

**Subject:** 2016 CALEA Standards Manual

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Attached is the CALEA Standards Manual citing the 477 standards. The manual is broken down into chapters related to each unit in the PD. For each manager to know each and every standard pertaining to their respective unit is certainly above and beyond expectations of CALEA; however, the manual does give a great insight into what the CALEA assessors may want to look at during an onsite inspection.

Again, this information is being provided for your information only. It is a 861 page manual.

Thanks,

Jim Colegrove

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# **CALEA Law Enforcement Standards**

Standards for Law Enforcement Agencies

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## Limitation of Liability

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The Commission on Accreditation for Law Enforcement Agencies, Inc., a Maryland corporation ("The Commission"), makes no warranty, express or implied, for the benefit of any person or entity with regard to any aspect of the standards contained herein. These standards were adopted for the sole use of the Commission for the exclusive purpose of their application to the agencies seeking to obtain or maintain accreditation, there being no intended third party beneficiaries hereof, express or implied. These standards shall in no way be construed to be an individual act of any Commissioner, director, employee, agent, member, individual, or legal entity associated with the Commission or otherwise be construed so as to create any personal liability on the part of any Commissioner, director, employee, agent, member, individual, or legal entity associated with the Commission.

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#### Campus Law Enforcement Standards

Effective January 1, 2011, the Commission approved an addition to the *Standards for Law Enforcement Agencies* of 15 standards to enhance the law enforcement accreditation program specifically for *campus law enforcement agencies*. The Commission is indebted to the following CALEA Commissioners, campus law enforcement and security leaders, and CALEA Staff for their services as members of the ad hoc committee established to develop these standards:

- Commissioner Louis M. Dekmar (CALEA Chair and President), Chief, LaGrange (GA) Police Department
- Commissioner Gary J. Margolis (Committee Co-chair), Managing Partner, Margolis, Healy & Associates, LLC; Chief (Retired), University of Vermont Police Service

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## Dedication

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We dedicate this 5th Edition of Standards for Law Enforcement Agencies to the memory of our dear friend Chief Fredrick J. Clauser of the Barrington Hills (IL) Police Department. Fred was one of CALEA's greatest supporters as the Chief Executive Officer of a client agency, as an outstanding team leader and assessor, and a key member of each review task force of our standards. He will be greatly missed as a friend, colleague, and outstanding professional in the Law Enforcement Profession. Our thoughts and prayers are with his family.

## Introduction

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### THE COMMISSION

The Commission on Accreditation for Law Enforcement Agencies, Inc., (CALEA®) was created in 1979 as a credentialing authority through the joint efforts of law enforcement's major executive associations:

- International Association of Chiefs of Police (IACP);
- National Organization of Black Law Enforcement Executives (NOBLE);
- National Sheriffs' Association (NSA); and the
- Police Executive Research Forum (PERF).

CALEA's purpose was to establish a body of professional standards and to develop an accreditation process to administer its initial credentialing program, Law Enforcement Accreditation. This was completed by 1983, and the first agency was accredited in 1984.

The CALEA Accreditation Process is a proven modern management model; once implemented, it presents the Chief Executive Officer (CEO), on a continuing basis, with a blueprint that promotes the efficient use of resources and improves service delivery - regardless of the size, geographic location, or functional responsibilities of the agency.

This accreditation program provides law enforcement agencies an opportunity to voluntarily demonstrate that they meet an established set of professional standards which:

- Require an agency to develop a comprehensive, well thought out, uniform set of written directives. This is one of the most successful methods for reaching administrative and operational goals, while also providing direction to personnel.
- Provide the necessary reports and analyses a CEO needs to make fact-based, informed management decisions.
- Require a preparedness program be put in place - so an agency is ready to address natural or man-made critical incidents.
- Are a means for developing or improving upon an agency's relationship with the community.
- Strengthen an agency's accountability, both within the agency and the community, through a continuum of standards that clearly define authority, performance, and responsibilities.
- Can limit an agency's liability and risk exposure because it demonstrates that internationally recognized standards for law enforcement have been met, as verified by a team of independent outside CALEA-trained assessors.
- Facilitates an agency's pursuit of professional excellence.

## **CALEA Structure**

A Commission Board composed of 21 members governs CALEA. Eleven must be law enforcement practitioners; the balance is selected from the public and private sectors. Generally, they reflect a representation from local, state/provincial and international law enforcement and public safety organizations, along with business, academia, the judiciary, and state/provincial and local government. The Commissioners are appointed by the four founding law enforcement organizations, and serve without compensation.

CALEA operates as an independent, nonprofit (501[c] 3) corporation, and maintains a professional staff managed by an Executive Director. The staff conducts all administrative and operational duties as directed by the Commission. CALEA publishes a newsletter magazine three times a year, entitled CALEA Update, for its members and maintains a professional website. CALEA offers accreditation related training at each of its conferences, as well as presentations on current issues in law enforcement.

## **THE STANDARDS**

### **Standards Manual Evolution**

Following its first organizational meeting in December 1979, the Commission turned its attention to the development of standards. After approval of the draft standards in 1982, the Commission submitted its work to a field review. This accomplished the task of introducing the standards to the law enforcement community, while at the same time, yielding valuable feedback on the quality and value of the standards. Parallel to standards development, was the construction of an accreditation process, including policies, procedures, manuals, and forms. The standards (Standards for Law Enforcement Agencies) and process received final approval from the Commission in September 1983.

Since then, the standards have undergone many interpretations, adjustments, and amendments. In May 1987, the Commission printed the 2nd Edition of the Standards for Law Enforcement Agencies (also referred to as the Standards Manual) in the current loose-leaf format, incorporating the changes to the standards that had been approved to that date. Subsequent new editions of the Standards Manual have resulted approximately every five years following a comprehensive review conducted by law enforcement and other public safety professionals appointed by the Commission.

In March 1993, the Commission ordered a top-to-bottom review of the standards and accreditation process. A Standards Review Task Force, representing a wide cross-section of the Commission's user community, undertook an extensive, yearlong review. The 3rd Edition of the Standards Manual was approved in March 1994 and became effective on April 1, 1994.

In July 1997, the Commission ordered another periodic review of its standards and process. This resulted in the 4th Edition of the Standards Manual, which was approved in March 1998 and took effect on January 1, 1999.

The current 5th Edition of the *Standards for Law Enforcement Agencies* was developed over a two year review period. It was approved by the Commission in November 2005 and becomes effective July 1, 2006.

### **Standards Development and Change**

CALEA's Standards are subject to ongoing review and revision. When modifications are recommended, they are presented to the Commission's Standards Review and Interpretation Committee (SRIC) for consideration. If appropriate, SRIC approves draft language and then presents the draft to the Commission for approval to publicize the proposed change for review and comment from the law enforcement community. Comments are referred back to the SRIC for consideration. The SRIC then makes a recommendation to the Commission for final approval.

Unless otherwise indicated, new standards or changes to standards become effective upon the date of enactment and agencies must be in compliance within one year. When changes are made to any CALEA publication, notifications are provided to all subscribers.

While law enforcement practitioners are the primary source for CALEA Standards, any individual can present a standard to the Commission for consideration by completing the Appendix C form and submitting it to the Commission (See Appendix C).

### **Nature and Scope of the Standards**

Each chapter in the law enforcement standards manual begins with an introduction that provides important guidance to an agency regarding the subject area, its applicability, or any related standards. The standards state what must be accomplished by the agency, but generally allow wide latitude in determining how to achieve compliance with each applicable standard. This approach maintains agency independence and is the key to understanding the universal nature and flexibility of the standards. Since compliance is never limited to a single means of achievement, consequently, compliance should always be attainable.

The Commission expects accredited agencies to maintain compliance and live by the letter and spirit of the standards. The agency must consider its mission, its legally mandated responsibilities, and the demands of its service community in determining which standards are applicable and how it will comply with them.

Key terms used throughout the Standards Manual are listed in the Glossary (Appendix A). The importance of the glossary cannot be overstated. Many terms in law enforcement are universal; some are not. The glossary defines terms in the manual to correspond with the Commission's intent on the requirements of a standard and to guide the agency in determining how it will comply.

The Commission also provides a series of guiding principles to govern the general application of standards, clarify the intent of others, and amplify actions that assessors may take in verifying compliance. Familiarity with the Guiding Principles for Agencies and Assessors (Appendix B) is essential for successfully achieving accreditation.

### **Standard Composition**

Each standard is composed of three parts: *the standard statement*, *the commentary*, and *the levels of compliance*.

The *standard statement* is a declarative sentence that places a clear-cut requirement, or multiple requirements, on an agency. Many statements call for the development and implementation of written directives, such as general or special orders, standard operating procedures, or other documented communication, which articulate the agency's policies, procedures, rules, and regulations. Other standards require an activity, a report, an inspection, equipment, or other action.

The commentary supports the standard statement but the commentary is not binding. The commentary can serve as a prompt, as guidance to clarify the intent of the standard, or as an example of *one* possible way to comply with the standard. Since the agency has the latitude to determine "how" it will comply with applicable standards, and since the burden of proof to verify this compliance is also the responsibility of the agency, it can choose to ignore the commentary and comply with the standard on its own terms.

The *levels of compliance* denote the relative importance assigned to each standard, if applicable, based upon agency size. For each of four agency-size categories, the levels of compliance indicate whether a given standard is mandatory (M), other-than-mandatory (O), or not applicable due to size (N/A).

Standards dealing with life, health, and safety issues, legal matters, or are essential law enforcement requirements are classified as mandatory. Standards dealing with important or desirable law enforcement requirements or with exemplary activities are classified as other-than-mandatory. Standards not required of agencies because of their size are classified as not applicable.

Agency size is defined as the total number of authorized full-time personnel (sworn and non-sworn) assigned to the law enforcement function. Correctional officers and firefighters are not counted in the total, unless they are certified for law enforcement duties. The four agency-size categories are A (1-24 personnel), B (25-74), C (75-299), and D (300 or more).

The levels of compliance are placed between parentheses at the end of the commentary and appear as a series of bold letters, their sequence corresponding to the four agency-size categories, left to right:

(A B C D). Levels of compliance may be the same for all agency sizes, e.g., (M M M M), or may vary according to size, e.g., (N/A O O M). For example, see standard 43.1.3.

The standard dictates what must be accomplished. This commentary presents the rationale behind the standard and the intent of the standard. The level of compliance indicates this standard is not applicable to the smallest agencies (A), is an other-than-mandatory standard for agencies with 25-74 full time employees (B), and is a mandatory requirement for larger agencies that have responsibilities in this area (C, D).

#### **Applicability of the Standards and Compliance**

As noted above, some standards may not be applicable to an agency because of its size. In addition, standards may or may not be applicable depending on the functions performed or not performed by the agency. Each agency starting the accreditation program must review all standards to identify those that are not applicable to its responsibilities. Standards that fall into this category are considered to be *not applicable by function*; neither those standards nor their corresponding level of compliance would be applicable to the agency.

For example, a municipal police department may not have the responsibility to provide court security (Chapter 73 Court Security) in its jurisdiction because this function is performed by the county sheriff. If the police department is the agency in question, all standards in (Chapter 73 Court Security) would be considered "not applicable" because it does not perform the function addressed by the chapter. On the other hand, if the sheriff's office, in this example, is the agency in question, the standards in (Chapter 73 Court Security) would apply and the levels of compliance would become relevant. This example illustrates why a standard may be applicable to one agency and not applicable to another, even when the

agencies are the same size. Further information on applicability is found in the Guiding Principles for Agencies and Assessors, Appendix B.

The Commission reserves the right to make certain standards applicable regardless of whether the agency currently performs the functions addressed by those standards. For example, a municipal police department without crime prevention activities would not be permitted to designate as not applicable the standards addressing those functions merely because they were not being performed.

When the agency has eliminated standards that do not apply, the balance becomes the list of "applicable" standards. An agency applying for accreditation must comply with all applicable mandatory (M) standards (except in rare instances when the Commission grants a waiver) and at least 80 percent of the applicable other-than-mandatory (O) standards. The agency is free to select the applicable other-than-mandatory standards to include in the 80 percent group.

If the level of compliance based on the agency's size category is not applicable (N/A), the agency is excused from complying with the standard. (Exception: if the agency voluntarily chooses to perform the function or activity required by the standard, it becomes applicable regardless of agency size and the requirements must be met.)

If an agency can not comply with an applicable mandatory standard because of circumstances beyond its control, e.g., labor contract, court decree, it may ask the Commission to "waive" the obligation to comply.

For more information on applicability and compliance with standards, see Appendix G, File Construction and Documentation.

### **Types of Standards**

The standards are described according to the following types or categories: written directive, bulleted, conditional, linked, observation, and activity required. A brief description with examples follows:

The most prevalent standard type requires a written directive. In addition to requiring a policy, procedure, or other activity, a 'written directive' standard also imposes a responsibility on the agency to describe the activity in writing. The written directive requirement creates documentation, which fixes accountability on the agency, its personnel, and provides for standardization and consistency in application.

Broadly defined, a written directive is any written documentation that governs or directs the agency or its employees. Written directives may exist internally, e.g., general orders, standard operating procedures, memoranda, and labor contracts; or externally, e.g., laws, judicial decrees, mutual aid agreements, and city-wide rules and procedures. The presence of written directives involves the added responsibilities of dissemination, training, and supervision of affected personnel. 1.3.1 is an example of a written directive standard.

Included under written directive standards are ones that present multiple requirements or bulleted subcomponents. An alphanumeric designator identifies each item or bullet. Compliance is required of each applicable bullet; bullets that do not apply are treated individually as N/A. For example, see standard 12.1.2.

**Conditional standards**, as illustrated below, frequently use the word "if" to identify a condition. The presence of the condition makes the standard applicable; its absence renders

the standard N/A. Another identifier is the phrase "in the absence of controlling legislation." For example, see standard 43.1.4.

**Linked** standards relate one standard to another standard in the chapter. For example, see sample 1.3.7.

**Observation** standards are identified by the phrase "Compliance may be OBSERVED" following the level of compliance designation, and may generally be verified visually. For example, see standard 41.3.1.

Some of these standards may also require additional documentation (see Appendix F, Observation Standards).

**Activity required** standards require that a specific activity occurs, such as a report, review, analysis, inspection, test, survey, audit and/or inventory. The activity may or may not require a written directive and many are time sensitive standards that require the activity to be accomplished at specific periods. For example, see standard 35.1.2.

