


Chapter 24 Introduction

The standards in this chapter apply to those law enforcement agencies in which collective bargaining, by law, is an ongoing practice. There are many variations among agencies regarding the administration of the collective bargaining process. These range from procedures that are completely removed from the agency-carried out by officials of other governmental agencies or outside specialists-to a collective bargaining practice in which the agency's personnel are responsible for the entire collective bargaining process.

These standards are directed to those law enforcement agencies whose personnel participate directly in collective bargaining. Agency personnel may participate in conjunction with other government officials or with the assistance of collective bargaining specialists. The standards are presented in a format that addresses the collective bargaining and contract management aspects of the process.



24.1 Collective Bargaining and Contract Management

24.1.1(M M M M) Agency Role

24.1.2(M M M M) Ratification Responsibilities



24.1.1

(M M M M) Agency Role

If there are represented employees in the agency, a written directive describes the role of the agency in the collective bargaining process, and includes:

- a. *establishment of a collective bargaining team for the agency with one person designated as the principal negotiator;*
- b. *identification of the bargaining unit or units representing an agency's employees with which it will negotiate;*
- c. *a commitment by the agency to participate in "good faith" bargaining with the duly recognized bargaining units representing its members;*
- d. *a commitment to abide by the ground rules for collective bargaining that arise out of the collective bargaining process or labor arbitration; and*
- e. *a commitment to abide, in both letter and spirit, by the negotiated labor agreement that has been signed by management, labor representatives, and ratified by the bargaining unit.*

Commentary

The agency should abide by all legally applicable laws and rules governing the collective bargaining process. The relationship of agency personnel with other members of the bargaining team should be clearly defined. The directive should clearly establish the agency's role when its members comprise the entire bargaining team as well as when they will be working with individuals from outside the agency. (M M M M)

24.1.2

(M M M M) Ratification Responsibilities

When a negotiated labor agreement is ratified by all parties, the agency's CEO, or designee, will:

- a. *obtain a written, signed copy of the labor agreement;*
- b. *review and amend, if necessary, all written directives and procedures to coincide with the terms of the labor agreement; and*
- c. *disseminate information relative to a new labor agreement, including modifications to existing agreements, to managers and supervisors of bargaining unit employees.*

Commentary

In order to avoid violating the labor contract, it is essential that all operating directives be amended to agree with language in the labor agreement. Copies of the signed agreement should be made available to those who supervise and manage employees in the bargaining unit and to further ensure that labor harmony is maintained. Changes in existing contract language should be disseminated to those same supervisors and managers. (M M M M)

Chapter 25 Introduction

An important element of a sound personnel system is the existence of a formal method that allows employees to resolve their grievances with management fairly and expeditiously. Good management practices recognize that a carefully designed grievance process can help to improve morale by identifying problems and personnel dissatisfaction in the organization, and increase the positive perception employees have of the organization. Formal grievance procedures usually evolve from informal attempts to resolve differences between employee and employer. The establishment of a grievance procedure should be a management priority.

Standards in this chapter are intended to specify the criteria for determining whether the agency has viable grievance procedures and whether the elements of those procedures are in accordance with contemporary personnel administration practices.



25.1 Grievance Procedures

25.1.1(M M M M) (LE1) Grievance Procedures

25.1.2(M M M M) Coordination/Control of Records

25.1.3(M M M M) Annual Analysis

25.1.1

(M M M M) (LE1) Grievance Procedures

Unless there is controlling contract language, a written directive establishes a grievance procedure, which includes the following:

- a. *identification of matters that are grievable (scope) and the levels in the agency or government to which the grievance may be filed and/or appealed;*
- b. *establishment of time limitations for filing or appealing the grievance to the next level;*
- c. *a description of the type of information to be submitted when filing a grievance;*
- d. *establishment of procedural steps and time limitations at each level in responding to grievances or appeals; and*
- e. *establishment of criteria for employee representation.*

Commentary

Since a formal grievance procedure is designed to resolve differences between the employee and employer, it follows logically that such procedures be written in clear, concise terms. If grievance procedures are part of a collective bargaining agreement, such agreement would meet the definition of "written directive" as used in this standard. This standard applies to all agency employees. If more than one procedure exists, each should be described.

A written statement of the grievance and the facts upon which it is based, a written allegation of the specific wrongful act and harm done, and a written statement of the remedy or adjustment sought are basic information that should be required from a grievant. A form may be designed for this purpose to include spaces for noting significant times, dates, and actions taken relative to a grievance.

Once the grievance has been filed, it should be handled formally. Each level should acknowledge receipt by noting time, date, and person receiving the grievance. The facts or allegations should be carefully analyzed and affirmed or denied in writing. A legitimate attempt should be made at each level to resolve the grievance rather than merely passing it on to the next level. If applicable, remedies or adjustments should be identified in writing.

The procedure should have an appeal process for grievable issues. To be an appeal, the issue should go to a higher level or authority for review. Grievances normally follow the employee's "chain of command" within the agency or governmental structure. The procedure should identify the levels of appeal, the time limits within which each level should respond, and the final level of authority. (M M M M) (LE1)

25.1.2

(M M M M) Coordination/Control of Records

A written directive identifies a position responsible for coordination of the grievance procedures and for the maintenance and control of grievance records.

Commentary

The sensitivity of these records dictates additional precautions in controlling access to them. (M M M M)

25.1.3

(M M M M) Annual Analysis

Annually, the agency conducts an analysis of its grievances, as well as supporting policies and practices.

