



5 POLICY TRENDS FOR LAW ENFORCEMENT LEADERS IN 2023

Law enforcement policy is in constant flux. Some changes happen quickly, such as when new legislation is passed. Others result from longer-term trends, as best practices, terminology and technologies evolve and spread from agency to agency.

At Lexipol, our legal and policy development experts continuously monitor changes to both federal and state statutes and regulations, as well as changes in case law and accreditation standards. In 2022 alone, we analyzed approximately 11,000 pieces of legislation that were enacted affecting public safety agencies. And by working with thousands of agencies across the country, we have a unique perspective in which to observe and anticipate how agency policies need to adapt to keep up with the changes.

Following are five recent policy trends every law enforcement leader should be aware of. As you read through them, ask yourself, “Do my agency’s policies reflect these changes?”

1. Personal Appearance Standards

Law enforcement officers must present a professional appearance. But what constitutes

a “professional appearance” has changed over the years. Consider, for example, how many agencies have changed their policy on tattoos. Now, we are starting to see state legislatures scrutinize language around hairstyle standards because of the potential for discrimination.

For example, in Illinois, SB 3616 amended the anti-discrimination laws by adding the definition of “race” to include “traits associated with race, including but not limited to, hair texture and protective hair styles such as braids, locks, and twists.” And in Massachusetts, HB 4554 prohibited employers from adopting policies restricting employees from wearing hairstyles that are part of the cultural identification or a physical characteristic of the employee’s ethnic group (the legislation allowed some exceptions for public safety employees and for safety considerations). At least 15 other states have passed similar legislation.

Tip: Even if your state hasn’t passed specific legislation addressing hairstyles or other personal appearance standards, it might be a good time to review your policies to ensure they aren’t inadvertently targeting specific protected classes.



2. Accreditation

The opportunity to pursue agency accreditation has long existed, but it is gaining new attention at a state and federal level. President Biden's "Executive Order on Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety" underscores the importance of accreditation and links federal grant funding to it, as did a similar executive order from President Trump.

This trend is also extending to the states, with Connecticut, Oregon and Florida passing legislation requiring agencies to be accredited and other states considering similar bills. While requiring accreditation is still the exception and not the rule, we're seeing a trend of strong, bipartisan support for using the accreditation process to hold law enforcement agencies accountable. And that, of course, has a direct impact on agency policies.

Tip: Even if you're not ready to pursue accreditation, the first step is comparing your policies with the standards published by the accrediting body in your state. This process can help you identify what changes you need to plan for to become accredited. Lexipol is working to support this process by revising our policy guidance to reflect state accrediting body standards. We are also rolling out a new

[Law Enforcement State Accreditation Service.](#)
New to accreditation? [Download our explainer.](#)

3. Excited Delirium

Patrol officers often encounter subjects in mental crisis. But certain subjects stand out. They are naked, sweating profusely, combative and unable to follow commands. For decades, law enforcement agencies used the term "excited delirium" to describe these symptoms. But due to its disproportionate application to Black subjects, the American Medical Association, American Psychological Association, American Academy of Emergency Medicine and National Association of Medical Examiners all reject this term.

Officers may encounter individuals in unique states of agitation while engaged in the performance of their duties. When these individuals have also used illegal substances, their level of agitation may rise and they require immediate medical intervention – which often involves the use of some level of restraint. However, using outdated terms to describe their behavior can trigger community distrust, perpetuate misconceptions and position your agency as behind the times.

Tip: Review your policies for use of this term and ensure your officers are trained in how/whether to use it in reporting. Train officers in quick, effective restraint techniques, how to



recognize when someone is having trouble breathing, and when to move a subject quickly into a recovery position. Consider meeting with your medical examiner as well, to discuss how they refer to restraint-related deaths and the symptoms common to severely agitated subjects. Note: In 2022, Lexipol removed the term “excited delirium” from our policies on Use of Force, Medical Aid and Response, and Conducted Energy Devices, while retaining critical guidance for officers to help them recognize these symptoms and the need to treat them as a medical emergency.

4. Evolving Terminology

Broad societal changes in the United States are causing many companies, organizations and local governments to consider how they refer to individuals. While not all these trigger policy changes, some adaptations are warranted.

For example, the use of gendered pronouns excludes people who identify as nonbinary, and as such we are seeing broader adoption of the nongendered “they” pronoun. Within certain criminal justice circles, terms like “inmate” or “prisoner” have fallen out of favor. To reflect the focus on rehabilitation and the fact that approximately 70% of people housed in city and county jails are being held pretrial, some facilities are moving to terms such as “justice-involved individuals” or “residents.” In California,

the Board of State and Community Corrections recently amended Title 15 regulations to replace “inmate” with “incarcerated person.”

Another area of sensitivity involves how we refer to migrants lacking documentation. In New York, recent legislation mandates changing the use of the term “alien” to “non-citizen.”

Tip: Stay up to date on legislation governing terminology changes. But you don’t have to wait for legislative mandates. Review your policies for terms referring to immigration status, gender identity and incarceration status, and consider whether these policies could be written with more inclusive language. Lexipol started removing gendered pronouns in policy language in 2019 and has continued to roll out these changes as policies are reviewed and updated. Equally important, ensure any changes you make cascade into officer training so they are using your designated terminology in interactions with subjects.

5. Officer Wellness

Until recently, an officer’s mental and physical health was considered a personal matter. But today we understand that the job exposes personnel to cumulative stress and trauma, which in turn have negative mental and physical impacts. As a result, addressing officer wellness in policy is imperative.



State mandates around officer wellness are wide-ranging and include:

- ◆ Mental health leave following a critical incident (Texas entitles officers up to three days)
- ◆ Requirements around peer support team and/or critical incident stress management team communications confidentiality (Texas, Ohio, Illinois and Indiana all have specific confidentiality requirements, just to name a few states)
- ◆ Peer support team member training requirements, such as those mandated in Illinois and Ohio

Tip: If you don't have a wellness program policy, it's time to develop one. You can use [Lexipol's national policy](#) as a starting point,

but remember to incorporate state-specific mandates. (Agencies that subscribe to Lexipol's policy management solution receive state-specific policy guidance.) If your policies already address wellness, review them for updates and thoroughness. Key areas to address include the role of the wellness coordinator; peer support team member criteria, responsibilities and training; critical incident stress debriefings; and physical wellness.

Staying on top of the numerous legislative and best practice changes is one of the biggest policy challenges for law enforcement leaders. But it's essential to staying legally compliant, delivering the highest quality, professional service, and maintaining community trust.

Struggling to keep up?

Lexipol can help. Our Law Enforcement Policies and Training solution provides customizable, state-specific policies. Best of all, when laws or best practices change, we issue electronic policy updates. That saves you time and money and delivers peace of mind. Request a demo today!

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