This standard has the following conditions; a written directive, the activity to be performed, and a time line (see Appendix E, List of Time Sensitive Activities).

## **THE ACCREDITATION PROCESS**

There are five general phases or steps in the accreditation process:

### **Getting Started and Enrollment:**

An indispensable companion to the *Standards for Law Enforcement Agencies* is the *CALEA Process and Programs Guide* (CPPG). The guide provides additional information about the CALEA process and the components of the accreditation program.

Access to CALEA publications is provided to client agencies when they enroll in an accreditation program; however, all publications are available for purchase by annual subscription. Interested agencies or individuals should visit the website ([www.calea.org](http://www.calea.org)) or contact CALEA at (703) 352-4225 to purchase publications.

When an agency is ready to enter the CALEA Law Enforcement Accreditation or Advanced Law Enforcement Accreditation Program, it can download an "Enrollment Package" from the CALEA website. Staff is available to answer questions or provide general assistance by contacting CALEA at (703) 352-4225 or emailing [calea@calea.org](mailto:calea@calea.org).

### **Self-Assessment:**

Once an agency is enrolled in the Law Enforcement Accreditation Program, it enters self-assessment. An agency has 36 months from the date the Accreditation Agreement is signed to complete self-assessment.

The agency proceeds with self-assessment by complying with applicable standards, developing proofs of compliance, and preparing for the assessment. During this time, an assigned CALEA Regional Program Manager is available to provide guidance on the applicability of standards and attaining compliance.

### **The Assessment:**

Once the agency notifies CALEA of its completion of the self-assessment phase and its desire to schedule its initial assessment, staff will schedule a date that is mutually agreeable. A team of CALEA-trained assessors will visit the agency to determine compliance

with standards, review agency operations, conduct a public information session, and report its findings to the Commission for final determination of accreditation status.

**Commission Review and Decision:**

At each CALEA Conference held three times a year, the Commission's Review Committees conduct hearings, which are open for public attendance, regarding the agency's compliance to applicable standards. Designated agency representatives are invited to participate in this review. If satisfied the agency has met all compliance requirements, the Commission awards accreditation for a three year period.

**Maintaining Compliance and Reaccreditation:**

During its accreditation award cycle, the agency must maintain compliance with applicable standards, keep its proofs of compliance up-to-date, and live by the *letter and spirit* of those standards. To retain its accredited status, the agency is required to submit to CALEA their appropriate accreditation continuation fees, as well as an annual report. Reaccreditation occurs at the end of the three years, following another successful on-site assessment and hearing before the Commission.





## Preface

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The Commission on Accreditation for Law Enforcement Agencies, Inc (CALEA®) publishes the following items in support of its credentialing programs:

*Standards for Law Enforcement Agencies (SLEA)*, is the single publication for the CALEA Law Enforcement Accreditation Program and the CALEA Advanced Law Enforcement Accreditation Program. The standards signify CALEA's efforts to offer useful and relevant standards that represent the "best professional practices" for law enforcement agencies everywhere.

*Standards for Public Safety Communications Agencies* is a separate collection of standards established for CALEA's Public Safety Communications Accreditation Program. The standards were developed jointly by CALEA and APCO-International (Association of Public-Safety Communications Officials International, Inc.).

*Standards for Public Safety Training Academies* is a separate collection of standards established for CALEA's Public Safety Training Academy Accreditation Program.

*Standards for Campus Security Agencies* is a separate collection of standards established for CALEA's Campus Security Accreditation Program.



CALEA® *Process and Programs Guide* is the single instructional manual applicable to all CALEA credentialing programs. It explains the accreditation process, details aspects of the self-assessment phase, describes the role of assessors, and provides answers to frequently asked questions.

The publications may be ordered from:

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## Chapter 1 Introduction

Standards in this chapter relate to the basic role and authority of law enforcement agencies. Subtopics address the development of policy concerning the law enforcement function, the limits of authority, and the use of force.

When an agency defines its role, two broad purposes are served. First, sworn and civilian personnel are made aware of the actions and attitudes expected of them and can, therefore, act without hesitation in consonance with the agency's values and policies. Second, members of the public are provided with a general standard by which they can measure the performance of the agency. Written policy defining the functional role should set forth the agency's values, mission, goals, basic programs, and priorities. The policy statement should also specify that the agency intends to be responsive to, and protect the constitutional rights of, the community.

Before proceeding with the remaining chapters in this manual, it is imperative that the user identifies each category of agency personnel and their respective authority within the agency ((subchapters 1.1 Law Enforcement Agency Role) and (1.2 Limits of Authority)) using the following five caveats as a guide:

- A very clear distinction is made in this manual between sworn and civilian personnel. Read the glossary definitions for sworn officer, civilian, and full-custody arrest carefully. A sworn officer has the authority to make a full custody arrest; a civilian does not.
- Some agencies have more than one category of full-time sworn personnel. For example, warden, commercial vehicle enforcement officer, fire marshal, or other category having authority to make a full custody arrest for violations of specific or narrowly defined laws or ordinances.
- Some agencies have reserve officers (see Glossary - Appendix A). Reserve officers are part-time sworn personnel. Standards in (subchapter 16.3 Reserves) deal specifically with this category.
- Some agencies have auxiliaries (see Glossary - Appendix A). Auxiliaries are not sworn personnel, even though in some states, provinces, or localities auxiliaries may be defined by law as having sworn authority. For the purpose of application of standards in this manual the Glossary definitions for reserves and auxiliaries will be used.
- Some agencies may issue certain less lethal weapons or restraining devices to civilian personnel such as security guards, detention employees, or others whose scope and responsibility necessitates the use of these items. Issuing these items will cause standards such as use of force, (Chapter 1 Law Enforcement Role and Authority), and training, (Chapter 33 Training and Career Development), or possibly detainee transport, (Chapter 70 Detainee Transportation), to become applicable to this category of agency personnel.

Agencies having more than one category of sworn personnel should clearly identify each category in standard 1.2.1. Any other standard that refers to sworn personnel will be applicable to all categories of full-time sworn personnel. This may cause the agency to demonstrate compliance in more than one way depending on the number of categories and whether the processes differ between the categories. Compliance may be achieved in these standards using separate documentation for each category.

Written directives concerning the agency role, limits of authority, and use of force should emphasize the agency's core values and intent to meet or exceed the public's expectations in the delivery of professional law enforcement services.

Few issues outweigh the concern raised in a community when it is perceived that members of a law enforcement agency use inappropriate levels of force. A community rightfully expects that its law enforcement agency will issue weapons only to those agency members legally authorized to carry same as a condition of their duties, and that weapons and tactics are only utilized in conformance with sound policies, procedures, and training.

Policies, procedures, and training on topics such as use of force and officer discretion (when choosing between permissible alternative courses of action) shall be determined by the agency, but such policies, procedures, and training must include the legal issues involved as related to the applicable topic. It is recognized that some jurisdictions may mandate such training. Accredited agencies are encouraged to view legal requirements as a minimum in the training process, for a true commitment to professionalism transcends minimum legal requirements. Such training should inculcate in the agency and its members an uncompromising commitment to principles of professionalism, including responsibility and compassion.

## 1.1 Law Enforcement Agency Role

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1.1.1(M M M M) (LE1) Oath of Office

1.1.2(M M M M) (LE1) Code of Ethics

1.1.3(O O O O) Agency's Role in Criminal Justice Diversion Programs

1.1.4(M M M M) Consular Notification

### 1.1.1

#### (M M M M) (LE1) Oath of Office

A written directive requires all personnel, prior to assuming sworn status, to take and subsequently abide by an oath of office to enforce the law and uphold the nation's Constitution or basic law of the land and, where applicable, those of governmental subdivisions.

#### Commentary

None. (M M M M) (LE1)

## 1.1.2

### (M M M M) (LE1) Code of Ethics

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A written directive requires all personnel to abide by a code or canon of ethics adopted by the agency and mandates that ethics training be conducted for all personnel, at a minimum, biennially.

#### Commentary

Sworn and civilian employees should receive instruction that concerns their position dilemmas, temptations, responsibilities, and duties. The Canon of Ethics or Law Enforcement Code of Ethics published by the International Association of Chiefs of Police or the Code of Ethics of the Office of the Sheriff adopted by the National Sheriffs' Association, ICMA Code of Ethics adopted by the International City Managers Association, or APCO Telecommunicator Code of Ethics adopted by the Association of Public-Safety Communications Officials International, Inc., will satisfy partial intent of this standard. Adherence to those codes of ethics and to the United Nations Code of Conduct for Law Enforcement Officials may be included as an element of the oath of office. Ethics review can be in the form of classroom, shift briefing, computer based training and bulletins, or any combination of methods as determined by the agency. (M M M M) (LE1)

### 1.1.3

#### (O O O O) Agency's Role in Criminal Justice Diversion Programs

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A written directive specifies the agency's role in criminal justice and social service diversion programs.

#### Commentary

There are often social service diversion programs in which law enforcement agencies are directly involved, including detoxification, mental health, and drug abuse diversion programs. Additionally, there are criminal justice diversion programs principally for juvenile delinquents but which may apply to others with whom the agency may be involved. The written directive should describe the agency's role in these programs. (O O O O)

## 1.1.4

### (M M M M) Consular Notification

A written directive governs procedures for assuring compliance with all consular notification and access requirements in accordance with international treaties when dealing with foreign nationals.

#### Commentary

The cooperation of law enforcement agencies in extending consular notification and access to foreign nationals in accordance with international law helps the national government comply with its international treaty obligations. It also helps to ensure that citizens of every country are treated with the same respect and treaty compliance when arrested or detained in foreign countries; and provides a basis for national governments to assert their international rights (see standard 72.7.1).

The complexity of the treaty requirements suggests that the agency arrange for training with all appropriate personnel.

Law enforcement agencies in the United States can obtain relevant information and detailed guidance by consulting the U.S. State Department's publication entitled Consular Notification and Access. Agencies outside the United States should contact the appropriate Department of State or equivalent for information and reference materials. (M M M M)





# **1 Law Enforcement Role and Authority**

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## **Chapter 1 Introduction**

### **1.1 Law Enforcement Agency Role**

### **1.2 Limits of Authority**

### **1.3 Use of Force**



## 1.2 Limits of Authority

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1.2.1(M M M M) (LE1) Legal Authority Defined

1.2.2(M M M M) Legal Authority to Carry/Use Weapons

1.2.3(M M M M) (LE1) Compliance with Constitutional Requirements

1.2.4(M M M M) (LE1) Search and Seizure


1.2.5(M M M M) (LE1) Arrest with/without Warrant

1.2.6(M M M M) Alternatives to Arrest

1.2.7(M M M M) Use of Discretion

1.2.8(M M M M) (LE1) Strip/Body Cavity Search

1.2.9(M M M M) (LE1) Bias Based Profiling



## 1.2.1

### (M M M M) (LE1) Legal Authority Defined

---

A written directive defines the legally mandated authority and responsibilities vested in all categories of sworn agency personnel. If the agency has more than one category of sworn personnel, each shall be identified.

#### Commentary

The written directive should define and elaborate on the scope and limits of law enforcement authority as it pertains to the enforcement of laws, statutes, ordinances, and arrests. Some agencies have more than one category of sworn agency personnel. For example, warden, fire marshal, commercial vehicle enforcement officer, or other special class of officer having sworn duties, but limited arrest authority. Standards in this manual applicable to sworn officers are applicable to each category. Generally, sworn status includes the authority to make a full custody arrest. (M M M M) (LE1)

## 1.2.2

### (M M M M) Legal Authority to Carry/Use Weapons

---

A written directive defines the legal authority to carry and use weapons by agency personnel in the performance of their duties.

#### Commentary

In many jurisdictions the legal authority to carry weapons is clearly stated within state law, provincial code, city charter, or local ordinance. In other areas, such authority is implied or can be inferred from laws and ordinances outlining the agency's law enforcement functions, limits on its use of force, or from state or federal court decisions governing the jurisdiction. In still other areas, such authority is derived from that authority granted to the agency's chief executive officer. To the extent possible, such authority should be clearly described within the agency's written directives and should set clear parameters for the use of such authority for each category of sworn and civilian personnel who are permitted or prohibited to carry and use weapons. For example, both security guards and sworn officers may be authorized to carry firearms, but the security guard may be restricted to carrying weapons only while on specified assignments. Written directives and the guidance provided through specific job descriptions should clearly describe the authority to carry and use weapons within the rules, regulations and laws established by local, regional, tribal, provincial, state or federal authority. (M M M M)

### 1.2.3

#### (M M M M) (LE1) Compliance with Constitutional Requirements

A written directive governs procedures for assuring compliance with all applicable constitutional requirements, including:

- a. *interviews (including field interviews);*
- b. *interrogations; and*
- c. *access to counsel.*

#### Commentary

The agency should clearly indicate what constitutes a valid field interview situation to guard against its misuse and to minimize potentially adverse citizen reactions. Field interview contacts may be documented to provide other officers, investigators, and crime analysts with information concerning suspicious persons and situations. Information gathered on field contact cards or forms may be considered criminal intelligence and processed in accordance with standards in 42.1.6 and (Chapter 82 Central Records).

The areas referred to in this standard are coercion or involuntary nature of confessions and admissions, delay in arraignment, failure to inform defendants of their rights, deprivation of counsel, and pretrial publicity tending to prejudice a fair trial. Consideration should be given to audio/video recording of custodial interrogations involving major cases. Juvenile procedures are addressed in standards 44.2.2 and 44.2.3. (M M M M) (LE1)



## 1.2.4

(M M M M) (LE1) Search and Seizure

---

A written directive governs search and seizure without a warrant by agency personnel.

Commentary

The intent of this standard is to provide general guidelines and procedures for agency law enforcement personnel to follow in conducting searches that have not been reviewed and authorized by judicial personnel. The written directive should include such issues as consent, stop-and-frisk, movable vehicle, and exigent circumstance searches, as well as other situations impacting law enforcement personnel conducting searches and seizures without a warrant. (M M M M) (LE1)

## 1.2.5

### (M M M M) (LE1) Arrest with/without Warrant

A written directive specifies the procedures for any arrest, made with or without a warrant, and includes the criteria for:

- a. *preparing reports;*
- b. *fingerprinting; and*
- c. *photographing.*

#### Commentary

The written directive should include procedures imposed by the U.S. Supreme Court, the courts of the applicable state and/or country, and any legislation pertaining to or governing the laws of arrest. Also included should be circumstances that permit a warrantless arrest; areas that may be searched incident to an arrest, both with and without a search warrant; procedures for handling persons asserting diplomatic or other forms of immunity (see also standards 61.1.3 and 1.1.4); and requirements that pertain to arrestee rights.