Commentary

The grievance procedure is a valuable method for management to discover agency problems. If through analysis the agency's chief executive officer observes a trend in filed grievances, steps may be taken to minimize the causes of such grievances in the future. The responsibility for analyzing grievances and reporting to the CEO should be assigned to the position required by standard 25.1.2. The formality of the analysis and reporting may be determined to best suit the agency's need. However, the absence of reported grievances may not be used to disregard the requirements of the standard. (M M M M)

Chapter 26 Introduction

The word discipline comes from the word disciple, which means to train. The elements of the disciplinary system should include training, rewarding, counseling, and punitive actions in the interest of discipline.

Effective discipline is a positive process when its perceived purpose is to train or develop by instruction. Among the programs having an impact on discipline in a law enforcement agency are selection, training, direction, supervision, and accountability. These elements are interdependent, and a weakness in any one is damaging to effective discipline.



26.1 Disciplinary Procedures

26.1.1(M M M M) (LE1) Code of Conduct and Appearance

26.1.2(O O O O) Employee Awards

26.1.3(M M M M) (LE1) Sexual Harassment

26.1.4(M M M M) (LE1) Disciplinary System

26.1.5(M M M M) Role and Authority of Supervisors

26.1.6(M M M M) (LE1) Appeal Procedures

26.1.7(M M M M) Dismissal Procedures

26.1.8(M M M M) Records



26.1.1

(M M M M) (LE1) Code of Conduct and Appearance

A written directive specifies a code of conduct and appearance guidelines, which are readily available to all agency personnel.

Commentary

This directive should include compliance with agency directives; unbecoming conduct; use of alcohol and drugs; acceptance of gratuities, bribes, or rewards; abuse of authority; use of force; and proper care and maintenance of equipment. Prohibitions should be specific, whereas approved behavior may be stated in general terms, e.g., courtesy, punctuality. Directives about grooming and uniform appearance also should be specific. The code of conduct may be in the form of rules and regulations. (M M M M) (LE1)

26.1.2

(O O O O) Employee Awards

a written directive establishes procedures and criteria for recognizing employees for exceptional performance.

Commentary

the written directive should enhance consistency in recognizing employees. Agencies that present awards for meritorious and heroic acts should ensure that criteria are established as prerequisites for these awards. (O O O O)

26.1.3

(M M M M) (LE1) Sexual Harassment

A written directive prohibits sexual and other forms of unlawful harassment in the work place and provides a means by which harassment can be reported, including a means by which it can be reported if the offending party is in the complainant's chain of command.

Commentary

Unlawful harassing conduct of any agency personnel by anyone employed by or contracted by the agency has the effect of unreasonably interfering with an individual's work performance and/or creating an intimidating, hostile, or offensive work environment. Agencies need to have strong policies and directives that prohibit such conduct; immediate and thorough investigation of any allegation of unlawful harassment; effective and appropriate disciplinary action in any case where allegations of harassment can be substantiated; and efforts to make agency employees aware of their responsibilities and the legal issues involved. (M M M M) (LE1)

26.1.4

(M M M M) (LE1) Disciplinary System

A written directive establishes a disciplinary system, to include:

- a. *procedures and criteria for using training as a function of discipline;*
- b. *procedures and criteria for using counseling as a function of discipline; and*
- c. *procedures and criteria for taking punitive actions in the interest of discipline.*

Commentary

The elements of the disciplinary system should identify the measures to be applied to employee conduct in the interest of discipline. The system should be based on fairness to the employee and the agency, and should stimulate employee morale and motivation.

The written directive should encourage training as a means of improving employee productivity and effectiveness through positive and constructive methods (see standard 33.1.5).

The written directive should provide guidelines regarding alternatives to be considered in counseling. In theory and practice, the severity attached to disciplinary counseling increases with the position of the counselor in the hierarchical structure of the agency. The directive should also provide guidance concerning the recording of the purpose and effect of the counseling experience.

Finally, the directive should strive to enhance consistency in punitive actions. The severity of each alternative should be geared to the actions of the employee. This does not imply a required sequence of punitive acts. Some agencies specify a range of punishments for various violations or specific punishments in explicit situations; where these are established, employees should be so informed. (M M M M) (LE1)

26.1.5

(M M M M) Role and Authority of Supervisors

A written directive specifies the role of supervisors and the authority attendant to each level of supervision and command relative to disciplinary actions.

Commentary

The role of supervisors, especially first line supervisors, is crucial in the disciplinary process. First line supervisors have the best opportunity to observe the conduct and appearance of employees and detect those instances when disciplinary actions are warranted (remedial training, counseling, or punishment). First line supervisors also have the opportunity to understand the personality traits of the personnel under their supervision and to determine the most effective methods of discipline. (M M M M)

26.1.6

(M M M M) (LE1) Appeal Procedures

A written directive specifies appeal procedures in disciplinary actions.

Commentary

The directive should include initiation procedures, time frames, method of recording, and scope of the appeal process. To be an appeal, the issue should go to a higher level of authority for review. (M M M M) (LE1)

26.1.7

(M M M M) Dismissal Procedures

If employee misconduct results in dismissal, a written directive requires that the following information be provided to the employee:

- a. a written statement citing the reason for dismissal;*
- b. the effective date of the dismissal; and*
- c. a statement of the status of fringe and retirement benefits after dismissal.*

Commentary

This standard, under normal circumstances, does not apply to entry-level probationary employees. (M M M M)

26.1.8

(M M M M) Records

A written directive specifies procedures for maintenance of records of disciplinary actions.

