

Wandering Cops: How States Can Keep Rogue Officers from Slipping Through the Cracks

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Executive Summary

This report examines the issue of “wandering cops”—officers who leave one police department after alleged misconduct and are then hired by another agency. After discussing the problem of wanderers, its causes, and the relevant literature, this paper proposes a number of recommendations to address the problem and related concerns. These recommendations include:

1. Strengthen the National Decertification Index (NDI) maintained by the International Association of Directors of Law Enforcement Standards and Training (IADLEST):
 - a. Create incentives and set aside federal funding for all police agencies to report to their states’ police officer standards and training (POST) bureau any changes in officers’ employment or disciplinary status—including dismissals and retirements/resignations of personnel under investigation—within 30 days. Existing and pending legislation should be reviewed to ensure that these events are promptly recorded.
 - b. Require an NDI inquiry as part of the background check for any applicant who claims prior police or peace officer employment, in order to determine whether the applicant’s certification was ever canceled.
2. Strengthen individual state POSTs, particularly since some are reporting varying levels of success in implementing the new powers that they have already received.¹ States should consider requiring police departments to report all terminations and questionable departures to their state POST, as well as requiring the POST to submit the information to NDI.

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3. States should pass legislation that clarifies the authority of POSTs not to merely *list* officers but to *decertify* them. State law should clearly specify the criminal or civil offenses or departmental violations that trigger decertification; whether decertification is automatic or whether it may be decided by a panel of law-enforcement and civilian personnel; whether officers have the right to appeal; and how decertified officers are to be recertified if they are found not guilty in a criminal or civil procedure or are returned to full duty based on legal or union appeals. This will ensure a precise definition of “listing” versus “decertifying.”
4. The federal government and/or states should subsidize the costs of recruit training:
 - a. States should use a portion of the \$350 billion that they will receive from the American Rescue Plan Act (ARPA) to directly subsidize the costs of training for all police departments or, at a minimum, departments below a certain size or budget. By subsidizing the cost of training new officers, states can reduce the incentive for local police departments to hire wandering police officers.
 - b. States should also use ARPA funds to hire and train POST staff with the technological expertise to ensure that information shared with NDI is timely and accurate.

Introduction

Wan - der - ing Cop | Noun

- a police officer who leaves one department after being terminated for misconduct or under a disciplinary cloud, and secures employment in another law-enforcement agency

As serious violent crime in the U.S. has risen since 2019, more attention has rightly been paid to the phenomenon of new crimes committed by repeat violent offenders who could have been, but were not, incarcerated at the time. Such instances garner negative attention because they highlight the failure to incapacitate likely offenders. The same concerns should attach to the problem of wandering, or rogue, cops.

The death of George Floyd in May 2020 under the knee of former Minneapolis police officer Derek Chauvin led to protests and riots across the country, as well as to demands for reforms. Radical activists called on cities to “defund the police.” New York, Los Angeles, and Minneapolis were among the cities that slashed their police budgets in response. By mid-2021, more than 3,000 law enforcement–related bills had been introduced in state legislatures.²

Many of the bills that became law were operational reforms—placing limits on police discretion in using physical or deadly force, including chokeholds and other neck restraints, and on obtaining and serving no-knock or quick-knock warrants. In most states, these limitations were opposed by police unions and state sheriffs’ and police chiefs’ organizations.

Some proposed administrative reforms received less media coverage but met with more widespread support. The International Association of Chiefs of Police (IACP), for example, urged its 31,000-plus members to develop policies on recruiting, hiring, promoting, and retaining officers; and on disciplining, terminating, and decertifying “wandering cops.”³

These types of institutional reforms are extremely important. How applicants are selected and trained and how they become certified—or decertified—is crucial to the success of operational reforms.

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Existing research on wandering cops is limited; we don't know precisely how many of the nation's almost 700,000 police officers have wandered. Investigative reporting from Colorado and Texas, however, has shown that a significant portion of fired cops are able to find a job in another police department. Research has also shown that they stay mostly within their states and are hired primarily by smaller, poorer departments than those they left. And there is evidence suggesting that wandering cops continue to pose problems for their new departments—they are more likely to be fired again or to be accused of misconduct. Even if there are not many wandering cops, they pose a real threat to the public and to the reputation of law enforcement. States should take steps to ensure that rogue officers are not able to slip through the cracks.