Procedures should specify those offenses where fingerprints and photographs are required. Refer to standard 44.2.2. The directive should be updated in a timely fashion so that it reflects new decisions that add to the substantive laws of arrest. All information should be kept current for persons subsequently arrested, e.g., address, photograph. (M M M M) (LE1)

## 1.2.6

### (M M M M) Alternatives to Arrest

A written directive defines the authority, guidelines, and circumstances when sworn personnel may exercise alternatives to arrest, prearrest confinement, and/or pretrial release.

#### Commentary

The written directive should identify the authority of sworn officers to use alternatives to arrest, e.g., citations, summonses, referrals, informal resolutions, and warnings, to address the variety of problems they confront. Policy guides and procedural directions should be developed to ensure appropriate use of the alternatives by personnel. (M M M M)



## 1.2.7

(M M M M) Use of Discretion

---

A written directive governs the use of discretion by sworn officers.

### Commentary

In many agencies, the exercise of discretion is defined by a combination of written enforcement policies, training, and supervision. The written directive should define the limits of individual discretion and provide guidelines for exercising discretion within those limits (see standards 61.1.2 and 61.1.5). (M M M M)

## 1.2.8

### (M M M M) (LE1) Strip/Body Cavity Search

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The agency has written procedures for strip and body cavity searches. The procedures shall include:

- a. *authority for conducting strip and body cavity searches with and without a warrant;*
- b. *provisions for privacy and search by gender; and*
- c. *reporting requirements.*

#### Commentary

Strip and body cavity searches are sometimes necessary for agency safety and security or to seize evidence of criminal activity. These searches, however, are highly intrusive and should be conducted within the limits of legal authority, out of public view, and with due regard for human dignity. Some body cavity searches may require special hygienic procedures and qualified medical personnel to conduct the search. The procedures should guide agency personnel in conducting strip and body cavity searches that will maximize safety, seize necessary evidence, and be considered reasonable by applicable judicial authority. (M M M M) (LE1)

## 1.2.9

### (M M M M) (LE1) Bias Based Profiling

The agency has a written directive governing bias based profiling and, at a minimum, includes the following provisions:

- a. *a prohibition against bias based profiling in traffic contacts, field contacts, and in asset seizure and forfeiture efforts;*
- b. *training agency enforcement personnel in bias based profiling issues including legal aspects;*
- c. *corrective measures if bias based profiling occurs; and*
- d. *a documented annual administrative review of agency practices including citizen concerns.*

#### Commentary

Profiling, in itself, can be a useful tool to assist law enforcement officers in carrying out their duties. Bias based profiling, however, is the selection of individuals based solely on a common trait of a group. This includes but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable groups.

Law enforcement agencies should not condone the use of any bias based profiling in its enforcement programs as it may lead to allegations of violations of the constitutional rights of the citizens we serve, undermine legitimate law enforcement efforts, and may lead to claims of civil rights violations. Additionally, bias based profiling alienates citizens, fosters distrust of law enforcement by the community, invites media scrutiny, invites legislative action, and invites judicial intervention.

Law enforcement personnel should focus on a person's conduct or other specific suspect information. They must have reasonable suspicion supported by specific articulated facts that the person contacted regarding their identification, activity or location has been, is, or is about to commit a crime or is currently presenting a threat to the safety of themselves or others. Annually, the agency should include profiling related training that should include field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination, and community support. (M M M M) (LE1)

## 1.3 Use of Force

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1.3.1(M M M M) (LE1) Use of Reasonable Force

1.3.2(M M M M) (LE1) Use of Deadly Force

1.3.3(M M M M) (LE1) Warning Shots

1.3.4(M M M M) (LE1) Use of Authorized Less Lethal Weapons

1.3.5(M M M M) (LE1) Rendering Aid After Use of Weapons

1.3.6(M M M M) (LE1) Reporting Uses of Force

1.3.7(M M M M) (LE1) Reviewing Reports of 1.3.6

1.3.8(M M M M) (LE1) Removal from Line of Duty Assignment, Use of Force

1.3.9(M M M M) (LE1) Authorization: Weapons and Ammunition

1.3.10(M M M M) (LE1) Demonstrating Proficiency with Weapons

1.3.11(M M M M) (LE1) Annual/Biennial Proficiency Training

1.3.12(M M M M) (LE1) Issuing Written Directives

1.3.13(M M M M) (LE1) Analyze Reports from 1.3.6

### 1.3.1

(M M M M) (LE1) Use of Reasonable Force

---

A written directive states personnel will use reasonable force when force is used to accomplish lawful objectives.

Commentary

None. (M M M M) (LE1) - Change Notice 5.5 (March 20, 2009)

## 1.3.2

### (M M M M) (LE1) Use of Deadly Force

---

A written directive states that an officer may use deadly force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical injury. Definitions of conditional terms, such as those for reasonable belief, serious physical injury, or similarly used terms that are used to qualify the directive, shall be included.

#### Commentary

The intent of this standard is to establish a clear-cut agency policy on the use of deadly force that provides officers with guidance in the use of force in life-and-death situations and to prevent unnecessary loss of life. (M M M M) (LE1)

### 1.3.3

#### (M M M M) (LE1) Warning Shots

---

A written directive governs the discharge of "warning" shots.

#### Commentary

Generally, warning shots should be prohibited due to the potential for harm. If permitted, the circumstances under which they are utilized should be narrowly defined. (M M M M) (LE1)

## 1.3.4

(M M M M) (LE1) Use of Authorized Less Lethal Weapons

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A written directive governs the use of authorized less lethal weapons by agency personnel.

Commentary

None. (M M M M) (LE1)



### 1.3.5

#### (M M M M) (LE1) Rendering Aid After Use of Weapons

---

A written directive specifies procedures for ensuring the provision of appropriate medical aid after use of lethal or less lethal weapons, and other use of force incidents as defined by the agency.

#### Commentary

the intent of this standard is to minimize the severity posed by obvious injuries or non-visible trauma commonly associated with some weaponless or hand-to-hand tactics. Such tactics may include neck holds, hard punches to the head, heart, or other vital organs, or restricting respiratory function. "Appropriate medical aid" does not place the burden on the agency to have each injured person immediately evaluated at a medical facility. "Appropriate medical aid" may include increased observation to detect obvious changes in condition, flushing chemical agents from the eyes, applying first aid, evaluation by paramedics, or for more serious or life threatening incidents, immediate aid by medical professionals. "Other use of force incidents as defined by the agency" may include procedures for the provision of medical aid to a person injured prior to contact with the agency, but the scope of this standard is limited to actions taken by agency personnel causing, or likely to cause injury.

(M M M M) (LE1)

### 1.3.6

#### (M M M M) (LE1) Reporting Uses of Force

A written report is submitted whenever an employee:

- a. *discharges a firearm, for other than training or recreational purposes;*
- b. *takes an action that results in, or is alleged to have resulted in, injury or death of another person;*
- c. *applies force through the use of lethal or less lethal weapons; or*
- d. *applies weaponless physical force at a level as defined by the agency.*

#### Commentary

the intent of this standard is to establish use of force or response to resistance reporting systems within the agency for effective review and analysis (see standards 1.3.7 and 1.3.13). The reporting systems should help identify trends, improve training and employee safety, and provide timely information for the agency addressing use of force issues with the public. Early and accurate reporting helps establish agency credibility.

Software programs may be used to generate the necessary reporting elements of this standard or the agency may choose to use a variety of reporting methods to document use of force or response to resistance incidents, based on severity or other established criteria.

This standard could include documenting the pointing of weapons or using weaponless, hand-to-hand control techniques. These techniques include, but are not limited to: physical touching, gripping or holding, frisking, pain compliance measures, pressure point application, come-alongs, handcuffing, or other custodial procedures. It should be noted that some agencies have had success documenting this type of information, using a standard checklist report format associated with the arrest or incident report.

In deciding the threshold of when to generate a use of force or response to resistance report and how extensive the report needs to be, the agency should carefully examine all incidents wherein its employees have caused, or are alleged to have caused death or injury to another, have accidentally or intentionally discharged a firearm, or have applied weaponless force upon another to the extent it is likely to cause or lead to unforeseen injury, claim of injury, or allegations of excessive force, e.g., the use of neck holds, four point restraints (commonly referred to as the hog-tie restraint), punches, or kicks. the agency should also consider who is required to write reports when multiple employees were engaged in the same use of force incident.

If physically able, the primary employee involved should be required to verbally report his/her involvement within a specified time period. The verbal report should be committed to writing as soon as practical, thereafter. Written procedures should state by whom, when, and how the report will be submitted. The standard is not intended to document the display of weapons by employees or actions taken to euthanize animals. (M M M M) (LE1)

## 1.3.7

(M M M M) (LE1) Reviewing Reports of 1.3.6

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The agency has a written procedure for an administrative review of each report required by standard 1.3.6.

Commentary

None. (M M M M) (LE1)

## 1.3.8

(M M M M) (LE1) Removal from Line of Duty Assignment, Use of Force

A written directive requires that any employee, whose action(s) or use of force in an official capacity results in death or serious physical injury, be removed from line-duty assignment, pending an administrative review.

### Commentary

The purpose of this standard is twofold: to protect the community's interest when employees may have exceeded the scope of their authority in their actions or in their use of force and to shield employees who have not exceeded the scope of their authority from possible confrontations with the community.

The agency should consider removing from duty status all employees involved in a critical or traumatic incident, not limited to shootings, and may include incidents such as a fatal motor vehicle collision involving the employee. During the period of administrative leave or reassignment, the agency should consider provisions for post-incident debriefing or counseling for those employees involved. In some critical incidents, the employee's family may also require assistance.

The removal process may have a detrimental effect on employees involved. Agencies may wish to routinely include a review of these procedures during in-service training sessions (see standard 1.3.11) to enhance understanding of this procedure. (M M M M) (LE1)

### 1.3.9

#### (M M M M) (LE1) Authorization: Weapons and Ammunition

A written directive requires that only weapons and ammunition authorized by the agency be used by agency personnel in the performance of their responsibilities. The directive shall apply to weapons and ammunition carried both on and off duty, and must address:

- a. *the types and specifications of all lethal and less lethal weapons approved for use, including those weapons used by members of tactical teams or other specialized personnel;*
- b. *the types and specifications of ammunition approved for use, including ammunition used in specialized weapons for members of tactical teams or other specialized personnel;*
- c. *the procedure for review, inspection, and approval of all weapons intended for use by each employee in the performance of duty, prior to carrying, by a qualified weapons instructor or armorer;*
- d. *a process to remove unsafe weapons;*
- e. *the procedure for maintaining a record on each weapon approved by the agency for official use; and*
- f. *guidelines for the safe and proper storage of agency authorized firearms.*

#### Commentary

The intent of this standard is to establish strict agency control over all firearms, weapons, and ammunition it allows members to carry and use in the performance of their official duties, both on and/or off duty. Clear guidelines should be established for exact types and specifications of each category of weapon, including specialized weapons used by members of tactical teams or other specialized personnel. Written directives and the guidance provided through specific job descriptions should clearly describe the authority to carry and use weapons within the rules, regulations and laws established by local, regional, tribal, provincial, state or federal authority.

For firearms, the agency should establish an approval process. Each firearm should be identified, meet the agency's established criteria and be safe and in good working order. The user should demonstrate his or her proficiency in using the firearm on an approved qualifying course before being approved, in writing, by the agency, to carry and use the firearm. A certified firearms instructor or armorer should inspect and approve the firearm and oversee the proficiency testing.

A complete record of all weapons approved by the agency should be maintained. For firearms, the record should list the type, description, identifying model, and serial numbers of each firearm, as well as the identity of the owner or assignee. The record should also include the name of the official making the approval, the date of approval, the course fired, and all scores used to qualify the user on the demonstration of proficiency. All approvals should be conditional upon periodic requalification pursuant to procedures established to comply with standard 1.3.11. (M M M M) (LE1) - Change Notice 5.5 (March 20, 2009)

### 1.3.10

#### (M M M M) (LE1) Demonstrating Proficiency with Weapons

---

A written directive requires that only agency personnel demonstrating proficiency in the use of agency-authorized weapons be approved to carry such weapons.

##### Commentary

The intent of this standard is to cover the carrying and use, both on and off duty, of all weapons, such as handguns, shotguns, chemical sprays, or striking weapons (see standard 1.3.9). Demonstrated proficiency includes achieving minimum qualifying scores on a prescribed course; attaining and demonstrating a knowledge of the laws concerning the use of authorized weapons and knowledge of agency policy(s) on the use of force, escalating force, and deadly force; and being familiar with recognized safe-handling procedures for the use of these weapons. The instruction on and qualification with all weapons should be provided by a certified weapons instructor. (M M M M) (LE1)

### 1.3.11

#### (M M M M) (LE1) Annual/Biennial Proficiency Training

At least annually, all agency personnel authorized to carry weapons are required to receive in-service training on the agency's use of force policies and demonstrate proficiency with all approved lethal weapons and electronic controlled weapons that the employee is authorized to use. In-service training for other less lethal weapons and weaponless control techniques shall occur at least biennially. In addition:

- a. *proficiency training must be monitored by a certified weapons or tactics instructor;*
- b. *training and proficiency must be documented; and*
- c. *the agency must have procedures for remedial training for those employees who are unable to qualify with an authorized weapon prior to resuming official duties.*

#### Commentary

annual and biennial in-service use of force refresher training need not be as formal as entry level or recruit training. Use of force retraining can be accomplished through a combination of methods; for example, during shift briefing training sessions, reviewing legal updates on use of force issues, or conducting written or skills tests on use of force and less than lethal weapons during annual firearms qualifications courses. Proficiency levels should be established by the agency with input from certified weapons instructors or others in the agency that can validate the criteria. Demonstrated proficiency with less lethal weapons may consist of the same criteria used at entry level, or the course may be modified to either abbreviate or extend the training, based on the agency's experience with the weapon in the field.