Commentary

The directive should require written records of disciplinary actions and should include where the records should be filed, how long they should be maintained, and under what circumstances they should be purged. (M M M M)

Chapter 31 Introduction

A task as important as the recruitment and selection of law enforcement personnel should be approached from a positive viewpoint. Agencies, through the authority of their respective governments and administrations, should identify and employ the best candidates available, not merely eliminate the least qualified. The benefits of effective recruitment and selection policies are manifested in a lower rate of personnel turnover, fewer disciplinary problems, higher morale, better community relations, and more efficient and effective services.

The recruitment standards of the law enforcement accreditation process have embraced several important philosophical concepts in this chapter. The first concept is the expectation that an accredited agency will be an equal opportunity employer. Equal opportunity is the removal of barriers that prevent people from being treated fairly for employment purposes.

The second concept is the expectation that the agency's sworn work force will be representative of the available workforce in the agency's service community relative to its ethnic and gender composition. If any group is underrepresented, the recruitment plan will include proactive steps to encourage members of that group to seek employment opportunities.

Under the accreditation program, the recruitment plan does not mandate hard quotas, such as hiring one female for every two males hired, nor is an agency expected to lower legitimate job-related hiring standards or criteria. Agencies are never expected to hire an individual who is not qualified to perform the duties of the job involved.

Agencies should be aware of several important assumptions that are built into the accreditation standards. Some standards are applicable only to those agencies with ongoing or active recruitment efforts. Agencies that only recruit to fill actual or forecast vacancies are relieved from continuous recruiting requirements but must comply with those standards that apply at the time of each recruiting campaign. However, two of the standards are operative for all agencies regardless of whether there are job vacancies: standard 31.2.1 establishing a recruitment plan, and standard 31.2.3 requiring an equal employment opportunity plan.

It is also understood that some agencies are required to handle their personnel through a state or local civil service merit system and are, therefore, linked to that system in the recruitment of law enforcement personnel. Obviously, every agency is obligated to comply with all applicable statutes and policy directives. However, the agency is required to show that the civil service agency upon which it depends is in compliance with applicable standards.



31.1 Administrative Practices and Procedures

31.1.1(M M M M) Agency Participation

31.1.2(M M M M) Assignment/Recruitment



31.1.1

(M M M M) Agency Participation

The agency actively conducts, or participates in its recruitment program.

Commentary

When the authority for recruitment is shared with other agencies, the law enforcement agency should seek to involve itself directly or indirectly in all activities critical to the recruitment effort. (M M M M)

31.1.2

(M M M M) Assignment/Recruitment

Individuals assigned to recruitment activities are knowledgeable in personnel matters, especially equal employment opportunity.

Commentary

Prior to initiating recruitment activities, recruiters should undergo a training program that provides knowledge and skills in the following areas: the agency's recruitment needs and commitments; agency career opportunities, salaries, benefits, and training; federal and state compliance guidelines; the community and its needs (including demographic data, community organizations, educational institutions, etc.); cultural awareness, or an understanding of different ethnic groups and subcultures; techniques of informal record-keeping systems for candidate tracking; the selection process utilized by the central personnel operation or agency (including procedures involved in conducting background investigations and written, oral, or physical agility examinations); recruitment programs of other jurisdictions; characteristics that disqualify candidates; and medical requirements. (M M M M)

31.2 Equal Employment Opportunity and Recruitment

31.2.1(M M M M) (LE1) Recruitment Plan

31.2.2(M M M M) (LE1) Annual Analysis

31.2.3(M M M M) Equal Employment Opportunity Plan

31.2.1

(M M M M) (LE1) Recruitment Plan

The agency has a recruitment plan for full-time sworn personnel. The recruitment plan shall outline agency steps to achieve the goal of an ethnic, racial, and gender workforce composition in the sworn law enforcement ranks in approximate proportion to the makeup of the available workforce in the law enforcement agency's service community. The recruitment plan shall include the following:

- a. *statement of objectives;*
- b. *plan of action designed to achieve the objectives identified in bullet a;*
- c. *Identify employees, inside or outside the agency, responsible for plan administration.*

Commentary

Recruitment steps should be directed toward the goal of approximating within the sworn ranks the demographic workforce composition of the community that it serves with regards to ethnic, cultural, racial, and gender makeup. The recruitment plan should be very specific with regards to the stated objectives and should clearly outline specific steps to be taken to achieve the objectives. The recruitment plan should also identify agency employees/position responsible for the administration of the recruitment process or identify other employees or positions with recruitment responsibility (i.e. civil service commissions, police commissions, human resources department, etc.).

The recruitment plan should be written so that it can be easily understood and followed. The foundation of a successful recruitment drive should include strong management commitments, and analysis of demographically/geographic feature of the agency's service area, and specific knowledge of past recruitment efforts by similar agencies. The recruitment plan may be a part of the written directive system or a separate and distinct planning document. The plan should govern agency activities relating to recruitment during a specific period of time, which should not exceed three years without being reviewed and having objectives updated.

The objectives of a recruitment plan should be reasonable, obtainable, and directed toward the goal of achieving a sworn workforce that is representative of the composition of the available workforce it serves. The specific action steps contained in the agency's recruitment plan should be reasonable likely to cause the agency to meet the objectives identified in the plan.

Examples of specific action steps that may be identified in an agency's recruitment plan in include:

- Identify impediments and articulate specific steps taken based on an analysis to overcome those impediments;

- Utilizing in the agency's recruitment activities minority personnel who are fluent in the community's non-English languages and are aware of the cultural environment, where this would be applicable;
- Depicting females and representatives of ethnic/cultural/race minority groups in law enforcement roles in the agency's recruitment literature;
- Conducting recruitment activities outside of the agency's jurisdiction to attract viable law enforcement candidates; and
- Establishing relationships with groups in and outside the community who represent targeted groups.