The Roots of the Problem: Shortages, Low Morale, and Budget Pressure

Police officers are now retiring and resigning in record numbers; thus, the pressure to fill the ranks has grown and, with it, the incentive to hire wanderers. In June, President Joe Biden unexpectedly announced that \$350 billion of the \$1.9 trillion American Rescue Plan Act (ARPA) funds could be used to hire police officers. And in November, the Department of Justice, responding to applications from about 600 police departments, announced \$139 million in grants to hire more than 1,000 officers for whom local funds did not exist. Among the large cities to receive funds are San Francisco, Chicago, Cincinnati, Houston, New Orleans, Cleveland, and St. Paul.⁴

Depleted departments are offering generous relocation bonuses, pay differentials based on experience, and shortcuts in training and certification, in order to attract applicants. In Florida, Governor Ron DeSantis offered out-of-state officers avoiding Covid-19 vaccine mandates a \$5,000 bonus for relocating.⁵

Even before Florida lawmakers could approve the bonuses, the Lakeland (Florida) Police Department hired a dozen New York City Police Department (NYPD) officers. Within days, there were questions about their work histories. While none had been fired or forced to resign, reporters found that one had been fired from a security-guard job; one had checked on his application that he had illegally used marijuana and then said that he never had; two did not disclose on their Lakeland applications that they had been disciplined by the NYPD, and one had been named in a federal lawsuit that the NYPD paid \$178,000 to settle.⁶ Lakeland refused the officers' demands for more than the \$5,000 bonus or for exorbitantly high salaries but did not find their backgrounds disqualifying.

Lakeland's decisions may have been influenced by a countywide applicant shortage. Assistant Chief Hans Lehman noted that in 2018, the department screened almost 600 applicants to hire 24 recruits; and that in 2019, an applicant pool of fewer than 500 resulted in 15 officers being hired. He cited better-paying jobs in the private sector, a lack of trust, or intense scrutiny on law enforcement as reasons for the applicant shortfall.⁷

The challenges faced by police departments across the country in recruiting and retaining high-quality officers over the last several years has been well documented. The Police Executive Research Forum (PERF) reported in June 2021: "On average, agencies are currently filling only 93% of the authorized number of positions available."⁸ In 2019, 63% of respondents to a PERF survey reported decreases in applications for open positions.⁹

Florida is not the only state looking to lure officers. Michigan's House of Representatives, by a vote of 97–3, passed a \$368.5 million public-safety bill that includes \$57.5 million in ARPA funds for "Move to Michigan" incentives to entice out-of-state officers, who could receive up to \$5,000 signing bonuses.¹⁰ Supplemental appropriations are included that would provide \$40 million in ARPA funds for up to \$20,000 in scholarships for police academy recruits and up to \$4,000 in salary assistance for each cadet.¹¹ As of early January, the bill was still under consideration in the state senate.

Some governors, including Bill Lee of Tennessee, have appealed directly to cops who are unhappy with Covid-vaccine mandates in their states or cities. The governor invited them to join the Tennessee Highway Patrol, promising, “We won’t get between you and your doctor” and offering to cover some of their moving expenses.¹² Alaska governor Mike Dunleavy and Indiana senator Mike Braun have made similar overtures; but so far, those states have not offered financial incentives.¹³

Sheriff Ozzie Knezovich of Spokane County (Washington) recently spent \$12,000 on Times Square billboard ads looking for 40 experienced officers, offering a \$15,000 hiring bonus. He said that he bought ads in cities where elected officials have spoken negatively about police officers.¹⁴

Small towns are also in the arms race for cops. Gardiner, Maine—a city with only 12 full-time officers—is offering \$15,000 hiring bonuses to experienced police officers who remain for three years, with a payout of \$5,000 each year. While the chief admits that he and other area departments are cannibalizing one another, he feels that he has no other way to find cops. In the nearby town of Skowhegan, the chief would prefer to use ARPA funds for \$10,000 bonuses for existing officers.¹⁵

The city of Corbin, Kentucky, is making it easier for certified police and firefighters to join its departments. Applicants certified under the Kentucky Peace Officer Professional Standards Act who meet the Kentucky Law Enforcement Council’s requirements will be exempt from the written exam given during the hiring process.¹⁶

Oklahoma Highway Patrol Chief Pat Mays announced a “bridge academy” to allow out-of-state officers to obtain certification to replace retiring troopers. He told the *Enid News & Eagle* that he was “looking at creative ways to recruit.... Hiring men and women who already have law enforcement experience allows us to get them on the roads sooner.”¹⁷

As a business decision, hiring former officers can offer benefits for any police department. As Chief Mays noted, it can save a department time because new hires need not spend months in the police academy.

