206001449?via%3Dihub>.
- ¹⁰⁹ President's Task Force on 21st Century Policing (2015). *Final Report of the President's Task Force on 21st Century Policing*. Washington, DC: Office of Community Oriented Policing Services. https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf. p. 5.
- ¹¹⁰ See, e.g., International Association of Chiefs of Police. *Law Enforcement Code of Ethics*. <https://www.theiacp.org/resources/law-enforcement-code-of-ethics>.
- ¹¹¹ *Connick v. Myers*, 461 U.S. 138, 146 (1983) (quoting *Ex parte Curtis*, 106 U.S. 371, 373 (1882)).
- ¹¹² See, e.g., *Horstkoetter v. Department of Public Safety*, 159 F.3d 1265 (10th Cir. 1998).
- ¹¹³ See, e.g., *United States v. Abel*, 469 U.S. 45 (1984) (evidence of a witness's and defendant's membership in an Aryan Nations prison gang admissible to argue that witness's testimony was slanted in favor of the defendant).
- ¹¹⁴ 373 U.S. 83 (1963).
- ¹¹⁵ For an excellent overview, see States United Democracy Center, Institute for Constitutional Advocacy and Protection (2022). *Countering Bigotry and Extremism in the Ranks: A First Amendment Guide for Law Enforcement Agencies*. Georgetown Law: <https://statesuniteddemocracy.org/wp-content/uploads/2022/04/2022.4.7.-Countering-Bigotry-and-Extremism-in-the-Ranks.pdf>.
- ¹¹⁶ 515 F.3d 918, 928 (9th Cir. 2008).
- ¹¹⁷ International Association of Chiefs of Police (2019). *Standards of Conduct*. <https://www.theiacp.org/sites/default/files/2020-06/Standards%20of%20Conduct%20June%202020.pdf>.
- ¹¹⁸ 42 U.S.C. § 12101.
- ¹¹⁹ 29 U.S.C. § 794(a).
- ¹²⁰ United States Department of Justice, Civil Rights Division (1997). *Questions and Answers: The Americans With Disabilities Act and Hiring Police Officers*. <https://www.ada.gov/copsq7a.pdf>.
- ¹²¹ 42 U.S.C. 12112(d)(4)(A).
- ¹²² See, e.g., International Association of Chiefs of Police and Defense Personnel Security Research Center, U.S. Department of Defense (2010). *Developing a Cybervetting Strategy for Law Enforcement*. <https://www.dhra.mil/Portals/52/Documents/perserec/pp11-02.pdf>.

¹²³ It should be remembered that the Civil Rights Act of 1964 and as amended prohibits employment discrimination based upon race, color, religion, sex and national origin.

¹²⁴ Consider *Watson v. Miami Beach*, 177 F.3d 932 (11th Cir. 1999) (“In any case where a police department reasonably perceives an officer to be even mildly paranoid, hostile, or oppositional, a fitness for duty is job related and consistent with business necessary. Police departments place armed officers in positions where they can do tremendous harm if they act irrationally. ... The ADA does not, indeed cannot, require a police department to forgo a fitness for duty examination to wait until a perceived threat becomes real or questionable behavior results in injuries.”). See also United States Equal Employment Opportunity Commission (2007). *Enforcement Guidance on the ADA and Psychiatric Disabilities*, <https://www.eeoc.gov/laws/guidance/enforcement-guidance-ada-and-psychiatric-disabilities> (advising that “periodic medical examinations for public safety positions that are narrowly tailored to address specific job-related concerns would be permissible.”).

¹²⁵ Rector, K. and Winton, R. (2021). *Law enforcement confronts an old threat: far-right extremism in the ranks. ‘Swift action must be taken.’* Los Angeles Times: February 17, 2021. <https://www.latimes.com/california/story/2021-02-17/lapd-other-police-agencies-struggle-with-where-to-draw-the-line-with-political-extremism-in-their-ranks>; consider also *Stewart v. Pearce*, 484 F.2d 1031 (1973) (order for mental health examination of professor whose political activity conflicted with the political views of the administration found to be retaliatory).

¹²⁶ In addition to materials previously cited in this report, we promote with strong support prior recommendations from the Anti-Defamation League, Brennan Center for Justice, Center for Policing Equity (*White Supremacy in Policing: How Law Enforcement Agencies Can Respond*. <https://policingequity.org/images/pdfs-doc/CPE-WhiteSupremacy.pdf>); the Center for Strategic and International Studies, International Association of Chiefs of Police, Police Executive Research Forum, National Institute of Justice, and the White House National Security Council.

¹²⁷ Paoline, Eugene A (2003). Taking stock: Toward a richer understanding of police culture. *Journal of Criminal Justice*, 31:199-214; Schein, E.H. *Organizational Culture and Leadership*, 2d. Ed. San Francisco: Jossey-Bass.