Statistics on the composition of the workforce in the agency's service community are available from a variety of sources, such as the U.S. Department of Labor's Bureau of Labor Statistics or national labor statistics. For the purposes of this standard, available workforce may be determined by considering several factors; for example, the residential makeup, those working in the agency's community, applicant demographics, and the parameters of any officer residency requirements, if applicable. (M M M M) (LE1)

Commission Interpretation (March 24, 2012)--The Commission recognizes legislation impacts the legality of efforts associated with this standard. As an example, Canadian legislation prohibits the collection of candidate ethnic, racial, or gender information and the respective recruitment plan will only seek to attract the most qualified candidates. To that end, agencies outside the United States of America that have controlling legislation contrary to the intent of this standard shall provide such legislation as a written directive and adhere to that legislation. In all cases, international agencies shall comply with the standard in totality, except those parts governed by the controlling legislation.

31.2.2

(M M M M) (LE1) Annual Analysis

The agency shall conduct an annual analysis on the recruitment plan. The analysis report shall include the following:

- a. *progress toward stated objectives; and*
- b. *revisions to the plan, as needed.*

Commentary

The analysis report should include a description of progress toward the objectives. It should also include the results of recruitment efforts such as number of applicants from each recruitment source and the number of successful candidate hires. (M M M M) (LE1)

31.2.3

(M M M M) Equal Employment Opportunity Plan

The agency has an equal employment opportunity plan.

Commentary

The equal employment opportunity (EEO) plan should ensure equal opportunities for employment and employment conditions for minority persons and women. The equal employment opportunity plan should be based on an annual analysis of the agency's present employment policies, practices, and procedures relevant to their effective impact on the employment and utilization of minorities and women. The equal employment opportunity plan, which may be produced in the form of a written directive, may contain such provisions as: (1) a strongly worded statement from the agency's CEO that it is agency policy to ensure that all individuals be given equal opportunity for employment, regardless of race, sex, creed, color, age, religion, national origin, or physical impairment; (2) a procedure for filing complaints relating to EEO; and (3) specific action steps that the agency should take to ensure equal employment opportunity is a reality, such as advertising as an "equal opportunity employer" or providing applications or testing processes at decentralized, easily accessible locations. The policies relating to harassment in the workplace may also be incorporated into the agency's overall EEO effort (see standard 26.1.3). (M M M M)



31.3 Job Announcements and Publicity

31.3.1(M M M M) Job Announcements

31.3.2(O M M M) Posting Locations

31.3.3(M M M M) Maintaining Applicant Contact

31.3.4(M M M M) Application Rejection



31.3.1

(M M M M) Job Announcements

The agency's job announcements and recruitment notices for all personnel:

- a. *provide a description of the duties, responsibilities, requisite skills, educational level, and other minimum qualifications or requirements;*
- b. *advertise entry-level job vacancies through electronic, print, or other media;*
- c. *advertise the agency as an equal opportunity employer on all employment applications and recruitment advertisements; and*
- d. *advertise official application filing deadlines.*

Commentary

The agency should provide the most accurate and precise job description possible to avoid undue delay and wasted time on the part of the agency and the applicant. When the most important performance dimensions are known, potential applicants are in a better position to relate their particular knowledge, understanding, and skills to those required by the position to be filled. The agency saves the time and expense of making determinations that the applicants could have made, had they been fully apprised.

The agency should ensure that job announcements do not set standards or criteria that even unintentionally screen out, or tend to screen out, an individual with a disability or class of individuals with disabilities, unless the criteria are job-related and consistent with business necessity. Job announcements should not set standards that cannot be specifically supported and should avoid general requirements such as "excellent health" or "no history of psychological or emotional disorders." (Refer to Section 102, Americans with Disabilities Act.) (M M M M)

31.3.2

(O M M M) Posting Locations

The agency posts all job announcements with community service organizations and/or seeks cooperative assistance from community organization key leaders.

Commentary

The agency should seek permission to post job announcements with community organizations that are in contact with individuals who are likely candidates for recruitment. The agency should seek to achieve broader dissemination and greater exposure of recruitment information. The agency should consider technological resources, such as the Internet, when posting all job announcements. (O M M M)

31.3.3

(M M M M) Maintaining Applicant Contact

Contact is maintained with applicants for all positions from initial application to final employment disposition.

Commentary

Applicants should be periodically informed of the status of their applications. Applicant contacts should be documented and logged. The agency should consider technological resources for maintaining contact with applicants. (M M M M)

31.3.4

(M M M M) Application Rejection

Applications for all positions are not rejected because of minor omissions or deficiencies that can be corrected prior to the testing or interview process.

Commentary

Applications that are deficient should be processed routinely if the deficiency can be rectified prior to the testing or interview process. (M M M M)

Chapter 32 Introduction

The selection process is defined as the combined effect of components and procedures leading to the final employment decision. It is a key component in defining the operational effectiveness of a law enforcement agency. All jurisdictions necessarily differ in a variety of unique and important ways regarding personnel selection. Nevertheless, basic principles exist for the development of an efficient, effective, and fair selection process that results in the appointment of those individuals who best possess the skills, knowledge, and abilities (SKA) necessary for an effective, respected law enforcement agency.