Saving time also means saving money. As Chief James Toman explained to the Gardiner, Maine, city council, hiring an experienced officer would save about \$40,000, compared with a new recruit. This is the cost for an uncertified rookie to attend the 18-week Maine Criminal Justice Academy and complete field training. Having an officer who is able to start work immediately also saves money by minimizing the need for existing officers to work overtime at premium pay rates.¹⁸

These benefits are most acute when departments can hire former officers from within the same state, as opposed to those from out of state. In Texas, a number of agencies are offering bonuses, particularly to state-certified officers, because, according to Brenda Kinsey, Bellmead’s assistant chief: “They don’t need any additional academy training, they will still go through a FTO [field training officer] process, it will be fast-tracked because they are certified and they have years of experience, but other than that we get to see a return and much faster.”¹⁹ Laconia, a small New Hampshire department, is considering offering larger bonuses to state-certified officers than to experienced officers from out of state.²⁰

But these departments must consider the possibility that they are attracting officers who are running away from problems.

While none of these departments intends to hire rogue officers, their inducements could appeal to cops facing discipline elsewhere. Of course, not every officer hired from another agency is a wanderer, but the nature of law-enforcement career paths tends to discourage moving among

departments. This is mostly due to salary and promotional tracks, as well as retirement benefits, which encourage longevity at one's original department. As such, relocating mid-career may indicate that an applicant is leaving under less than optimum conditions.

Understanding Certification/Decertification

Police departments do not license their own officers. State agencies, most often called Police Officer Standards and Training (POST) bureaus, set hiring and training standards, certify police academies and academy instructors, and license (or certify) police officers.

POST certification is generally valid throughout a whole state—not only for the department where a recruit was initially hired. But most POSTs do not accept another state's academy for certification. This is the major reason that wandering officers are most likely to stay within their state. But with almost 18,000 police departments in the U.S., officers who look hard enough have often been able to find a department that will hire them.

The earliest POSTs were established in 1959 in California, New York, Montana, and Minnesota. The latest states to establish their POSTs were Tennessee, West Virginia, and Hawaii.²¹ While all states maintain lists of certified officers, not all states maintain lists of terminated officers or are authorized to actually decertify them, which would bar them from future police employment. The rules for decertification differ among states. Some authorize decertification only if an officer has been terminated or has been terminated for specifically listed crimes. Others provide broader authority. Because police unions can often negotiate resignations in lieu of terminations, recent reforms have included provisions for decertifying officers who leave while under investigation.

What Does the Available Research Say?

The short answer is: not very much. Most existing research has focused only on a particular state and is rarely publicized widely; it typically appears in law reviews or academic journals, which police chiefs are unlikely to read.

Recently, media investigations have become the best sources of information on where rogue officers are hired. As police misconduct has received heightened attention, and as states have expanded decertification authority, this issue has been covered more frequently and in greater depth. The main takeaways from the research that is available:

- Wanderers tend to be rehired by in-state departments.
- Wanderers tend to be rehired by smaller departments with low pay and high crime rates.
- Wanderers' disciplinary issues are likely to continue after being rehired, highlighting the need to incapacitate "bad apples."
- The scope of the wandering officer problem is small but still worth addressing.