¹²⁸ The model policy on Standards of Conduct promulgated by the International Association of Chiefs of Police (International Association of Chiefs of Police. *Law Enforcement Code of Ethics*. <https://www.theiacp.org/resources/law-enforcement-code-of-ethics>), for example, includes – in addition to those stated earlier in this report – the following:

Officers shall interact with the public in a civil and professional manner that conveys a service orientation to foster public trust and cooperation and adheres to the concepts associated with procedural justice.
Officers shall not knowingly join or participate in any organization that advocates, incites, or supports criminal acts or criminal conspiracies or that promotes hatred or discrimination toward racial, religious, ethnic, or other groups or classes of individuals protected by law.

¹²⁹ See, e.g., https://cops.usdoj.gov/html/dispatch/09-2021/ABLE_Intervention.html.

¹³⁰ Major Cities Chiefs Association and United States Department of Justice, Community Oriented Policing Services. *Making officer safety and wellness priority one*. <https://cops.usdoj.gov/ric/Publications/cops-p300-pub.pdf>.

¹³¹ Consider Pan, X., Chen, M., Hao, Z. and Bi, W. (2018). The effects of organizational justice on positive organizational behavior: Evidence from a large-sample survey and situational experiment. *Front. Psychol.*

<https://www.frontiersin.org/articles/10.3389/fpsyg.2017.02315/full>.

¹³² Consider guidance from the International Association of Chiefs of Police:

A swift and strong response by law enforcement can help stabilize and calm the community as well as aid in a victim's recovery. Failure to respond to hate crimes within departmental guidelines may jeopardize public safety and leave officers and departments open to increased scrutiny.

International Association of Chiefs of Police. Responding to Hate Crimes: A Police Officer's Guide to Investigation and Prevention. <https://www.theiacp.org/resources/responding-to-hate-crimes-a-police-officers-guide-to-investigation-and-prevention>; see also San Diego Hate Crimes Community Working Group (1999). *A Model Hate Crime Protocol.*

https://www.ncjrs.gov/ovc_archives/reports/responding/files/appendixA.pdf; New York State Division of Criminal Justice Services, Municipal Police Training Council: Investigation of Hate Crimes

(<https://www.criminaljustice.ny.gov/crimnet/ojsa/standards/MPTC%20Model%20Policy-Hate%20Crimes%20September%202020.pdf>); United States Department of Justice, Resource on Preventing Hate Crimes in Your Community.

(<https://www.justice.gov/hatecrimes/preventing-hate-crimes-your-community>)

¹³³ Consider recommendations, strategies, and practices relating to such efforts provided in United States Equal Employment Opportunity Commission (2016). *Advancing Diversity in Law Enforcement.* <https://www.eeoc.gov/advancing-diversity-law-enforcement>.

¹³⁴ See International Association of Chiefs of Police and Defense Personnel Security Research Center, U.S. Department of Defense (2010). *Developing a Cybervetting Strategy for Law Enforcement.* <https://www.dhra.mil/Portals/52/Documents/perserec/pp11-02.pdf>.

¹³⁵ Both the Anti-Defamation League (<https://www.adl.org/resources/hate-symbols/search>) and the Southern Poverty Law Center (<https://www.splcenter.org/fighting-hate/intelligence-report/2006/look-racist-skinhead-symbols-and-tattoos>) provide comprehensive databases of extremist symbolism that allow for ready reference.

¹³⁶ California POST (2022). *Peace Officer Psychological Screening Manual.*

[https://post.ca.gov/portals/0/post_docs/publications/psychological-screening-manual/Peace Officer Psychological Screening Manual.pdf](https://post.ca.gov/portals/0/post_docs/publications/psychological-screening-manual/Peace%20Officer%20Psychological%20Screening%20Manual.pdf) (widely accepted as the most comprehensive effort to date to identify psychological traits and competencies associated with police performance); see also International Association of Chiefs of Police (2021).

Recruiting and Hiring. <https://www.theiacp.org/sites/default/files/2021-05/Hiring%20Formatted%2005.17.2021.pdf>.

¹³⁷ See, e.g., International Association of Chiefs of Police (2021). *Bias-Free Policing.*

<https://www.theiacp.org/sites/default/files/2021-01/Bias-Free%20Policing%202021-01.pdf>; San Francisco Police Department. *Bias-Free Policing.*

<https://www.sanfranciscopolice.org/your-sfpd/policies/bias-free-policing> (developed to support California state law mandating additional training for officers in bias-free policing).

¹³⁸ Police Executive Research Forum (2016). ICAT: Integrating Communications, Assessment, and Tactics. <https://www.policeforum.org/assets/icattrainingguide.pdf>.