A job-related, useful, and nondiscriminatory selection process is dependent upon a number of professionally and legally accepted administrative practices and procedures, which include informing candidates of all parts of the selection process at the time of formal application; maintaining written procedures governing lateral entry and reapplication of unsuccessful candidates; and ensuring timely notification of candidates about their status at all critical points in the process. These procedures and practices significantly contribute to a more efficient, effective, and fair selection process.

It is understood that some agencies are required to handle their personnel through a state or local civil service merit system and are, therefore, linked to that system in the selection of their law enforcement personnel. Every agency is obligated to comply with all applicable statutes and policy directives. This may result in the agency being unable to unilaterally comply with certain standards, but Guiding Principle 1.2 requires the agency to seek compliance from outside sources. The agency is required to show that the civil service agency upon which it depends is in compliance with applicable standards.

32.1 Professional and Legal Requirements

32.1.1(M M M M) (LE1) Selection Process Described

32.1.2(M M M M) Job Relatedness

32.1.3(M M M M) Uniform Administration

32.1.4(M M M M) Candidate Information

32.1.5(M M M M) Notification of Ineligibility

32.1.6(M M M M) Records

32.1.7(M M M M) Selection Material Security

32.1.1

(M M M M) (LE1) Selection Process Described

Written directives describe all elements and activities of the selection process for all full-time personnel.

Commentary

Such written directives are essential for the proper administration, use, and defensibility of the selection process. The directive should describe the order of events in the selection process and should include, at the least, information about the purpose, development, job relatedness, administration, scoring, and interpretation of all elements used in the selection process. The law enforcement agency may rely upon a state or local civil service commission, employment agency, or other public or private organization to administer or provide one or more elements of the selection process. If so, a copy of all relevant manuals should be maintained on file by the law enforcement agency. Written directives should describe the selection process in detail and include timetables, the order of events, administration, scoring, interpretation of test results, and other pertinent information. (M M M M) (LE1)

32.1.2

(M M M M) Job Relatedness

All elements of the selection process for sworn personnel use only those rating criteria or minimum qualifications that are job related.

Commentary

The intent of this standard is to ensure that candidates are evaluated by a selection process that measures traits or characteristics that are a significant part of the job. It is not sufficient for an agency to merely say in a directive that its procedures are job related.

There are a variety of means by which job-relatedness can be shown. An agency may choose, for example, to demonstrate that an oral examination measures traits that are shown by the task analysis to be significant or necessary to perform the job. An assessment center may be shown to measure the performance of tasks or skills that the task description has shown to be essential job functions (see Chapter 21 Classification and Delineation of Duties and Responsibilities regarding task analysis and job descriptions).

The agency may also demonstrate job-relatedness through a process which validates the selection mechanism as a predictor of future job success. A written test may be statistically validated as being able to assess skills necessary for the job of sworn officer. Many commercially produced tests have documentation that will support validation. Agencies are encouraged to seek assistance in this area from competent personnel resources as many of the validation concepts are technical and/or unfamiliar to police professionals.

Nothing in this standard should be interpreted as preventing an agency from using a combination of methods to document the job-relatedness of its selection process. The goal of this standard is to ensure that the agency has the documentation necessary to make a logical and persuasive case, in the event of a legal challenge, that the elements of the selection process measure skills, knowledge, abilities, and traits needed to perform that job.

(M M M M)

32.1.3

(M M M M) Uniform Administration

A written directive requires that all elements of the selection process for all personnel be administered, scored, evaluated, and interpreted in a uniform manner within the classification.

Commentary

Operational elements of the selection process-time limits, oral instructions, practice problems, answer sheets, and scoring formulas-should be clearly set forth and carried out identically for all candidates. Failure to do so may preclude validation of the process and make the agency susceptible to legal challenges. (M M M M)

32.1.4

(M M M M) Candidate Information

At the time of their formal application, candidates for all positions are informed, in writing, of:

- a. *all elements of the selection process;*
- b. *the expected duration of the selection process; and*
- c. *the agency's policy on reapplication.*

Commentary

A listing of selection elements should include, but is not limited to, all written physical and psychological examinations, polygraph examinations, oral interviews, and background investigations. From the outset, candidates should be made aware that sensitive or confidential aspects of their personal lives may be explored. Written notification of the expected duration of the selection process not only is a courtesy but also helps the agency better plan and coordinate its selection process. (M M M M)

32.1.5

(M M M M) Notification of Ineligibility

All candidates not selected for positions are informed in writing.

Commentary

Prompt notification in writing is not only an essential element of an efficient administrative organization but also is fundamental to a fair and effective selection process. Candidates should be informed within 30 days of such a decision. (M M M M)

32.1.6

(M M M M) Records

A written directive governs the disposition of the records of all candidates not selected for appointment.

Commentary

It is necessary to maintain selection data to ensure continuing research, independent evaluation, and defense against lawsuits. The agency should determine requirements, consistent with applicable laws, for maintaining identifying information, such as names and addresses. The agency should comply with all federal, state, and local requirements regarding the privacy, security, and freedom of information of all candidate records and data. (M M M M)

32.1.7

(M M M M) Selection Material Security

A written directive requires that selection materials be stored in a secure area when not being used and are disposed of in a manner that prevents disclosure of the information within.

Commentary

The agency responsible for selection materials should limit access to them and store them in locked files to provide 24-hour security. Selection materials should not be left unattended.