Roger Goldman, an emeritus professor at the St. Louis University School of Law, has been studying wandering officers for decades. In 1987, he and coauthor Steven Puro argued that giving state POST bureaus the power to decertify officers was crucial to curtailing the problem. POST decertification, they argued, would eliminate the financial incentive for small departments to hire wanderers in order to save training costs.²²

They found that during 1976–83, Florida's POST—the Criminal Justice Standards and Training Commission (CJSTC)—had taken one of three actions against a total of 148 officers; 132 were decertified, 14 were suspended, and 2 were placed on probation. Based on case files, the

authors found that about 33% of the officers were decertified following criminal convictions. Twenty-two officers were decertified following official misconduct (theft, bribery/extortion, demanding sex in exchange for not arresting an individual, assault, and two acts not specified). Two decertifications involved unlawful searches and seizures. In most cases (113), the actions were taken between 1981 and 1983. Notwithstanding Florida's willingness to respond to out-of-state checks on an officer's status, Goldman and Puro found that some officers with a "pending decertification," which they did not define, were able to find employment in other states. They did not provide numbers on out-of-state hires, but they agreed with the view of a law-enforcement executive that 90% of rehired rogue officers stayed in state, primarily because of the in-state training advantage.

In 2011, Martha Shockey-Eckles, a sociologist at St. Louis University, published the results of an investigation of 91 police departments in the St. Louis area, including the many small ones that surround the St. Louis Metropolitan Police Department. She described an "officer shuffle" of wanderers and found, as did Goldman and Puro, that the officers were hired by small departments with low salaries and benefits.²³ She also found that the hiring departments often had high crime rates and reputations for excessive violence. It is unclear, though, whether this was a cause or an effect of hiring officers who had already been fired, possibly for excessive use of force. She attributed the officers' ability to retain employment to officers and departments protecting rogue officers, but she also learned that many officers avoid working with those with unsavory reputations.

In a later study of Florida's CJSTC, attorneys Ben Grunwald and John Rappaport reviewed the records for all of the state's 98,000 full-time officers from 1986 to 2016.²⁴ They found that in each year, there were an average of just under 1,000 officers who had previously been fired currently working within the state—amounting to 3% of the state's police force in any given year.

They also found that wanderers faced difficult job searches and that they moved to agencies with fewer resources than the ones that they had left, often to communities with nonwhite populations. While the authors did not elaborate on the racial discussion, this is likely a function of department size and resources. Small, majority-minority Southern communities are often rural and poor and are policed by small departments with few resources and with low salary and benefit scales—all conditions that make the departments unlikely first choices for officers able to seek careers elsewhere.

Grunwald and Rappaport also found that wanderers were more likely to be fired again or to receive a "moral character violation" complaint than rookies or veteran officers who were not fired from a previous job.

Robert Kane and Michael White analyzed the careers of 1,500 NYPD officers who were involuntarily separated between 1975 and 1996 against a comparison group. Roughly 2% of the 78,000 people employed as police officers during the study period were let go. Although this study was not about wanderers, the authors urged investing heavily in preemployment screening to exclude, among others, those with employment disciplinary problems.²⁵ In line with Grunwald and Rappaport's finding that wanderers were often fired again, Kane and White underline the importance of accurate and timely information about applicants' histories and eliminating those with questionable work records.

When a wanderer fails to meet acceptable job standards, the agency faces not only costly litigation but public censure. A few examples will suffice.

In 2015, the *Denver Post* reported that of the 280 officers who had been decertified by the state's POST bureau in the previous decade, about 33% had found work in another agency. Seven of these officers had worked in four or more agencies, almost always in small-town departments.²⁶

In a recent article tracing the footsteps of a wanderer, the *Dallas Morning News* reported that approximately 25% of the officers fired in Texas during 2015–19 had been able to move from one small agency to another. These officers' ability to find jobs has been aided by the large number of small departments in the state.²⁷ Additionally, the Texas Commission on Law Enforcement (TCOLE) has limited ability to decertify officers. Although TCOLE has requested expanded decertification authority for years, the legislature has so far stalled on making any changes.

Wisconsin also has stringent limits on officer decertification. Although the state's Training and Standards Bureau—a division of the state Department of Justice—places terminated officers on a “flagged” list, it does not have legal authority to decertify an officer. Only the Law Enforcement Standards Board (LESB), a panel of civilians and law-enforcement personnel, can do so. LESB can consider decertification if an officer has been terminated; been convicted of a felony, a crime that could be considered a felony in Wisconsin, or a domestic violence misdemeanor; or fails to meet the state's required training. Only 48 officers were decertified from 2016 to 2021, but almost 200 “flagged” officers have been employed by departments other than the one they left.²⁸

Separately, Wisconsin's *Badger Project* found that 30 fired or forced-out police officers made up about 1% of the state's jail officers.²⁹ A bill passed by the assembly that is awaiting senate action would expand LESB's authority to consider decertifying officers who have resigned in lieu of termination but would not make the decertification mandatory.