¹³⁹ See, e.g., Brennan Center for Justice (2022). *Directory of police department social media policies*. <https://www.brennancenter.org/our-work/research-reports/directory-police-department-social-media-policies>; See also International Association of Chiefs of Police. *Social Media*. <https://www.theiacp.org/sites/default/files/2019-05/Social%20Media%20Considerations%20-%202019.pdf>.

¹⁴⁰ The Seattle Police Department's Social Media Policy (<https://www.seattle.gov/police-manual/title-5---employee-conduct/5125---social-media>), for example, includes the following language:

Employees may express themselves as private citizens on social media so long as employees do not:

- Make, share or comment in support of any posting that includes harassment, threats of violence, or similar conduct.
- Make, share, or comment in support of any posting that ridicules, maligns, disparages, expresses bias, or disrespect toward any race, religion, sex, gender, sexual orientation, nationality, or any other protected class of individuals.
- Make, share, or comment in support of any posting that suggests that Department personnel are engaged in behavior reasonably considered to be unlawful or reckless toward public safety.
- Otherwise violate any law or SPD policy.

¹⁴¹ Model programs include the Chicago Police Department's Officer Wellness and Support Program (<https://home.chicagopolice.org/reform/sections/officer-wellness-support/>); the San Diego Police Department's Officer Wellness Program (<https://www.policeforum.org/assets/SanDiegoOSW.pdf>); the Los Angeles Police Department's Behavior Science Services Unit (<https://www.lapdbss.online/>), and the Stockton (CA) Wellness Network (<https://destinationzero.org/officer-wellness/2017-award-winner-stockton-ca-police-department/>). See also International Association of Chiefs of Police (2020). *Employee Mental Health and Wellness*. <https://www.theiacp.org/sites/default/files/2020-05/Employee%20Mental%20Health%2005-06-2020.pdf>.

¹⁴² Recommended resources include International Association of Chiefs of Police, *First-Line Supervision: A Primer for Aspiring Line Officers* (<https://www.theiacp.org/sites/default/files/2018-08/548%20First-Line%20Supervision.pdf>); Police Executive Research Forum (2018) *Promoting Excellence in First-Line Supervision: New Approaches to Selection, Training, and Leadership Development*. (<https://www.policeforum.org/assets/FirstLineSupervision.pdf>); United States Department of Justice, Office of Justice Programs (2003) *How Police Supervisory Styles Influence Patrol Officer Behavior* (<https://www.ojp.gov/pdffiles1/nij/194078.pdf>).

¹⁴³ United States Department of Justice, Bureau of Justice Statistics (2016). National Sources of Law Enforcement Employment Data. <https://bjs.ojp.gov/content/pub/pdf/nsleed.pdf>.

¹⁴⁴ White House (2022). *Executive Order on Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety*. <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/05/25/executive-order->

[on-advancing-effective-accountable-policing-and-criminal-justice-practices-to-enhance-public-trust-and-public-safety/](#).

¹⁴⁵ United States Department of Justice (2022). *Justice Department Announces Expansion of Technical Assistance Services Offered to Law Enforcement Agencies Through the Collaborative Reform Initiative*. <https://www.justice.gov/opa/pr/justice-department-announces-expansion-technical-assistance-services-offered-law-enforcement>.

¹⁴⁶ A March 2022 report by the United States Secret Service details the rising violent extremism of the “incel” movement, targeted against women. See U.S. Secret Service Media Relations, Secret Service’s Latest Research Highlights Mass Violence Motivated by Misogyny, <https://www.secretservice.gov/newsroom/releases/2022/03/secret-services-latest-research-highlights-mass-violence-motived-misogyny>. See also Jaki, S., DeSmedt, T., Gwozdz, M., Panchal, R., Rossa, A. and DePauw, G. (2019). Online hatred of women in the Incels. Me forum: Linguistic analysis and automatic detections. *Journal of Language Aggression and Conflict*, 7(2), 240-268.

¹⁴⁷ See, e.g., United States Department of Justice – Grants and Resources. <https://www.justice.gov/grants>.

¹⁴⁸ See, e.g., Austin (TX) Office of Police Oversight (<https://alpha.austin.gov/police-oversight/>); Boston Police Reform Task Force: Recommendations to the Mayor (<https://www.boston.gov/sites/default/files/file/2020/10/BPD-reform-task-force-english.pdf>); Seattle Office of Police Accountability (<https://www.seattle.gov/opa>). Resources and trainings in this area are also available through the National Association for Civilian Oversight of Law Enforcement (NACOLE), including, in particular, NACOLE’s Thirteen Principles for Effective Oversight (<https://www.nacole.org/principles>).

¹⁴⁹ See, e.g., National Decertification Index managed by the International Association of Directors of Law Enforcement Standards and Training (<https://www.iadlest.org/>).

¹⁵⁰ See, e.g., <https://www.fbi.gov/scams-and-safety/common-scams-and-crimes/election-crimes-and-security>.