(M M M M)

32.2 Administrative Practices and Procedures

32.2.1(M M M M) (LE1) Background Investigations

32.2.2(M M M M) Training

32.2.3(M M M M) Records Retention

32.2.4(M M M M) Polygraph Examinations

32.2.5(M M M M) Conducted by Trained Personnel

32.2.6(M M M M) Use of Results

32.2.7(M M M M) (LE1) Medical Examinations

32.2.8(M M M M) (LE1) Emotional Stability/Psychological Fitness Examinations

32.2.9(M M M M) Records Retention

32.2.10(M M M M) (LE1) Entry Level Probation

32.2.1

(M M M M) (LE1) Background Investigations

A background investigation of each candidate for all positions is conducted prior to appointment to probationary status, and includes:

- a. *verification of qualifying credentials;*
- b. *a review of any criminal record; and*
- c. *verification of at least three personal references.*

Commentary

It is more reliable to conduct the inquiry in person, though telephone and mail inquiries are appropriate in obtaining criminal history and driving records. The investigation should routinely involve a home visit with the candidate and his or her family and interviews with neighbors. Background investigations are generally listed among the final stages in the selection process only to suggest that this is when they should be completed; they are likely to have commenced much earlier. (M M M M) (LE1)

32.2.2

(M M M M) Training

Personnel used to conduct background investigations are trained in collecting required information.

Commentary

None. (M M M M)

32.2.3

(M M M M) Records Retention

The agency has a policy regarding the retention of each candidate's background information.

Commentary

None. (M M M M)

32.2.4

(M M M M) Polygraph Examinations

If polygraph examinations or other instruments for the detection of deception are used in the selection process, candidates are provided with a list of areas from which polygraph questions will be drawn, prior to such examination.

Commentary

Agencies are not required to administer polygraph examinations or other truth verification tests to all job classifications. For example, polygraph examinations may be required for sworn personnel but need not be required for non-sworn personnel. (M M M M)

32.2.5

(M M M M) Conducted by Trained Personnel

If polygraph examinations or other instruments for the detection of deception are used in the selection process, the administration of examinations and the evaluation of results are conducted by personnel trained in these procedures.

Commentary

The sensitive nature of these tests makes it necessary to rely upon examiners who possess professional training and credentials in the use and interpretation of these investigative tools. (M M M M)

32.2.6

(M M M M) Use of Results

A written directive prohibits the use of results of polygraph examinations or other instruments for the detection of deception as the single determinant of employment status.

Commentary

Authorities agree that polygraph examinations or other instruments for the detection of deception should be used only as an investigative aid, if at all. An admission during pre-test, test, or post-test interviews, together with other information, may be sufficient to support decisions relevant to employment status. (M M M M)

32.2.7

(M M M M) (LE1) Medical Examinations

A medical examination is conducted, prior to appointment to probationary status, to certify the general health of each candidate for a sworn position.

Commentary

None. (M M M M) (LE1)

32.2.8

(M M M M) (LE1) Emotional Stability/Psychological Fitness Examinations

An emotional stability and psychological fitness examination of each candidate for a sworn position is conducted and assessed by a qualified professional prior to appointment to probationary status.

Commentary

None. (M M M M) (LE1)

32.2.9

(M M M M) Records Retention

The agency has a policy regarding the retention of the results of medical examinations, emotional stability and psychological fitness examinations.

Commentary

The agency should maintain a report of each physical examination and emotional stability and psychological fitness examination to ensure proper procedures are followed and to provide data for continuing research and legal defense, if needed. All records should be stored in a secure area. Access should be restricted to those persons legally entitled to review these records. The files or records may be maintained in agency files or at the location of the medical examination provider. (M M M M)

32.2.10

(M M M M) (LE1) Entry Level Probation

In the absence of controlling legislation, or a collective bargaining agreement, at least a six-month probationary period for sworn personnel following completion of entry-level classroom training is required.

Commentary

The agency should include a probationary period among the final steps in the selection process. A six-month probationary period is generally accepted as a minimum among the law enforcement community and should be carefully related to the field training program (see standard 33.4.3). Exceptions to the probation period if any, should be described in the directive. Exceptions may include special assignments, injury, or illness occurring during entry-level training and remedial training. (M M M M) (LE1)

Chapter 33 Introduction

Standards in this chapter relate to the training and career development of law enforcement personnel. Subchapters address the organization and administration of the training function; training academy administration; training instructors; recruit training; in-service, shift briefing, and advanced training; specialized training; civilian personnel training; and career development.

Training has often been cited as one of the most important responsibilities in any law enforcement agency. Training serves three broad purposes. First, well-trained officers are generally better prepared to act decisively and correctly in a broad spectrum of situations. Second, training results in greater productivity and effectiveness. Third, training fosters cooperation and unity of purpose. Moreover, agencies are now being held legally accountable for the actions of their personnel and for failing to provide initial or remedial training.

Training programs should ensure that the needs of the agency are addressed and that there is accountability for all training provided. In particular, training should be consistent with the agency's mission and values as well as goals and objectives. Agency training functions should be the responsibility of the training component, which should be accountable for developing and administering training programs. Program development should provide for input from several sources, including agency personnel in general, a training committee, the inspections function, and, most importantly, the agency's chief executive officer.

Career development is a structured process that is utilized by an agency to provide opportunities for individual growth and development at all levels. It is designed to promote productive, efficient, and effective job performance and to improve the overall level of individual job satisfaction.

So that agencies can deal effectively with law enforcement problems in an increasingly complex and sophisticated society, there should be parallel increases in the level of education and training required for law enforcement officers. Higher education, by itself, is not an absolute answer in achieving improvement in law enforcement agencies. However, officers who have received a broad general education have a better opportunity to gain a more thorough understanding of society, to communicate more effectively with citizens, and to engage in the exploration of new ideas and concepts.