In Utah, the legislature responded to publicity surrounding an officer who was hired prior to completion of an internal investigation, by requiring all departments to notify POST when an officer leaves—not only after being fired but also while under internal investigation.³⁰ This is a worthwhile effort that would reduce the likelihood of wanderers falling through the cracks.

Policy Recommendations: Putting the Brakes on Wandering Cops

Who should be responsible for addressing the problem of wandering cops? How should they go about doing so? As the research on wanderers has continued to develop and the problems associated with wanderers have gotten more attention, a handful of policy recommendations have emerged as particularly worthy of consideration:

- Make decertification easier to achieve by POSTs.
- Expand participation in the National Decertification Index (NDI).
- Launch more state-based decertification indexes.
- Ensure that state indexes report other contextualizing information (beyond certification status) that will allow departments to make better decisions when considering certified officers who left previous employers under a disciplinary cloud.
- Include decertification index inquiries in police background-check processes.
- Require POSTs to report on both “delisting” and decertification.

Decertification is not magical; it simply revokes someone's license to police. Just as someone with a revoked driver's license may not legally drive, a police officer whose license to police has been revoked (who has been decertified) is not eligible to exercise police authority.

Since it is the state that grants certification, the state should have the authority to decertify by revoking certification. The most realistic and least costly solution to curtail the problem of wandering police officers is to expand the existing authority of POSTs by clarifying their decertification authority.

Although Goldman and Puro believe that state POSTs are more competent than individual police department or civilian review boards to control decertification, Goldman has long championed a national database of decertified officers. His model is the American Bar Association's (ABA's) National Discipline Data Bank, which the legal profession uses to make information available to state bar admission committees.

Goldman was a member of the President's Task Force on 21st Century Policing, which, in 2015, recommended such a national database of decertified officers. The recommendation was carried over into the George Floyd Justice in Policing Act, which, in addition to a decertified officer list, would have mandated a national use-of-force registry. But the act, despite passing the House in a party-line vote of 220–212,³¹ never reached the floor of the Senate.

Currently, the International Association of Directors of Law Enforcement Standards and Training (IADLEST) maintains NDI as a voluntary directory of decertified officers. Any agency, no matter its size, may request an NDI inquiry before hiring anyone who claims to have previously been a police or peace officer. According to its website, the index contained about 31,000 actions reported by 46 state-certifying agencies as of November 2021. IADLEST's website currently includes a Request for Information to enhance information technology that would expand the reach of the database.³²

Those who favor a national decertification index say that NDI is insufficient because not all states participate, departments are not required to submit names of officers who leave their employ or to check names of applicants for employment, and the list is not available to the public.

States can address the first two concerns by making participation in NDI mandatory. This would not only curtail intrastate wanderers but would also limit the much smaller number of rogue officers who gain employment in other states. Because police departments are public agencies whose officers must already be state-certified, mandatory compliance can be achieved more easily than regulations imposed on private individuals or entities such as attorneys or law firms.

The NDI list does not have to be available to the public in order to serve its purpose—and there are several challenges associated with making it public. Because individual members of the public do not hire police officers, it is unclear what purposes the public disclosure of NDI information would serve. There are also due-process considerations regarding how much of a police officer's background or status should be publicly available.

There are legal and collective bargaining issues to consider if NDI were to be made public. Many police resignations are negotiated by unions, partly to protect an officer's employment records. In some cases, departments accept a resignation rather than proceed with a disciplinary case that they might not win. In such circumstances, an officer or the union might refuse to negotiate a resignation if it includes a public record of decertification.

Dismissals are also frequently overturned by court cases, union grievances, or civil service appeals. Since these may occur years after an officer has been terminated, legislation or union agreements should include whether and how an officer can or should be recertified. Another consideration: decertification efforts cannot ignore obligations established by existing collective bargaining agreements. For instance, some departments may be required by a labor agreement to keep an officer on staff in a nonenforcement capacity until a civil or criminal case is resolved.

Depending on how contracts are worded, this could prevent a department from providing information on an officer to its POST and could limit the POST's authority to turn over to NDI personnel information that would be public.