The intent of bullet (c) is to ensure that remedial measures are provided, and that an employee failing to demonstrate proficiency with a weapon is not returned to duty with that weapon until such time as proficiency is demonstrated and documented.

Unless they are applied properly, neck restraints and other similar compliance techniques that rely on cutting off the flow of oxygen to the brain have the potential to cause serious injury or death. Therefore, any agency that authorizes the use of such techniques should ensure that its personnel are properly trained in the use of these techniques so that the possibility of injury is minimized. In addition to the initial training, the agency should also provide biennial refresher training to ensure that the skills required for proper application are maintained.

See also standard 33.5.1. Training should be commensurate with the limits and scope of the employees' job responsibilities, e.g., an agency property guard having no arrest authority may be issued a baton and chemical agent, but training proficiency need only cover defensive moves. The curriculum for sworn officers would be more extensive based on the scope of their authority to use force in making arrests. (M M M M) (LE1)

### 1.3.12

(M M M M) (LE1) Issuing Written Directives

---

A written directive requires that all agency personnel authorized to carry lethal and less lethal weapons be issued copies of and be instructed in the policies described in standards 1.3.1 through 1.3.5 before being authorized to carry a weapon. The issuance and instruction shall be documented.

Commentary

None. (M M M M) (LE1)



### 1.3.13

(M M M M) (LE1) Analyze Reports from 1.3.6

---

Annually, the agency conducts an analysis of its use of force activities, policies and practices.

Commentary

A review of incidents of force may reveal patterns or trends that could indicate training needs, equipment upgrades, and/or policy modifications. The process of collecting and reviewing the reports is also critical to this analysis. (M M M M) (LE1)




## Chapter 2 Introduction

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Standards in this chapter relate to an agency's jurisdiction and the provision and use of mutual aid and regional law enforcement services among agencies through cooperative agreements.

Agreements should be reached among first responder agencies, non-government organizations (NGO), social service organizations, institutions of higher education, school districts, medical facilities, and private entities in adjoining jurisdictions or within the agency's jurisdiction to provide assistance to each other in the event of natural disaster, mass disorder, pandemic or other emergency situations. Lines of command should be established beforehand. Procedures for the provision of personnel should also be established in advance.

The Commission has exempted state agencies from having formal mutual aid agreements with agencies in adjoining states. Standard 2.1.3 is not applicable for state agencies.



## **2.1 Agency Jurisdiction and Mutual Aid**

**2.1.1(M M M M) Geographical Boundaries**

**2.1.2(O O O O) Concurrent Jurisdiction**

**2.1.3(O O O O) Written Agreements for Mutual Aid**

**2.1.4(M M M M) Requesting Assistance: Federal LE/National Guard**

## 2.1.1

### (M M M M) Geographical Boundaries

---

A written directive delineates the specific geographical boundaries of the agency's jurisdiction.

#### Commentary

It is fundamental that the agency clearly describes, in writing, the geographical boundaries of its jurisdiction. Situations involving overlapping or ambiguous territorial jurisdiction should be avoided. A detailed official map, including the boundaries of the jurisdiction, may satisfy the requirements of this standard. (M M M M)

## 2.1.2

### (O O O O) Concurrent Jurisdiction

---

A written directive specifies the agency's responsibilities in any interagency agreement regarding concurrent jurisdiction.

#### Commentary

The intent of the standard is to encourage an agency to identify its responsibilities, with regard to concurrent jurisdiction, which are established as a matter of law or on the basis of interagency agreement. This standard does not require an interagency agreement where none exists. The written directive should clearly outline the source of the concurrent jurisdiction, e.g., cites the specific legal basis or relevant interagency agreement, and should outline such details as identification of which agency responds to a call for service by type, communication linkages between agencies to ensure prompt and appropriate response, provision of back-up support between jurisdictions, and reporting responsibilities and policy concerning the jurisdiction of prosecutors and courts. (O O O O)

### 2.1.3

#### (O O O O) Written Agreements for Mutual Aid

---

The agency has written agreements with neighboring agencies to provide mutual aid in emergency situations. The mutual aid agreement must include, at a minimum, the following details:

- a. *the legal status of agencies and agency personnel responding to mutual aid requests;*
- b. *procedures for vesting provider agency personnel with the legal authority to act within the receiver agency's jurisdiction;*
- c. *procedures for requesting mutual aid;*
- d. *identity of those persons authorized to request mutual aid;*
- e. *identity of persons to whom outside personnel are to report;*
- f. *procedures for maintaining radio communication with outside personnel;*
- g. *expenditures, if any, which should be borne by the receiver agency to compensate for the use of the provider agency's resources; and*
- h. *procedures for review and revision if prescribed in the agreement.*

#### Commentary

Emergency situations often require augmented law enforcement capabilities to restore order or assist victims. The agency's mutual aid agreement should provide all the information necessary to initiate mutual aid activities either on behalf of the agency or at the request of a neighboring law enforcement agency. The agreement should also consider provisions for the indemnification of the provider agency and its personnel, e.g., life, health, and liability insurance.

Whether the agency operates under existing legislation or a mutual aid agreement, it should have a plan for providing or receiving aid in critical incident situations. The plan should assess the extent of aid that could be provided while maintaining adequate law enforcement coverage in the service area. The types and amounts of major resources should be estimated and their locations listed. Planning should also involve liaison with other agencies (non-government organizations (NGO), social service organizations, institutions of higher education, school districts, medical facilities, and private entities) that may be involved when mutual aid is invoked. (O O O O) - Change Notice 5.5 (March 20, 2009)

## 2.1.4

(M M M M) Requesting Assistance: Federal LE/National Guard

---

A written directive governs procedures for requesting federal law enforcement or national guard assistance in emergency situations.

Commentary

None. (M M M M)

## Chapter 3 Introduction

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### Enforcement Services

The provision of law enforcement services should be based on a precise written agreement. Necessary elements of the agreement include a description of the services to be provided, the cost of the services, if any, how payments are to be made, the issuance of reports and keeping of records, as well as procedures for amendment, renewal, and cancellation. Provisions for any lawsuits or payments of damages that arise from the provided services should be included in the contract as should provisions for hiring and disciplining provider personnel, for assigning specific duties to provider personnel, and for establishing equipment and property ownership and use. Standards in this chapter pertain to the agency providing a law enforcement service.

Law enforcement service includes the following traditional public safety activities, which are performed over a specified time period: patrol services; investigative services; the housing of detainees; communications performed for another law enforcement agency (note: this does not include dispatching services for fire or emergency medical service); automated or manual fingerprint identification; record keeping for law enforcement files; and property management.

This chapter does not pertain to those services that may be furnished by a commercial vendor, e.g., photo development, laboratory services, towing services. Additionally, this chapter does not address extra-duty assignments, e.g., security at high school or university functions, sporting events (see standard 22.3.4).



## **3.1 Contractual Agreements**

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**3.1.1(M M M M) (LE1) Written Agreement for Services Provided**

**3.1.2(M M M M) Employee Rights**

### 3.1.1

#### (M M M M) (LE1) Written Agreement for Services Provided

A written agreement exists governing law enforcement services provided by the agency, and includes:

- a. *a statement of the specific services to be provided;*
- b. *specific language dealing with financial agreements between the parties;*
- c. *specification of the records to be maintained concerning the performance of services by the provider agency;*
- d. *language dealing with the duration, modification, and termination of the contract;*
- e. *specific language dealing with legal contingencies;*
- f. *stipulation that the provider agency maintains control over its personnel;*
- g. *specific arrangements for the use of equipment and facilities; and*
- h. *a procedure for review and revision, if needed, of the agreement.*

#### Commentary

The elements of contract law enforcement services should be identified in a written agreement. At a minimum, the subjects listed in the bullets of this standard should be addressed. Additional clauses may clarify other identified needs or agreements. (M M M M) (LE1)

### 3.1.2

#### (M M M M) Employee Rights

A written directive stipulates that employment rights of personnel assigned under a contract for law enforcement services are not abridged by the provider agency.

#### Commentary

Participation in a contracted law enforcement service arrangement should not penalize participating employees nor should it in any way threaten their employment rights, promotional opportunities, training opportunities, or fringe benefits. (M M M M)

## Chapter 11 Introduction

---

Standards in this chapter relate to organization and administration of the agency and the application of basic organizational principles, such as organizing by function, ensuring unity of command, delineating responsibility, and delegating authority.

No attempt has been made to suggest specific organizational structures or specific titles or designations for various organizational components. To do so would limit flexibility and would make it difficult to accommodate the resources and capabilities of individual agencies.

Although basic organizational principles are emphasized in this chapter, agencies with the capacity to go beyond the application of basic principles are encouraged to explore innovative approaches to organization.

Standards in (subchapter 11.4 General Management and Administration) relate to the general management and administration of the agency, including the agency's reporting system and the forms used. The agency's administrative reporting system will most likely be affected by new systems established through self-assessment or changes in technology. The agency should ensure that its reporting systems are providing timely information needed for the effective management of the organization. Numerous time-sensitive reporting systems (inspections, analyses, audits, reports) are affected by specific accreditation standards. Performance in these time-sensitive areas will be a focus of on-site assessments.

## **11.1 Organizational Structure**

---

**11.1.1**(M M M M) (LE1) Description of Organization

**11.1.2**(M M M M) Organizational Chart

### 11.1.1

#### (M M M M) (LE1) Description of Organization

---

A written directive describes the agency's organizational structure and functions and is available to all personnel.

##### Commentary

The agency may determine its own organizational structure. In organizing/reorganizing, the agency should consider applicable standards within the various chapters of the standards manual. The intent of this standard is to provide a written description of the agency's organization. The agency's organizational chart (see standard 11.1.2) should coincide with this description.

Functional responsibility may be assigned to an individual position or a component specifically created and staffed (subchapter 16.1 Allocation and Distribution of Personnel). Functional responsibility for several activities could also be assigned to a single position or component, as needed. (M M M M) (LE1)

## 11.1.2


### (M M M M) Organizational Chart

---

The agency's organizational structure is depicted graphically on an organizational chart that is reviewed and updated as needed. The chart is accessible to all personnel.

#### Commentary

The chart should coincide with the written description and reflect the formal lines of authority and communication within the agency. (M M M M)



## 11.2 Unity of Command

---

11.2.1(M M M M) Employee Accountability

11.2.2(M M M M) Direct Command, Component



## 11.2.1

### (M M M M) Employee Accountability

---

Each employee is accountable to only one supervisor at any given time.

#### Commentary

Agencies with decentralized strategies or community oriented policing may deploy supervisors geographically rather than temporally. Employees should have a clear understanding of the reporting relationship and accessibility to a supervisor. (M M M M)

## 11.2.2

(M M M M) Direct Command, Component

---

Each organizational component is under the direct command of only one supervisor.

Commentary

None. (M M M M)




## **11.3 Authority and Responsibility**

---

**11.3.1**(M M M M) (LE1) Responsibility/Authority

**11.3.2**(M M M M) Supervisory Accountability





### 11.3.1

#### (M M M M) (LE1) Responsibility/Authority

---

A written directive requires that:

- a. *responsibility is accompanied by commensurate authority; and*
- b. *each employee is accountable for the use of delegated authority.*

#### Commentary

At every level within the agency, personnel should be given the authority to make decisions necessary for the effective execution of their responsibilities. The delegation of authority should be consistent with the agency's organizational values and mission statement. (M M M M) (LE1)

## 11.3.2

### (M M M M) Supervisory Accountability

---

A written directive states that supervisory personnel are accountable for the activities of employees under their immediate control.

#### Commentary

None. (M M M M)



## **11.4 General Management and Administration**

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**11.4.1(O O O O) Administrative Reporting Program**

**11.4.2(O O O O) Accountability for Agency Forms**

**11.4.3(M M M M) Accreditation Maintenance**

**11.4.4(M M M M) Computer Software Policy**

**11.4.5(M M M M) (LE1) Notify CEO of Incident with Liability**

## 11.4.1

### (O O O O) Administrative Reporting Program

A written directive specifies an agency administrative reporting program, to include:

- a. *a listing of all administrative reports;*
- b. *a statement as to the person(s) or position(s) responsible for the formulation of the report(s);*
- c. *a statement of the purpose of the report(s);*
- d. *a statement of the frequency of the report(s); and*
- e. *a statement of the distribution of the report(s).*

#### Commentary

Examples of administrative reports include daily reports, monthly reports, annual reports, etc. These reports are designed to provide information within the agency on a day-to-day operational basis as well as provide a mechanism to report agency activities outside the immediate structure of the agency. The periodic reports required by CALEA standards that are applicable to the agency may be included on the list of administrative reports (standard 11.4.3). (O O O O)

## 11.4.2

### (O O O O) Accountability for Agency Forms

---

The agency has a written directive to ensure accountability for agency forms that includes procedures for development, modification, approval, and review.

#### Commentary

The intent of this standard is to ensure accountability of all forms used by the agency. This standard does not apply to forms supplied by other agencies, e.g., courts, for departmental use, or to forms controlled by another level of government, e.g., a state traffic authority. The responsibility for the forms development and control should be vested in an identifiable person or function. The procedures should ensure that the information on agency forms is not duplicated; that the review for new or modified forms includes the functions that the forms should be used for; that the format is consistent with the records maintenance or data-processing requirements of the agency; and that the chief executive officer, or designee, should be required to approve forms prior to use. (O O O O)



### 11.4.3

#### (M M M M) Accreditation Maintenance

---

A written directive describes the agency's system for ensuring that periodic reports, reviews, and other activities mandated by applicable accreditation standards are accomplished.

#### Commentary

This standard may be complied with by the use of either a manual or automated system or a combination of the two. The written description of the system used need only be as detailed as required to acquaint an individual with limited knowledge of accreditation matters with an understanding of how the system works, and what individuals have responsibility for specific steps in the process. The system should ensure that the periodically required activities take place and identify and correct instances where a requirement was not met. The agency may choose to place this system within any organizational entity the agency deems appropriate. (M M M M)

## 11.4.4

### (M M M M) Computer Software Policy

---

A written directive establishes a policy for the introduction of computer software and external data into agency-controlled computer systems hardware.

#### Commentary

The introduction of data or software from non-secure sources could result in a corruption of the host system. A security protocol should be established for all external data or software applications prior to introduction in to the agency computer systems. The agency should also ensure that all software programs are properly licensed and being used for their intended application. (M M M M)

## 11.4.5

(M M M M) (LE1) Notify CEO of Incident with Liability

A written directive describes the procedure for notifying the agency's chief executive officer or designee of incidents where there may be a question as to the agency's liability or those which may result in heightened community interest.