33.1 Administration

33.1.1(N/A O O O) Training Committee

33.1.2(M M M M) Attendance Requirements

33.1.3(O O O O) Outside Training Reimbursement

33.1.4(M M M M) (LE1) Lesson Plan Requirements

33.1.5(M M M M) (LE1) Remedial Training

33.1.6(M M M M) (LE1) Employee Training Record Maintenance

33.1.7(M M M M) (LE1) Training Class Records Maintenance



33.1.1

(N/A O O O) Training Committee

A written directive establishes a training committee in the agency and includes provisions for the following:

- a. *composition of the committee;*
- b. *the process for selecting and replacing committee members;*
- c. *the relationship of the training function to the committee;*
- d. *authority and responsibilities of the committee; and*
- e. *designation of the person or position to whom the committee reports.*

Commentary

The training committee should assist in developing and evaluating training needs and serve as a focal point for input from those representing agency components. The role of the committee should be clearly established to promote effective committee operation and to prevent misunderstandings. (N/A O O O)

33.1.2

(M M M M) Attendance Requirements

A written directive governs attendance requirements for employees assigned to authorized agency training programs.

Commentary

The directive should describe exceptions and provide procedures for documenting attendance, excusing participants for such events as court appearances, making up time that is missed as the result of excused and unexcused absences, and ensuring that employees are recognized for successful completion of the training program. (M M M M)

33.1.3

(0 0 0 0) Outside Training Reimbursement

A written directive governs agency reimbursements to employees attending training programs in or outside the agency's service area.

Commentary

The directive should describe the conditions under which reimbursement may be provided for mileage, meals, housing, fees, books, or materials for training programs conducted in or outside the agency's service area (see standard 22.2.2). (0 0 0 0)

33.1.4

(M M M M) (LE1) Lesson Plan Requirements

The agency requires lesson plans for all training courses conducted by the agency, to include:

- a. *a statement of performance and job-related objectives;*
- b. *the content of the training and specification of the appropriate instructional techniques;*
- c. *a process for approval of lesson plans; and*
- d. *identification of any tests used in the training process.*

Commentary

The development of lesson plans should ensure that the subject to be covered in training is addressed completely and accurately and is properly sequenced with other training materials. Lesson plans establish the purpose of the instruction, set forth the performance objectives, relate the training to critical job tasks, and identify ethical considerations related to the topic. Consideration should be given to the relevance of training courses to the organization's mission and values. Lesson plans should be required of nonresident instructors as well as resident academy staff.

The lesson plans should also include references, teaching techniques (lecture, group discussion, panel, seminars, debate), relationships to job tasks, responsibilities of the participants for the material taught, and plans for evaluation of the participants. The instructional techniques that should be incorporated are conferences (debate, discussion groups, panels, and seminars); field experiences (field trips, interviews, operational experiences, and operational observations); presentations (lecture, lecture discussion, and lecture demonstration); problem investigations (committee inquiry); and simulations (case study, games, and role-play). (M M M M) (LE1)

33.1.5

(M M M M) (LE1) Remedial Training

A written directive establishes agency policy concerning remedial training.

Commentary

The directive should include the circumstances and criteria used to determine the need for remedial instruction, the timetables under which remedial training is provided, and the consequences of participation or nonparticipation by the affected personnel. The directive should recognize the uses of remedial instruction in other than recruit training and should comment on the relationship between the inspections and training functions (see standard 26.1.4). (M M M M) (LE1)

33.1.6

(M M M M) (LE1) Employee Training Record Maintenance

A written directive requires the agency to update records of employees following their participation in training programs.

Commentary

As personnel complete training programs, the date of the training, the types of training received, any certificates received, attendance, and test scores should be recorded for each trainee. (M M M M) (LE1)

33.1.7

(M M M M) (LE1) Training Class Records Maintenance

The agency maintains records of each training class it conducts to include, at a minimum:

- a. *course content (lesson plans);*
- b. *names of agency attendees; and*
- c. *performance of individual attendees as measured by tests, if administered.*

Commentary

The intent of the standard is to ensure that the agency documents the nature of the instruction, the identity of those attending the sessions, and the performance of the attendees. The standard would be satisfied in part by maintaining on file the lesson plans used by the course instructors. (M M M M) (LE1)

33.2 Academy

33.2.1 (M M M M) Academy Administration and Operation

33.2.2 (M M M M) Academy Facilities

33.2.3 (M M M M) Outside Academy, Role

33.2.4 (M M M M) Outside Academy, Agency Specific Training

33.2.1

(M M M M) Academy Administration and Operation

If the agency operates a training academy, a written directive requires provisions for the administration and operation of the academy, to include:

- a. *a statement of the academy's goals and responsibilities;*
- b. *organization and staffing;*
- c. *administrative procedures;*
- d. *operating procedures; and*
- e. *an orientation handbook issued to all new recruit personnel at the time academy training begins.*

Commentary

The agency may wish to develop a manual that addresses the operational and administrative requirements of the academy. The directive, or manual, should also identify the physical plant and other facilities, such as a firing range or driver-training track, that are the responsibility of the academy.