Contentious though they are, none of the public disclosure questions needs to be answered immediately. Nor do they present obstacles to state legislators following the recommendations of IACP to strengthen NDI.

States should require police agencies to report to POST any changes in an officer's employment or disciplinary status within 30 days of the change. This should include not only dismissals but also retirements and resignations of personnel who are under investigation or who departed under less than honorable circumstances. Because of the types and lengths of appeals processes, any legislation should include provisions for reviewing and revising records on a regular basis.

States should also require, as part of their background investigation, that an NDI inquiry be made (either by the hiring agency or the state POST) about any candidate who claims prior police or peace officer employment.

The authority of POSTs to institute decertification and to submit information to NDI must be clearly stated in enabling legislation. This will require states to strengthen the authority of their POSTs. Many states have already passed enabling legislation; others have seen bills proposed that would do so. To assure more consistent success for POSTs implementing their new powers, legislation must include a precise definition of "listing" versus "decertifying."

The authority of POSTs not to merely *list* but to actually *decertify* officers must be outlined in state law. The difference centers on whether a POST is authorized to list only officers who have been reported by their department as no longer employed or whether an officer who has been reported as terminated for cause can be prevented from exercising police authority elsewhere in the state. The law should provide clear rules for which criminal or civil offenses or departmental violations trigger decertification; whether decertification is automatic or whether it may be decided by a panel of law-enforcement and civilian personnel; whether officers have the right to appeal a decision; and how decertified officers are to be recertified if they are found not guilty in a criminal or civil procedure or are returned to full duty based on legal or union appeals.

New York State provides an example of how imprecise language in this regard can create confusion. The Division of Criminal Justice Services (DCJS) maintains a registry of police and peace officers. Although departments must submit semiannual employment reports to DCJS, a recent New York State Bar Association (NYSBA) report criticized New York for not having authority to decertify rogue officers. NYSBA found the registry ineffective because, although it lists fired officers, it does not preclude them from keeping their certifications, which allows them to work elsewhere.³³

Police and Peace Officer Licensing Act bills currently before the state legislature would clarify these issues. They would require the state, as of January 1, 2023, to issue five-year licenses to serving officers and would create an independent licensing board to investigate misconduct allegations and to revoke or suspend licenses for predefined acts of misconduct. Officers whose licenses are suspended or revoked would be barred from working as police or peace officers in any agency or municipality in the state.³⁴

Similar laws have been enacted elsewhere. In Iowa, since 2020, officers fired for misconduct are barred from being hired elsewhere in the state.³⁵ And Massachusetts, which lacked a police certification requirement, established a POST commission to oversee certification and decertification of police officers and to investigate allegations of police misconduct. Under the new

law, a police officer will receive a three-year renewable license that can be revoked for defined violations and that will result in the officer's name being placed in a public database of decertified officers.³⁶

In October, California granted decertification authority to its POST as part of a package of criminal-justice laws. One of the laws bars former officers within the state who are convicted of misconduct from returning to a police officer position, unless their conviction is later reversed. As with the proposed New York State law, California established a commission to “investigate and determine the fitness of any person” serving as an officer and requires that all records of investigations and decertification of police officers be public for 30 years, with only certain personal data redacted to protect officers' privacy.³⁷

Conclusion

While the numbers of wandering cops may be small, the damage they do to the public and to the reputation of the law-enforcement profession may be large. New laws and better record-keeping on decertifying rogue officers will deter agencies from giving second, third, or fourth chances to wandering cops. Once decertified, officers will no longer be eligible to exercise police authority, eliminating any value that they would bring to a new police department.

As with most reforms, the ultimate question is always, “Who pays?”

States should use American Rescue Plan Act (ARPA) funds to institute these changes, including to support POSTs' needs for additional personnel and technological expertise to assure that information shared with NDI is timely and accurate.

This would still leave a need for resources. The federal government should act to subsidize police recruit training, with priority given to those departments with the greatest need. The available information makes clear that the biggest incentive that departments have to hire wandering cops is saving money. Eliminating—or easing—their financial burdens would allow police departments to hire the best candidates for the job, rather than the cheapest candidates. If there were ever a time for frugality in police hiring, it has certainly passed.

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