### Commentary

The directive should specify the nature of those incidents that should be brought immediately to the attention of the agency's chief executive officer and those that can be postponed to a later time. An agency should carefully examine all incidents wherein its employees have allegedly performed in a manner that created an increased likeliness of death or serious injury to persons or significant loss of property. (M M M M) (LE1)

## Chapter 12 Introduction

---

Standards in this chapter relate to direction and supervision. They are concerned with chain of command, chief executive officer authority, supervisory accountability, and a written directive system.

Accredited agencies must have a formal written directive system. The system can be in paper or electronic form. Components of the written directive system should be suited for the specific communications needs and capabilities of the agency. Clarity and rapid access to information are essential to effective implementation of agency written directives.

The agency's written directive system should evolve from its legal authority, core values, and mission statement. All agency personnel should have a clear understanding of their individual discretionary powers in carrying out their duties in accordance with agency written policy, procedure, rules, and regulations.

The glossary terms written directive, policy, procedure, and rules and regulations should be reviewed carefully before assembling proofs of compliance for written directive standards to avoid confusion with agency terminology. Some standards require a specific category of written directive. For example:

- A written directive is a general term, encompassing other categories;
- A policy is broad declaration of agency intent, goals, mission, etc;
- A procedure contains step-by-step guidelines or requirements; and
- A plan is developed in anticipation of a future event.
- To ensure proper compliance with each standard, carefully compare the proofs of compliance with the type of directive listed in the standard statement.



## **12.1 Direction**

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**12.1.1(M M M M) CEO Authority and Responsibility**

**12.1.2(M M M M) (LE1) Command Protocol**

**12.1.3(M M M M) (LE1) Obey Lawful Orders**

**12.1.4(O O O O) Functional Communication/Cooperation**



## 12.1.1

### (M M M M) CEO Authority and Responsibility

---

A written statement issued by a unit of government, a law or ordinance, or combination thereof designates the authority and responsibility of the chief executive officer.

#### Commentary

None. (M M M M)

## 12.1.2

### (M M M M) (LE1) Command Protocol

A written directive establishes the command protocol for the following situations, at a minimum:

- a. *in the absence of the chief executive officer;*
- b. *in exceptional situations;*
- c. *in situations involving personnel of different functions engaged in a single operation; and*
- d. *in normal day-to-day agency operations.*

#### Commentary

A system of succession should be established to ensure that leadership is available when the agency's chief executive officer is incapacitated, off duty, out of town, or otherwise unable to command. For anticipated absences for extended periods, the CEO should designate, in writing, an "acting" authority. Command also may be predetermined for certain emergency or critical incidents (see Chapter 46 Critical Incidents, Special Operations and Homeland Security) and for specific operational activities. Command protocol should clarify authority, alleviate confusion, and ensure uninterrupted leadership (see standard 61.2.3). (M M M M) (LE1)

### 12.1.3

(M M M M) (LE1) Obey Lawful Orders

---

A written directive requires employees to obey any lawful order of a superior, including any order relayed from a superior by an employee of the same or lesser rank. The directive must also include procedures to be followed by an employee who receives a conflicting or unlawful order.

Commentary

None. (M M M M) (LE1)



## 12.1.4

### (O O O O) Functional Communication/Cooperation

---

A written directive establishes procedures for communication, coordination, and cooperation among all agency functions and personnel.

#### Commentary

The agency should encourage and support the exchange of information among all agency functions and personnel for the purpose of coordinating activities. There are a number of ways to communicate information, such as attendance of investigative personnel at patrol shift briefings (see standard 42.2.4), staff meetings, e-mail, voice mail, other electronic systems, and exchange of daily bulletins. (O O O O)



## 12.2 Written Directives

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12.2.1(M M M M) (LE1) The Written Directive System

12.2.2(M M M M) (LE1) Dissemination and Storage

## 12.2.1

### (M M M M) (LE1) The Written Directive System

The agency has a written directive system that includes, at a minimum, the following:

- a. *agency values and mission statement;*
- b. *a statement that vests in the agency's chief executive officer the authority to issue, modify, or approve agency written directives;*
- c. *identification of the persons or positions, other than the agency's chief executive officer, authorized to issue written directives;*
- d. *a description of the written directives system format;*
- e. *procedures for indexing, purging, and revising directives;*
- f. *statements of agency policy;*
- g. *rules and regulations;*
- h. *procedures for carrying out agency activities; and*
- i. *procedures for review of proposed or revised policies, procedures, rules, and regulations prior to their promulgation to ensure they do not contradict other existing agency directives or applicable law.*

#### Commentary

The agency should establish a formal written directive system to provide employees with a clear understanding of the constraints and expectations relating to the performance of their duties. The written directive system should permit rapid access to individual policies, procedures, rules and regulations, and should differentiate types of directives, e.g., general order, special order, personnel order.

Each agency has the latitude to use a variety of types of written directives. However, the agency should make it clear what level of authority is required to issue each type of directive, e.g., only the CEO may issue rules and regulations, division commanders may issue standard operating procedures. The agency should also make it clear that a written directive pertaining to a subordinate component may not contradict a directive issued by a higher level authority, e.g., a division procedures manual may not contradict an agency-wide regulation. Every written directive should be reviewed annually by the issuing authority to determine if changes should be made because of changed circumstances or occurrences during the previous year. (M M M M) (LE1)

## 12.2.2

### (M M M M) (LE1) Dissemination and Storage

A written directive establishes procedures for the dissemination and storage of agency written directives, and addresses at a minimum, the following:

- a. *dissemination of existing, new, or newly revised directives to all affected personnel whether (1) in hard-copy form or (2) through a computerized documentation system, backed up by hard copies of the directives or electronic media containing the directives in sufficient number to place at specified accessible locations for reference by all affected personnel;*
- b. *storage of written directives whether (1) by their incorporation into manuals or (2) by their storage in a computerized documentation system and placement of hard copies in manuals or electronic media containing the directives placed at specified accessible locations for reference by all affected personnel; and*
- c. *acknowledgment indicating receipt and review of disseminated directives by affected personnel whether in written form or in some other way that is at least equally effective.*

#### Commentary

Regarding the option of disseminating written directives in hard-copy form, the agency may either distribute the directives to each person affected by them or place the directives at specified locations if timely access to the directives for reference by affected personnel can be assured. Regarding the computerized dissemination system, back-up copies in an accessible media form are placed at specified accessible locations so that personnel can refer to directives in a timely manner when, for example, the computerized documentation system is not operating or otherwise inaccessible.

Bullet (c) requires that, within a reasonable period after issuance, employee receipt and review is documented. In the context of a computerized documentation system, "receipt" means that an issued directive has been electronically accessed, or printed out by the intended recipient. "Acknowledgment" means the recipient creates a record of each receipt and review. The task of assuring that recipients correctly understand written directives is, in part, a function of training, such as noted in standards 33.4.1, 33.5.1 and 33.7.1. (M M M M) (LE1)

## Chapter 15 Introduction

---

Standards in (subchapter 15.1 Planning and Research) relate to the planning and research activities of the agency. Planning is the development of strategies for bringing about a desirable future condition. Planning for a law enforcement agency involves the development and utilization of limited personnel, equipment, and resources in ways that will favorably affect future public welfare. Depending on their size and mandate, all law enforcement agencies should perform certain planning functions.

Standards in (subchapter 15.2 Goals and Objectives) relate to agency goals and objectives.

Crime analysis (subchapter 15.3 Crime Analysis) is a law enforcement agency function whereby data relating to crime are collected, collated, analyzed, and disseminated. Data are primarily generated from records and reports within the law enforcement agency. Additional data may be obtained from outside sources, such as other law enforcement agencies, other agencies of the criminal justice system, other government agencies, and private organizations.

Crime analysis represents a system utilizing regularly collected information on reported crimes and criminals to prevent and suppress crime and to apprehend criminal offenders. Crime analysis is a scientific process in the sense that it involves the collection of valid and reliable data, employs systematic techniques of analysis, and seeks to determine, for predictive purposes, the frequency with which events occur and the extent to which they are associated with other events. The collection, analysis, and distribution of readily available crime data information to affected personnel will enhance agency effectiveness.

The information obtained by analyzing the data is used to support management and operations. Line function officers are provided with information that can benefit them in the development of daily operational and tactical plans. Staff functions receive information for use in strategic planning as it relates to such topics as crime trends, agency resource allocation, crime prevention, and other associated areas. The standards in this chapter address crime analysis as it relates to both strategic and tactical activities.



## **15.1 Planning and Research**

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**15.1.1(N/A O M M) Activities of Planning and Research**

**15.1.2(N/A O M M) Organizational Placement/Planning and Research**

**15.1.3(N/A O M M) Multiyear Plan**



## 15.1.1

(N/A O M M) Activities of Planning and Research

---

A written directive describes the activities of the planning and research function.

Commentary

None. (N/A O M M)

## 15.1.2

(N/A O M M) Organizational Placement/Planning and Research

---

Operational and organizational placement of the planning and research function ensures that the person responsible for this function has ready access to the agency's chief executive officer.

### Commentary

The planning and research effort should be related as directly as possible to the agency's chief executive officer. (N/A O M M)



### 15.1.3

#### (N/A O M M) Multiyear Plan

---

The agency has a current, multiyear plan, which includes the following:

- a. *long-term goals and operational objectives;*
- b. *anticipated workload and population trends;*
- c. *anticipated personnel levels;*
- d. *anticipated capital improvements and equipment needs; and*
- e. *provisions for review and revision as needed.*

#### Commentary

The planning process and its end product are essential to effective agency management. The agency should have a clear written articulation of goals and objectives and a plan for achieving them. The plan should cover successive years beyond the current budget year and should contain provisions for frequent updating. (N/A O M M)

## 15.2 Goals and Objectives

15.2.1(M M M M) (LE1) Annual Updating/Goals and Objectives

15.2.2(M M M M) System for Evaluation/Goals and Objectives

## 15.2.1

### (M M M M) (LE1) Annual Updating/Goals and Objectives

---

A written directive requires the formulation and annual updating of written goals and objectives for the agency and for each major organizational component within the agency. Established goals and objectives are made available to all agency personnel.

#### Commentary

Commanding officers should be held accountable for those portions of the agency's goals and objectives that relate to their functions. For purposes of this standard, a "major component" is a bureau, division, or other component depicted on the organizational chart as the first or second level below the agency's CEO, or the CEO may designate the organizational levels or functions for participation. (M M M M) (LE1)



## 15.2.2

### (M M M M) System for Evaluation/Goals and Objectives

---

The agency has a system for evaluating the progress made toward the attainment of goals and objectives.

#### Commentary

None. (M M M M)



## **15.3 Crime Analysis**

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### **15.3.1 (O M M M) Establish Procedures**



### 15.3.1

#### (O M M M) Establish Procedures

A written directive establishes crime analysis procedures to include, at a minimum:

- a. *identifying documents from which crime analysis data elements are extracted;*
- b. *disseminating analysis findings; and*
- c. *briefing the agency's chief executive officer on crime patterns or trends.*

#### Commentary

Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by identifying and analyzing methods of operation of individual criminals, providing crime pattern recognition, and providing analyses of data from field interrogations and arrests. Also, crime analysis can be useful to the agency's long-range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

For a crime analysis system to function effectively, information should be disseminated to the appropriate units or persons on a timely basis. The agency should choose the most effective method for the timely distribution of analysis information that may include shift briefing, shift information logs, or direct contact with supervisors. Information that is relevant to the operational and tactical plans of specific line units should be sent directly to them. Information relevant to the development of the agency's strategic plans should be provided to the appropriate staff units.

When information pertains to tactical and strategic plans, it should be provided to all affected units.

The written directive should support the dissemination of specified crime information to enhance public information and generate community support. However, other information concerning operational needs, e.g., known offenders, modus operandi, suspects, and investigative leads, should be carefully controlled. Distribution may also include other components of the criminal justice system.

For its crime analysis operation to remain effective, an agency should have feedback mechanisms in place so that adjustments can be made to the analysis process based on the input of those operational components using the analyses produced. (O M M M)

## Chapter 16 Introduction

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### And Personnel Alternatives

Standards in the first section of this chapter are intended to encourage the appropriate deployment of personnel by determining service demands through the use of (1) workload assessments and (2) computer-based or manual methods of personnel allocation and distribution.

Workload assessments are not necessarily scientific determinations of needs for service but rather involve deliberations to ascertain the number of personnel necessary to complete a specific number of tasks or to fulfill certain objectives. In contrast, some systems for allocating patrol, traffic, and investigative personnel and for distributing patrol personnel may use computer based technology or specific formulas for deploying personnel. While the patrol component of the agency is usually analyzed more frequently to determine workload and establish reasonable response times to calls for service, all components of the agency should be periodically assessed for workload and service demands to ensure the best possible service to the public.

Standards in (16.1 Allocation and Distribution of Personnel) address the allocation and distribution of personnel. Allocation, as defined here, is the determination of the overall numbers of personnel for the agency and for each organizational component within the agency. Personnel are distributed within a component according to various needs, e.g., temporal requirements, geographical coverage, community policing strategies, and service demands.

Standards in (16.2 Specialized Assignment) involve establishment of a means for governing specialized assignments as well as procedures related to announcement of openings and the specification of selection criteria related to specialized assignments.

Standards in the remaining two sections of this chapter are intended to encourage the utilization of civilian employees, where appropriate, and ensure that law enforcement officers are assigned to activities requiring law enforcement authority or expertise. Personnel alternatives are not intended as a substitute for law enforcement officers in those positions requiring law enforcement authority. Rather, personnel alternatives are intended to achieve the use of law enforcement officers in the appropriate configuration supported by civilian staff.

Standards in (16.3 Reserves) cover part-time, trained, sworn law enforcement officers used to supplement, but not replace, full-time, sworn personnel.

Standards in (16.4 Auxiliaries) cover volunteers selected on the basis of their interest in and concern for the needs of law enforcement. Auxiliaries do not have the authority to make a full custody arrest.



## 16.1 Allocation and Distribution of Personnel

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16.1.1(N/A O O M) Position Management System

16.1.2(N/A O M M) Workload Assessments



## 16.1.1

### (N/A O O M) Position Management System

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The agency has a position management system, which provides the following information:

- a. *the number and type of each position authorized in the agency's budget;*
- b. *location of each authorized position within the agency's organizational structure; and*
- c. *position status information, whether filled or vacant, for each authorized position in the agency.*

#### Commentary

The intent of this standard is to establish controls on the number, type, and location of all authorized positions in the agency and to determine whether each position is filled or vacant. Accurate information on position status should ensure that persons on the payroll are legally employed and that positions are filled in accordance with budget authorizations. Accurate accounting of positions should also facilitate recruitment, selection, and training schedules; allow for accurate decisions in filling vacant positions through transfers and promotions; enhance career development; and reduce grievances. (N/A O O M)

## 16.1.2

### (N/A O M M) Workload Assessments

The agency allocates personnel to, and distributes them within, all organizational components in accordance with documented workload assessments conducted at least once every three years.


#### Commentary

The intent of the standard is to encourage the equalization of individual workloads among and within organizational components. The analysis should specify all incidents and factors used in making each workload assessment and indicate any time and location factors necessary to complete a task. The method used to determine workload assessments in the patrol component will generally differ from other components within the agency, however, all components should periodically receive an assessment, especially if the agency is in a strategic transition such as the implementation of community oriented or problem oriented policing.

Basing the allocation of personnel on workload demands can have a significant influence on the efficiency and effectiveness of the agency. The agency should attempt to prevent over or understaffing by ensuring that the personnel strength of an organizational component is consistent with the workload. The nature or number of tasks and their complexity, location, and time required for completion are some of the factors influencing workload demands. The process of allocating personnel to each organizational component also permits the agency to determine the overall number of personnel required to meet its needs and fulfill its objectives.

The allocation of personnel to the patrol component should, at a minimum, take into account the number of incidents handled by patrol personnel during the specified period; the average time required to handle an incident at the patrol level, which can be computed through a sampling of cases; calculation of the percent of time, on the average, that should be available to the patrol officer for handling incidents during a specified period, such as an eight-hour shift; and time lost through days off, holidays, and other leave, compared to total time required for each patrol assignment.

Patrol personnel should be distributed in accordance with temporal and geographic distribution of incidents or in accordance with community policing strategies. This is one of the primary means of improving the agency efficiency and effectiveness. The agency's system for determining the appropriate proportional distribution should take into account incidents, locations, variations in workload, and deployment strategies. The workload assessment system should be documented and include an outline of the calculations required, plus any source documents, personnel, and/or equipment necessary to accomplish the task. There is no single assessment system that is suited for every agency's needs. Using reliable data and reasonable calculations, the agency should reach valid conclusions about workload within each component of the agency. Periodic assessments of all components of the agency should help support increased agency performance and service



delivery with available resources. The assessments may also help identify unusual workload demands that can be addressed through new management strategies. (N/A O M M)



## 16.2 Specialized Assignment

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16.2.1(N/A 0 0 0) Annual Review

16.2.2(N/A 0 0 0) Announce Openings

16.2.3(0 0 0 0) Temporary/Rotating Assignments

## 16.2.1

### (N/A O O O) Annual Review

A written directive requires an annual documented review of each specialized assignment for the purpose of determining whether it should be continued. This review shall include:

- a. *a listing of the agency's specialized assignments;*
- b. *a statement of purpose for each listed assignment; and*
- c. *the evaluation of the initial problem or condition that required the implementation of the specialized assignment.*

#### Commentary

Decisions regarding the continuation of specialized assignments are important to the agency. The agency is given wide latitude in identifying specialized assignments, but should consider standard 16.2.2 and determine which assignments might be better served with agencywide competition and selection criteria. The development of an annual formalized review of all specialized assignments should help avoid overspecialization and ensure the continued effective control of agency specialization. (N/A O O O)

## 16.2.2

### (N/A O O O) Announce Openings

---

The agency announces anticipated openings for specialized assignments agencywide and fills those positions through a selection process.

#### Commentary

Advertising agencywide for specialized assignment openings provides a large base of candidates and gives employees a greater choice of career opportunities. It also minimizes the feeling that selection is based on favoritism. However, for security reasons, it is not necessary for the agency to announce, in writing, openings for undercover or similar assignments.

The agencywide announcement should describe the selection criteria for the position(s) to be filled. The criteria should be based on the skills, knowledge, and abilities required for the specialized assignment, including formal education, experience, any specialized skills, and length of experience required.

The agency should fill vacant specialized assignments through a selection process. The process may be informal but should consider all responses to the announcement and follow the criteria established. (N/A O O O)

### 16.2.3

#### (O O O O) Temporary/Rotating Assignments

---

If the agency allows temporary or rotating assignment of sworn personnel, a written directive describing the agency procedure, will include:

- a. *identification of the positions which are available for temporary or rotational assignment;*
- b. *the duration of assignments;*
- c. *the criteria for selection of personnel; and*
- d. *description of the selection procedures.*

#### Commentary

Through temporary assignments and job rotation, the employee may be afforded an opportunity for individual growth as well as improved job satisfaction and performance. As employees acquire additional skills, knowledge, and abilities, the agency benefits from an expanded pool of employees prepared to assume the responsibilities of a number of positions. (O O O O)

## **16.3 Reserves**

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**16.3.1(M M M M) (LE1) Program Description**

**16.3.2(M M M M) (LE1) Selection Criteria**

**16.3.3(M M M M) (LE1) Entry Level Training**

**16.3.4(O O O O) Uniforms and Equipment**

**16.3.5(M M M M) (LE1) In-Service Training**

**16.3.6(M M M M) (LE1) Use of Force Training & Firearms Proficiency**

**16.3.7(M M M M) Bonding/Liability Protection**

**16.3.8(M M M M) Performance Evaluations**

**16.3.9(M M M M) Educational Requirements**



## 16.3.1

### (M M M M) (LE1) Program Description

---

A written directive establishes and describes the agency's reserve officer program.

#### Commentary

terminology describing reserve officers can vary from jurisdiction to jurisdiction and for the purpose of this manual, the glossary term will be used. Reserve officers generally assist full-time sworn personnel in the day-to-day delivery of law enforcement services and for emergencies, consistent with applicable law. To accomplish these tasks, they may require law enforcement powers equivalent to those of full-time officers. The directive should describe the duties and responsibilities of reserve officers, define their authority and discretion in carrying out their duties, including any limitations or restrictions to this authority, and delineate the amount of supervision they are to receive. (M M M M) (LE1)

Commission Interpretation (November 16, 2001)- The Commission acknowledges that some agencies utilize reserve officers who do not meet the definition of an "employee." For example, some agencies utilize volunteer reserve officers and the absence of wages or salary exclude them from the definition. For the purpose of this Standards Manual all reserve officers shall be considered "employees" when applying standards dealing with performance evaluations. Procedures and forms used for evaluating the performance of the agency's reserve officers may be the same as those used for full-time sworn officers or they may differ significantly, based on distinctions made in the role, scope of authority, or responsibilities of the reserve officer.

## 16.3.2

### (M M M M) (LE1) Selection Criteria

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Excluding the educational requirements for reserve officers, the selection criteria for reserves relating to knowledge, skills, and abilities are the same as that for full-time officers.

#### Commentary

Experience, physical condition, and other job related selection criteria applicable to full-time officers apply equally to reserves. The process of selection may be different from that of full-time officers, but the criteria are the same, with the exception of educational requirements which are addressed in 16.3.9. (M M M M) (LE1) - Change Notice 5.7 (November 20, 2009)

### 16.3.3

#### (M M M M) (LE1) Entry Level Training

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The agency requires all sworn reserve officers to complete a recruit academy training program comparable to that required in standard 33.4.1, prior to any routine assignment in any capacity in which the reserve officer is allowed to carry a weapon or is in a position to make an arrest, except as part of a formal field training program required in standard 33.4.3. If the agency restricts or prohibits reserves from performing specific functions, topics related to those functions may be omitted from the curriculum.

#### Commentary

The intent of this standard is to ensure that reserve officers receive training equal to that required of full-time officers in those areas of assigned duties and responsibilities. The training should be the same as that received by full-time officers or an equivalent, parallel course that meets the requirements of standard 33.4.1. The subject matter in the training program should cover topics related to assigned duties and responsibilities to the same extent that full-time officers are trained to perform like functions. Training hours and schedule may vary to accommodate the reserve schedule and the course duration may be extended.

If a comparable recruit-training program for reserves exists in the state, successful completion of this program may fulfill the requirements of this standard. (M M M M) (LE1) Commission Interpretation (March 14, 2008)-If the reserve officer state certification training does not include critical task training identified by CALEA for the responsibilities performed by the reserve officer, such training must be delivered. Those critical tasks include: Community Interaction; Introduction to Basic Law; Post Crime Considerations; Introduction to Traffic; Field Activities; Use of Force; First Aid for Criminal Justice Officers; Law Enforcement Vehicle Operations; and Personnel. Further information regarding critical tasks may be found on the CALEA website.

## 16.3.4

### (O O O O) Uniforms and Equipment

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Uniforms and equipment for reserve officers are the same as those for full-time officers performing like functions.

#### Commentary

Equipment and uniforms for reserve officers, except for insignia, patches, or badges, should not be distinguishable from those of full-time officers. However, quantity of uniforms and equipment may be reduced to reflect the level of activity of reserve officers. The purchase of equipment/uniforms may be the responsibility of the reserve officer. (O O O O)

## 16.3.5

### (M M M M) (LE1) In-Service Training

Reserve officers receive in-service training equivalent to that statutorily required for full-time officers performing like functions.

#### Commentary

None. (M M M M) (LE1)

## 16.3.6

(M M M M) (LE1) Use of Force Training & Firearms Proficiency

Reserve officers are trained in use of force policy(s) and tested for weapons proficiency with the same frequency as full-time officers in accordance with standard 1.3.11.

### Commentary

Reserve officers' schedules may not permit participation in regularly scheduled weapons training. They should qualify either as a part of the regularly scheduled program or in a special reserve qualifications program. Qualifying standards and scores for reserve officers should be identical to those for regular officers. (M M M M) (LE1)



## 16.3.7

(M M M M) Bonding/Liability Protection

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Reserve officers are bonded and/or provided with public liability protection equal to that provided to full-time officers.

Commentary

The protection attached to the functions of full-time officers should be provided to reserve officers. (M M M M)

## 16.3.8

### (M M M M) Performance Evaluations

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A written directive requires performance evaluations for reserve officers be conducted in accordance with the standards in (Chapter 35 Performance Evaluation).

#### Commentary

None. (M M M M)



## 16.3.9

### (M M M M) Educational Requirements

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Reserve officers possess high school equivalency diplomas and meet all state educational requirements at the time of sworn appointment.

#### Commentary

Education is an important attribute for both full-time officers and reserve officers. Careful consideration should be given to the function and responsibilities of reserve officers before establishing educational criteria that differ from that of full-time officers. (M M M M) - Change Notice 5.7 (November 20, 2009)

## **16.4 Auxiliaries**

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**16.4.1**(M M M M) Program Description

**16.4.2**(M M M M) (LE1) Training

**16.4.3**(M M M M) Uniforms

## 16.4.1

### (M M M M) Program Description

A written directive establishes and describes the agency's auxiliary program, to include:

- a. *a statement that auxiliaries are not sworn officers; and*
- b. *a description of the duties of auxiliaries, including their role and scope of authority.*

#### Commentary

Auxiliaries are not commissioned as law enforcement officers and do not have the authority to make a full custody arrest. Auxiliaries may be assigned to law enforcement related community service functions. They can also be used as a resource in emergencies and large-scale special events. Generally, they receive significantly less training than sworn officers or full-time employees. However if the agency chooses to involve them in various activities to assist in the day-to-day delivery of law enforcement services, it should ensure that their duties do not require the status of a sworn officer, their level of training is adjusted according to the scope of their authority, and that unauthorized weapons or equipment are not carried in the performance of their duties. (M M M M)

## 16.4.2

### (M M M M) (LE1) Training

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Auxiliaries receive training in those authorized and assigned duties.

#### Commentary

Auxiliaries may provide services to support any law enforcement duties not requiring sworn officer status. However, if the agency chooses to use them, auxiliaries should receive training appropriate to the duties anticipated. (M M M M) (LE1)

### 16.4.3

#### (M M M M) Uniforms

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If auxiliaries wear uniforms, the uniforms clearly distinguish them from sworn officers.

##### Commentary

To have an auxiliary appear to be a regularly sworn officer can be hazardous to the auxiliary, confusing to the public, and a potential detriment to the image of the agency. Unless the auxiliary is clearly distinguishable from the sworn officer, members of the community may expect assistance in situations for which the auxiliary is not trained or empowered to act. Purchase of the uniform may be the responsibility of the auxiliary. (M M M M) compliance may be OBSERVED.

## Chapter 17 Introduction

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### **Agency Property**

Standards in this chapter relate to administration, budgeting, purchasing, accounting, and procedures for the inventory and control of agency-owned or leased property.

Authority and responsibilities for fiscal management should be established in writing. There should be provisions for obtaining the input of the heads of major organizational components within the agency and for the agency's chief executive officer to participate in the agency's budget deliberations.

No attempt has been made to suggest a preference for any one budgetary system over another, primarily because the nature of the agency's system is usually determined by the kind of system in use in the government.

There should be provisions for managing the purchasing process consistent with authorized budget approvals and for making purchasing as effective and efficient as possible.

Accounting procedures should be compatible with those of the governing jurisdiction. Many functions/components within an agency receive, manage, and disburse monies. A variety of investigative functions maintain funds for informants, buy-money, and undercover expenses. Support functions may receive cash for fees, licenses, fines, or other purposes on behalf of the agency or to assist another agency after hours or on weekends and holidays. Fees are frequently charged for services, such as photocopying, fingerprinting, and record checks.

Finally, internal activities are sometimes operative which generate funds for the good of all employees, charitable donations, or traveler's aid. All such funds should be recorded, managed under the same procedural guidelines, and audited. The accounting system is intended to prevent budget discrepancies and to make sure that the projected flow of funds is proceeding as planned.

Lastly, this chapter deals with the management of agency-owned or leased property. Standards address the inventory of existing capital assets, procedures for adding and replacing assets and equipment, and maintaining equipment in a state of operational readiness.



## **17.1 Fiscal Management**

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### **17.1.1(0 0 0 0) CEO Authority and Responsibility**



## 17.1.1

### (O O O O) CEO Authority and Responsibility

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The agency's chief executive officer is designated as having the authority and responsibility for the fiscal management of the agency, either through a written statement issued by the government, or by a law or ordinance, or by a combination of the two.

#### Commentary

Although fiscal management functions may be delegated to a designated function or component, the agency's chief executive officer should have the ultimate authority and accountability over all fiscal matters of the agency. (O O O O)





## 17.2 Budget

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17.2.1(N/A O O O) Budget Process and Responsibility Described

17.2.2(N/A O O O) Functional Recommendations to Budget

## 17.2.1

(N/A O O O) Budget Process and Responsibility Described

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A written directive describes the agency's internal budget process and assigns the responsibility for budget preparation and management within the agency.

### Commentary

The agency may determine its own method of budgeting. Even though many agencies must comply with budget process requirements, including reporting deadlines, reporting procedures, etc., established by other governmental agencies, this standard is intended to document the agency's internal procedures for uniformity and clarity. The written directive should describe the agency's internal deadlines for scheduled activities, types and use of forms, even if those forms are provided by another governmental agency. (N/A O O O)

## 17.2.2

### (N/A O O O) Functional Recommendations to Budget

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Major components within the agency annually prepare written budget recommendations.

#### Commentary

Commanding officers should be held accountable for those portions of the agency's budget that relate to their functions. For purposes of this standard, a "major component" is a bureau, division, or other component depicted on the organizational chart as the first or second level below the agency's CEO, or the CEO may designate the organizational levels or functions for participation. (N/A O O O)



## 17.3 Purchasing

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### 17.3.1 (M M M M) Requisition and Purchasing Procedures



## 17.3.1

### (M M M M) Requisition and Purchasing Procedures

A written directive governs procedures for the requisition and purchase of agency equipment and supplies to include, at a minimum:

- a. *specifications for items requiring standardized purchases;*
- b. *bidding procedures;*
- c. *criteria for the selection of vendors and bidders;*
- d. *procedures for the emergency purchasing or rental agreements for equipment; and*
- e. *procedures for requesting supplemental or emergency appropriation and fund transfer.*

#### Commentary

The intent of the standard is to establish formal procedures for controlling the requisitioning and purchasing of agency supplies and equipment. The standard may be satisfied through evidence of the use of a purchasing procedure in general use by the government, provided the conditions included in the standard are met. (M M M M)



## 17.4 Accounting

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17.4.1(M M M M) Accounting System

17.4.2(M M M M) (LE1) Cash Fund/Accounts Maintenance

17.4.3(M M M M) Independent Audit



## 17.4.1

### (M M M M) Accounting System

The agency has an accounting system that includes approval of each account and, at a minimum, provisions for monthly status reports showing:

- a. *initial appropriation for each account (or program);*
- b. *balances at the commencement of the monthly period;*
- c. *expenditures and encumbrances made during the period; and*
- d. *unencumbered balance.*

#### Commentary

This standard applies to all functions and components in the agency. The CEO should authorize all accounts or funds within the agency. The accounting system should be compatible with, or may be a part of, the central accounting system of the governing jurisdiction. It is essential that the agency establish such a system to ensure an orderly, accurate, and complete documentation of the flow of funds. Each appropriation and expenditure should be classified, at a minimum, according to function, organizational component, activity, object, and program. Data-processing systems can facilitate rapid retrieval of information on the status of appropriations and expenditures any time the information is required.

It is intended that each function retain its autonomy over operation of its account or fund but that there are uniform guidelines for management and oversight of each. (M M M M)

## 17.4.2

### (M M M M) (LE1) Cash Fund/Accounts Maintenance

A written directive lists all cash funds or accounts where agency personnel are permitted to receive, maintain, or disburse cash and governs the maintenance of those accounts. The written directive includes, at a minimum:

- a. *a balance sheet, ledger, or other system that identifies initial balance, credits (cash income received), debits (cash disbursed), and the balance on hand;*
- b. *receipts or documentation for cash received;*
- c. *authorization for cash disbursement, including CEO authorization for expenses in excess of a given amount;*
- d. *records, documentation, or invoice requirements for cash expenditures;*
- e. *persons or positions authorized to disburse or accept cash; and*
- f. *quarterly accounting of agency cash activities.*

#### Commentary

It is imperative supervisors closely monitor all cash accounts and that the agency establish procedures to ensure proper handling of all cash. These procedures are inclusive of petty cash funds, cash received in records, investigative funds (see standard 43.1.3 in reference to budgeting of confidential funds), and all other instances where cash funds are maintained or cash is received or disbursed. (M M M M) (LE1)



### 17.4.3

#### (M M M M) Independent Audit

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A written directive governs procedures for an independent audit of the agency's fiscal activities.

#### Commentary

As a basis for determining the financial integrity of the agency's fiscal control procedures, an independent audit should be conducted at least annually or at a time stipulated by applicable statute or regulation. (M M M M)



## 17.5 Agency Property

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17.5.1(M M M M) Inventory and Control

17.5.2(M M M M) Issue/Reissue Procedures

17.5.3(M M M M) (LE1) Operational Readiness

17.5.4(M M M M) Electronic Data Storage

## 17.5.1

### (M M M M) Inventory and Control

---

If the inventory and control of agency property is regulated by an outside authority, the agency must meet those guidelines. Absent external controlling directives, the agency has a written directive that establishes internal procedures for inventory and control of agency property and equipment.

#### Commentary

This function may be guided by directives or statutes promulgated outside of the agency. If such guidelines do not exist, the agency should adopt procedures that ensure adequate property control. (M M M M)

## 17.5.2

### (M M M M) Issue/Reissue Procedures

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A written directive establishes procedures for issuing/reissuing agency property to authorized users.

#### Commentary

None. (M M M M)

### 17.5.3

#### (M M M M) (LE1) Operational Readiness

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A written directive designates that maintaining stored agency property in a state of operational readiness is a responsibility of the person or unit to which the property is assigned.

#### Commentary

The property management function is responsible for ensuring that stored items of the agency's equipment-such as radios, handcuffs, batons, and items of special equipment, such as radar, cameras, and closed-circuit TV surveillance devices are maintained in a state of operational readiness. The term "operational readiness" includes care and cleaning, preventive maintenance, repair, workability, and responsiveness. The operational readiness of equipment should be inspected at regular intervals. (M M M M) (LE1)

## 17.5.4

### (M M M M) Electronic Data Storage

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If the agency uses a service provider for electronic data storage, a written agreement is established addressing:

- a. data ownership;
- b. data sharing, access and security;
- c. loss of data, irregularities and recovery;
- d. data retention and redundancy;
- e. required reports, if any; and
- f. special logistical requirements and financial arrangements.

#### Commentary

Electronic data storage is an ever-evolving technology that can improve the administrative and operational efficiencies of public safety agencies. However, there are a number of issues that must be addressed when agencies elect to contract these services. Proper contractual agreements provide assurances that services will be provided in a manner that supports organizational needs in a manner that complements existing network infrastructures.

Agreements for contracted electronic data storage must address legal ownership of data and which entity retains ownership in the event the applicable contracts are terminated. It is also important to address the transfer of data and how much data will be stored by the vendor. Agencies may wish to specifically ensure sufficient data is retained to allow complete database reconstruction.

Security issues to address include defining the physical environment in which the data will reside and protections against natural and man-made disasters. Redundancy is a primary strategy to control for these issues and should be included in any data storage agreement. The loss of data occurring from criminal actions should be considered, as well as other issues that impact data integrity, such as unauthorized data access by contract personnel. Effective agreements for data storage should include protocol on the length of time data will be stored, as well as provisions for the destruction of data in accordance with applicable records retention laws.

Because expenditures associated with data storage can vacillate significantly over time with the introduction of new technologies, agency representatives should consider the development of agreements that allow for market pricing adjustments. Additionally, scheduled reviews of data storage contracts or agreements ensure the most appropriate mediums are used to support business needs.

An executed contract for services with a service vendor can be used to address the requirements of this standard. (M M M M)

## Chapter 21 Introduction

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Standards in this chapter relate to task analysis, classification, and processes and procedures used to describe the nature of the work performed by the agency employees.

Human resource management literature utilizes many terms to describe work activities—job, position, duty, function, task, job element, job dimension, and responsibility—and analysts utilize the terms differently. The most commonly used definitions of key evaluation terms have been selected for use in this chapter and are specifically defined in the glossary.

The glossary term task analysis is used to describe a systematic, structured process for dissecting a job into its basic parts. In all forms, a task analysis entails the identification of the important or essential elements of a job. In most situations, this involves an identification of the important or essential work behaviors and the skills, knowledge, and abilities (SKA's) required for these work behaviors.

The results of a successful task analysis will provide the foundation for a wide variety of personnel, administration, and management functions. These functions include developing job descriptions, establishing a job classification and compensation plan, providing a job-related focus for developing and implementing recruitment strategies, developing and validating hiring and promotion procedures, establishing spans of control, determining training requirements, and evaluating employee performance. Furthermore, the comprehensive, objective data generated by task analysis can provide strong evidence in legal and judicial proceedings concerning hiring and promotion programs.



## 21.1 Task Analysis

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### 21.1.1(0000) Task Analysis



## 21.1.1

### (O O O O) Task Analysis

A written task analysis of every class of full-time employee in the agency is conducted, maintained on file and includes, at a minimum:

- a. *the work behaviors (duties, responsibilities, functions, tasks, etc.);*
- b. *the frequency with which the work behavior occurs;*
- c. *how critical the work behaviors are; and*
- d. *the job-related skills, knowledge, and abilities needed to perform the work behaviors effectively.*

#### Commentary

A task analysis is basic to proper human resource management. Analyses should be required for all classes of full-time employees in the agency. Hiring, promotion, training, and job performance evaluation criteria should be established by task analysis.

Pertinent information about work behaviors may be obtained through observation, individual or group interviews, content analysis of work products, and questionnaires. After the work behaviors have been defined either in terms of duties, tasks, functions, or other grouping scheme, a similar process should be employed to define the skills, knowledge, and abilities required of the employee in performing the important work behaviors.

The task analysis should produce information about the employee class that is specific, objective, comprehensive, and, most importantly, verifiable by independent review. The results of the study should be incorporated in job descriptions prepared by the agency.

Analyses should be guided by personnel, either inside or outside the agency, who possess training and/or experience in evaluating jobs. Incumbents and their first- and second-level supervisors should be viewed as significant sources of information concerning the employee classes under study.

The analyses should be updated when significant changes in the employee classes occur, whether through attrition, modification, or deletion of duties and responsibilities, e.g., may be done in conjunction with changes in departmental functions, staff inspection, or changes in organizational strategies. (O O O O)

## 21.2 Classification

21.2.1 (N/A O O O) Classification Plan

21.2.2 (M M M M) (LE1) Job Description Maintenance and Availability

## 21.2.1

### (N/A O O O) Classification Plan

The agency has a written classification plan, that includes:

- a. *categorization of every job by class on the basis of similarities in duties, responsibilities, and qualification requirements;*
- b. *class specifications;*
- c. *provisions for relating compensation to classes; and*
- d. *provisions for reclassification.*

#### Commentary

Classification involves describing the different kinds of work performed in an agency and consolidating similar jobs into classes based upon similarity of duties and responsibilities. Since classes in a law enforcement agency are usually linked to rank, the classification plan should specify the class titles and general duties, responsibilities, and qualifications for each traditional rank in the agency, such as police officer, deputy sheriff, sergeant, lieutenant, captain, and chief. The establishment of a structured classification plan with general requirements for each class should allow agencies to achieve more efficient administration, compensation, and equitable treatment of personnel. (N/A O O O)

## 21.2.2

### (M M M M) (LE1) Job Description Maintenance and Availability

The agency maintains current job descriptions covering all employees, which are made available to all personnel.

#### Commentary

Statements of duties and responsibilities for each job within the agency should be prepared and made available to managers, supervisors, and all other agency employees. Such statements are key elements in achieving more effective management and supervision. (M M M M) (LE1)



## Chapter 22 Introduction

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### **Conditions of Work**

Compensation and benefits programs should be documented, fairly and equitably applied, and competitive with compensation and benefits offered in the labor market.

While in many jurisdictions a central personnel agency is responsible for defining and administering personnel functions for all local agencies, including the law enforcement agency, the chief executive officer should retain certain prerogatives and control of compensation and benefits provided employees. The chief executive officer should also have a role in the development and review of applicable policies and programs relative to compensation, benefits, and conditions of work.

## **22.1 Compensation**

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### **22.1.1 (M M M M) Salary Program**

## 22.1.1

### (M M M M) Salary Program

A written directive describes the agency's salary program, to include:

- a. *entry-level salary for the agency;*
- b. *salary differential within ranks, if any;*
- c. *salary differential between ranks;*
- d. *salary levels for those with special skills, if any;*
- e. *compensatory time policy;*
- f. *overtime policy; and*
- g. *the provision of salary augmentation.*

#### Commentary

The salary plan for the agency should take into account agency employment standards, agency skill needs, and salary levels offered by other local employers. The salary plan should be based on the agency's position classification plan and provide for differentiation between ranks, uniform percentage increases between classes and ranks, and room within the ranges for recognition of superior performance.

There should be sufficient salary differential between ranks to provide incentive for promotion and to recognize more complex levels of responsibility.

The policy of the agency concerning the use of compensatory time off in lieu of pay, if utilized, should include conditions under which the policy would be applied, rate of accrual, and procedures for application. Overtime policy should be fully described as to what is provided, under what conditions, and the percentage of base hourly rate to be provided.

In addition to overtime and merit, salary augmentations may include, among others, hazardous duty and academic incentive pay. In each case, the salary plan should describe the conditions under which different kinds of salary augmentation, if any, would be provided, the amount, and the period of time during which the augmentation would be given.

Special skills addressed in the salary program concern those employed as specialists, such as those in a crime laboratory, in communications repair, and the like. (M M M M)

## **22.2 Benefits**

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**22.2.1**(M M M M) Leave Program

**22.2.2**(M M M M) (LE1) Benefits Program

**22.2.3**(O O M M) Personnel Support Services Program

**22.2.4**(M M M M) (LE1) Victim Witness Services/Line of Duty Death

**22.2.5**(M M M M) Clothing and Equipment

**22.2.6**(O O O O) Employee Assistance Program

**22.2.7**(M M M M) (LE1) Employee Identification

**22.2.8**(M M M M) (LE1) Military Deployment and Reintegration



## 22.2.1

### (M M M M) Leave Program

A written directive describes the agency's leave program, to include:

- a. *administrative leave;*
- b. *holiday leave;*
- c. *sick leave,*
- d. *vacation (annual) leave;*
- e. *family medical leave; and*
- f. *short-term military leave.*

#### Commentary

The circumstances and conditions under which administrative leave would be afforded an employee should be described. Limitations on the use of such leave and the procedures for application and approval should be included. Administrative leave may cover such matters as jury duty, periods of bereavement, sabbatical and temporary leaves of absence, to include family leave, military duty, and training.

Military activation leave is a sudden, short-term absence due to military obligations and could be considered the same as regularly scheduled drills or administrative leave. For long-term military deployment see standard 22.2.8.

Days established as holidays should be identified.

Policies regarding sick and vacation (annual) leave should be described, including accrual rates, limitation rates, if any, procedures for scheduling, supervision, and control. (M M M M)

## 22.2.2

### (M M M M) (LE1) Benefits Program

The agency has written directives that describe the following personnel programs:

- a. *retirement program;*
- b. *health insurance program;*
- c. *disability and death benefits program;*
- d. *liability protection program; and*
- e. *employee educational benefits, if any.*

#### Commentary

The agency's retirement program may be provided by a local jurisdiction, the state, or the federal Social Security Act. The program may indicate a minimum-age requirement and a mandatory age for retirement. The directive should note the extent to which each benefit is available to the various classes of personnel employed by the agency (full-time, part-time, auxiliary, and reserve personnel, as appropriate).

The agency should, through insurance programs or direct financial support, provide compensation for temporary, partial, or total service connected disability. A monthly compensation for survivors in case of a service-connected death should be provided.

Specific provisions of the liability protection program should cover employees for actions or omissions directly related to their law enforcement function. The program should protect employees from liability arising from acts or omissions leading to personal injury, death, or property destruction that, in turn, could lead to legal civil action against them.

When offered, educational benefits go beyond those opportunities provided employees through in-service, specialized, and advanced training. Generally, the employees pursue higher education on their own initiative and on their own time. Because the value of employees to the organization is enhanced by their continuing education, the agency should encourage and facilitate their pursuit of higher education and provide whatever tangible benefits it can to them for academic achievement. Educational benefits may include leave, scheduling adjustments and accommodation, tuition reimbursement, and salary augmentation based on educational achievement (see standard 33.1.3). (M M M M) (LE1)

### 22.2.3

#### (O O M M) Personnel Support Services Program

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A written directive describes the agency's program for the provision of support services to employees.

##### Commentary

Agencies, particularly larger agencies, may wish to consider establishing a separate employee services unit to facilitate the provision of support services to employees. Such services might include providing information on employee benefits and help for the employee and family in cases of injury or death. The services available should be described in writing to ensure that employees will know what services are available and that services are provided uniformly (see standard 22.2.4). (O O M M)

## 22.2.4

(M M M M) (LE1) Victim Witness Services/Line of Duty Death

A written directive defines assistance services to be rendered to agency personnel and their families following line-of-duty deaths or serious injuries.

### Commentary

Appropriate agency-provided services include notifying the family of the dead or injured officer in a timely, personal manner, assisting the family at the hospital, supporting the family at the funeral and burial, helping the family with legal and benefits matters, counseling the family regarding finances and other possible problems, supporting the family during criminal proceedings (if any), and maintaining long-term contact with the family and keeping informed of family needs. Agencies should review line of duty death related resources periodically to ensure contact numbers and support information remains contemporary and appropriate for distribution to affected families or beneficiaries. (See Chapter 55 Victim/Witness Assistance). (M M M M) (LE1)

## 22.2.5

### (M M M M) Clothing and Equipment

A written directive describes the provision of clothing and equipment used by employees in performing law enforcement functions.

#### Commentary

Certain employees are required to wear the agency's uniform and others are required to wear civilian clothes in law enforcement activities. Equipment is also needed by certain employees in the performance of their duties. The written directive should specify those eligible for clothing and equipment issue or allowances, specify the amount to be provided, and indicate the period for which it will be provided (see standards 41.3.4 and 41.3.5). (M M M M)

## 22.2.6

### (O O O O) Employee Assistance Program

The agency makes available to employees an Employee Assistance Program (EAP) designed to assist in the identification and resolution of concerns or problems (personal or job related), which may adversely affect an employee's personal or professional well-being or job performance. These personal concerns may include, but are not limited to, health, marital status, family, financial, substance abuse, emotional/stress, and other personal matters. The Employee Assistance Program shall include, at a minimum:

- a. a written directive describing program services;
- b. procedures for obtaining program services;
- c. confidential, appropriate, and timely problem assessment services;
- d. referrals to services, either workplace or community resources for appropriate diagnosis, treatment, and follow-up;
- e. written procedures and guidelines for referral to and/or mandatory participation; and,
- f. training of designated personnel in the program services, supervisor's role and responsibility, and identification of employee behaviors which would indicate the existence of employee concerns, problems and/or issues that could impact employee job performance.

#### Commentary

An employee assistance program is intended to assist employees who are suffering from persistent problems that may tend to jeopardize the employee's psychological and/or physical well-being. The goal of this type of program is to help individuals who have developed problems by providing services for consultation, treatment and rehabilitation in order to prevent their condition from progressing to a degree that it will prevent the employee from functioning effectively in the workplace (see standard 22.2.3).

An employee's referral may either be voluntary, in which the employee elects to participate in the program, or it may be a supervisory referral, in which a supervisor uses agency guidelines to refer an employee into the program. An employee has the option to refuse referral into the program and should be given the right to discontinue participation at any time. Agencies utilizing peer support service providers, or providing peer support from within the agency, should ensure that personnel providing this service receive training commensurate to their responsibilities, to include access to referral resources; interview and counseling strategies; signs and symptoms of mental health distress or illness; communicating with families and significant others; confidentiality and information sharing; intervention techniques; and criteria for required action such as notification of other professional services when the subject displays suicidal behavior. Appropriate measures should be taken to ensure confidentiality of records for employees admitted to the program, according to established agency directives, personnel guidelines and state and federal regulations. (O O O O)

## 22.2.7

### (M M M M) (LE1) Employee Identification

The agency has a written directive concerning personnel identification that includes provisions for:

- a. *responding to requests to view personnel identification;*
- b. *providing official agency identification with at least the personnel's photograph; and*
- c. *verbal identification over the telephone.*

#### Commentary

The intent of the standard is to ensure the public can identify law enforcement officers and be certain that the person they are dealing with is in fact an officer. This should enhance the officer's ability to perform their duties, promote confidence in the public and make officers more accountable for their actions. The written directive should include exceptions for officers working in an undercover capability.

All law enforcement employees and agency volunteers should have identification as this may permit non-sworn employees and volunteers to travel or perform agency duties in times of emergencies. Identification documents should have several features to make copying difficult and should include other information that would be helpful, including the right to carry firearms.

Uniformed officer identification may include unique numbers and/or the law enforcement officer's name. (M M M M) (LE1)

## 22.2.8

### (M M M M) (LE1) Military Deployment and Reintegration

The agency has a written directive establishing a plan for personnel with military activations exceeding 90 days for pre-deployment, deployment and post deployment. The plan includes provisions for:

- a. *designating an agency point of contact;*
- b. *designating a human resources point of contact, if outside the agency;*
- c. *out processing, including an exit interview with the CEO or designee;*
- d. *storage of agency owned equipment during deployment;*
- e. *in processing, including an interview with the CEO or designee;*
- f. *initial and/or refresher training, weapons requalification and steps for reintegration, as appropriate; and*
- g. *ensuring a process for communication with the deployed member is established.*

#### Commentary

Employees who are members of the armed forces Reserve Component (i.e. military reservists or members of the National Guard) present unique circumstances surrounding their employment. Deployment orders can come suddenly, so a plan should be ready for the eventuality. Best practice is effective communication from the agency to the employee and his or her family prior to, during and following a deployment. Having a strong point of contact throughout the deployment period will help ensure a seamless transition. To the extent possible, the deployed employee should be notified of agency news, significant events and promotions or promotion opportunities.

The member's dual role as citizen/soldier, subject to deployment on short notice can test the agency and the CEO's ability to be flexible. Rights, responsibilities and minimum requirements are outlined in statutory law, most notably but not limited to the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA).

It is recognized that members returning from military deployment, particularly those involved in combat operations, may have specialized needs. It is further recognized that traditional Employee Assistance Programs (EAP) may not sufficiently meet the needs of our returning military members/police officers. As a result, the agency shall consider all locally available and feasible resources to meet those particular needs.

Depending on the duration of the deployment, initial or refresher training should be provided and requalification with departmental weapons (lethal and less lethal) should occur as appropriate. (M M M M) (LE1)



## **22.3 Conditions of Work**

**22.3.1(M M M M) Physical Examinations**

**22.3.2(M M M M) (LE1) General Health and Physical Fitness**

**22.3.3(O O O O) Fitness and Wellness Program**

**22.3.4(O O O O) Off-Duty Employment**

**22.3.5(M M M M) (LE1) Extra-Duty Employment**

## 22.3.1

### (M M M M) Physical Examinations

A written directive describes the agency's policy regarding physical examinations for employees.

#### Commentary

A physical examination is a benefit to both the employee and the agency. Any physical examination should be conducted only to confirm the employees' continued fitness to perform the tasks of their assignments and to inform them of their general physical condition, not to identify employees with disabilities who are otherwise able to perform their assigned duties, with or without reasonable accommodation.

The nature of some specific positions or responsibilities may necessitate periodic specific health screenings, such as those for crime scene personnel, firearms instructors, or range technicians who are repeatedly exposed to hazardous chemicals or lead contaminants. (M M M M)

## 22.3.2

### (M M M M) (LE1) General Health and Physical Fitness

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A written directive describes the agency's policy regarding general health and physical fitness to perform job tasks identified for sworn employees.

#### Commentary

The functions of a law enforcement agency require a level of physical fitness not demanded by many other occupations, and fitness requirements should be specified. Standards of fitness should be those that have been shown to be directly related to the tasks performed, and not serve to eliminate or penalize employees who can otherwise perform the tasks of their assignment, with or without reasonable accommodation. (M M M M) (LE1) - Change Notice 5.7 (November 20, 2009)

### 22.3.3

#### (O O O O) Fitness and Wellness Program

The agency has a written directive that addresses a fitness and wellness program which includes:

- a. *mandatory or voluntary participation by agency personnel;*
- b. *a trained program coordinator;*
- c. *individual health screening and fitness assessment;*
- d. *individual education and goal setting; and*
- e. *ongoing support and evaluation.*

#### Commentary

A fitness and wellness program has two main elements. The first is physical performance, i.e., the development and maintenance of physical performance capability to satisfactorily perform job tasks and personal activities. The second is the individual's present health status as well as the risk for future disease. This is impacted greatly by lifestyle choices, including smoking, nutrition, weight, stress management, inactivity, etc. The agency should also consider incentives to encourage employee participation. (O O O O) - Change Notice 5.5 (March 20, 2009)

## 22.3.4

### (O O O O) Off-Duty Employment

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A written directive governs the types of off-duty employment in which agency personnel may engage.

#### Commentary

This standard applies to both sworn and non-sworn personnel. It pertains to secondary employment of the off-duty type-that is, outside employment wherein the use of law enforcement powers is not anticipated. Agencies may want to consider expressing the prohibition of certain types of off-duty employment in general terms, such as proscribing off-duty employment that, in the opinion of the agency, would constitute a conflict of interest or would tend to bring discredit to the agency. The prohibition could be quite specific, such as by focusing on specific jobs or locations. (O O O O) - Change Notice 5.5 (March 20, 2009)

## 22.3.5

### (M M M M) (LE1) Extra-Duty Employment

If the agency permits sworn personnel to engage in extra-duty employment, a written directive addresses the following:

- a. *the requirement that sworn personnel must receive agency permission to engage in extra duty employment;*
- b. *policies that address the behavior and activities of officers during extra-duty employment;*
- c. *approval, review, and revocation processes pertaining to officers' extra-duty employment;*
- d. *designation of a point of coordination or administration within the agency to oversee adherence to the aforementioned policies, processes, and other matters deemed appropriate by the agency; and*
- e. *documentation of the significant aspects of each officer's extra-duty employment.*

#### Commentary


This standard pertains to sworn personnel whose secondary employment is of the extra-duty type, that is, outside employment wherein the actual or potential use of law enforcement powers is anticipated.

Bullet (a) requires sworn officers to obtain permission of the agency to engage in extra-duty employment. In addition, the relationship between the extra-duty employer and the officer-employee may be governed by a written agreement between the agency and extra-duty employer. Among other provisions, an agreement might specify that payment by the extra-duty employer for the officer-employee's services shall be remitted to the agency, which will promptly compensate the extra-duty officer.

Regarding policies referred to in bullet (b), the agency might address the following matters, among others, if not already covered by the agreement: authority of officers while working in an extra-duty capacity; responsibilities of the officers to the agency and to extra-duty employers; matters of jurisdiction; callback, if required; limitations, if any, on the number of hours worked per given time period and on the number of hours worked immediately prior to reporting to the agency; use of agency property (weapons, uniforms, and the like); and liability, compensation, and indemnification issues arising from injuries or other incidents occurring during extra-duty employment.

Regarding the approval, review, and revocation processes noted in bullet (c), the agency's written directive should cover a description of those processes, types of extra-duty employment that are prohibited, and agreement by the extra-duty employer to restrictions, if any, on the types and conditions of employment, including an assessment of the potential risk of injury.

With respect to bullet (e), documentation should reflect the unique needs of the agency, the relevant sections of its collective bargaining agreement, if any, as well as pertinent statutory requirements, e.g., the federal Fair Labor Standards Act. Among the significant aspects of



extra-duty employment to document, the agency should consider the following: date, time, and place of employment; incidents that involved use of law enforcement powers, injury to the officer or others, complaints received, and court appearances (scheduled and actually attended) resulting from extra-duty employment; and liability and indemnification concerns stemming from actions during extra-duty employment. (M M M M) (LE1) - Change Notice 5.5 (March 20, 2009)