In the new environments of both the law enforcement profession and a law enforcement training academy, new personnel should be provided with information concerning the organization of the academy; the academy's rules and regulations; the academy's rating, testing, and evaluation system; physical fitness and proficiency skill requirements; and daily training schedules. (M M M M)

33.2.2

(M M M M) Academy Facilities

If the agency operates an academy facility, the facility includes, at a minimum:

- a. *classroom space consistent with the curriculum being taught;*
- b. *office space for instructors, administrators, and secretaries;*
- c. *physical training capability; and*
- d. *a library.*

Commentary

The agency should have access to training facilities but need not necessarily own the facilities. The size and type of the facilities should be consistent with the academy curriculum. The academy should also have access to a firing range and a paved driver-training track with a minimum of a circular driving surface of one-quarter mile, a skidpan, and a straightaway. The driver training track and the firing range may be located away from the academy's main facility. (M M M M)

33.2.3

(M M M M) Outside Academy, Role

If agency personnel are trained in an outside academy, a written directive describes the relationship between the agency and the outside academy.

Commentary

An agency may choose to avail itself of recruit, in-service, or specialized training in an academy not operated by the agency, e.g., regional academy, state operated academy. Regardless of the reasons for participation, the written directive should provide the basis for the agency's participation in the academy to ensure that training needs are being met. To safeguard the interests of both the agency and the academy while agency personnel are attending academy training, the directive should also specify any legal liabilities of the agency and/or academy. The directive should also describe: the legal basis for participation in the academy; the relationship of the agency training function and the agency to the academy; the process for providing agency input to the academy program; the circumstances under which the agency provides staff, facilities, instructors, and other resources to the academy; financial obligations of the agency to the academy; and the method for determination of the legal liability of the participating agencies. (M M M M)

33.2.4

(M M M M) Outside Academy, Agency Specific Training

If agency personnel are trained in an outside academy, a written directive governs the training to be received by agency personnel regarding agency policies, procedures, rules, and regulations.

Commentary

In addition to the training and skills taught at an outside academy, the agency should provide instructions in policies and procedures that are specific to the agency. The written directive may provide for such training at the outside facility or after the personnel return to the agency following completion of training. (M M M M)



33.3 Training Instructors

33.3.1 (M M M M) Instructor Training



33.3.1

(M M M M) Instructor Training

Personnel assigned to the training function in a full-time capacity as instructors receive training which includes, at a minimum:

- a. lesson plan development;
- b. performance objective development;
- c. instructional techniques;
- d. testing and evaluation techniques; and
- e. resource availability and use.

Commentary

The agency should require that all full-time instructors be given training prior to assuming their teaching responsibilities. This training should be periodically updated and geared to meet any specific instructional problems of the agency. If the agency desires instructors to meet state instructor certification requirements, consideration should be given to meeting those requirements. (M M M M)

33.4 Recruit Training

33.4.1(M M M M) (LE1) Entry Level Training Required

33.4.2(M M M M) Recruit Training Program

33.4.3(M M M M) (LE1) Field Training Program

33.4.1

(M M M M) (LE1) Entry Level Training Required

The agency requires all sworn officers to complete a recruit training program prior to assignment in any capacity in which the 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.

Commentary

The intent of this standard is to preclude assigning persons to positions requiring the carrying of weapon, enforcing the law, or making arrests until they successfully complete a structured basic training course. Those persons who have been hired, but who have not yet completed the basic training course, could be used in such positions as communications, records, or other activities not requiring the carrying of a weapon, enforcing the law, or making an arrest. An exception is allowed for those trainees participating in the formal field training program required in standard 33.4.3. (M M M M) (LE1)

33.4.2

(M M M M) Recruit Training Program

A written directive requires the agency's recruit training program, to include:

- a. *a curriculum based on tasks of the most frequent assignment associated duties of officers who complete recruit training; and*
- b. *use of evaluation techniques designed to measure competency in the required skills, knowledge, and abilities.*

Commentary

None. (M M M M)

33.4.3

(M M M M) (LE1) Field Training Program

A written directive establishes a field training program for all newly sworn officers with a curriculum based on tasks of the most frequent assignments with provisions for the following:

- a. field training of at least four weeks for trainees, during and/or after the required classroom training;
- b. a selection process for field training officers;
- c. supervision of field training officers;
- d. liaison with the academy staff, if applicable;
- e. training and in-service training of field training officers;
- f. rotation of recruit field assignments;
- g. guidelines for the evaluation of recruits by field training officers; and
- h. reporting responsibilities of field training officers.

Commentary

The goal of field training is to provide recruit trainees with "on street" experiences following the completion of classroom training as required in standard 33.4.1. A minimum four-week period permits time for rotation of recruits among the various training activities and objectives with which they may be familiar. In some cases, field training may be presented at intervals as part of a logically coherent classroom training program. Here, training is managed by providing classroom training followed by a short segment in the field to provide the trainee with "on street" experience in those curricular areas just covered in the classroom.

Whether presented during and/or after the classroom training, field training should be a closely supervised process, as the initial experience of recruits often shapes their future careers.

The field training program is an important adjunct of the formal recruit classroom training and should be as carefully organized, administered, and evaluated as classroom training. The field training program should be closely allied with the academy so that field training officers (FTOs) are aware of what skills and subjects have been taught and what roles the FTOs are to assume.

The selection process for FTOs is crucial to a successful program as many of the values, tactics, and attitudes of FTOs are transmitted to inexperienced officers. Initial training, as well as periodic in-service training, should be provided to FTOs to prepare them for and keep them current with their assigned responsibilities.

The relevance of the field training experience may be enhanced by providing guidelines to FTOs that define the responsibilities of the FTO and provide specific direction about the skills, knowledge, and abilities to be assessed, taught, or performed. The evaluative responsibilities of the FTOs should also be identified. (M M M M) (LE1)

33.5 In-Service, Shift Briefing, and Advanced Training

33.5.1(M M M M) (LE1) Annual Retraining Program

33.5.2(O O O O) Shift Briefing Training

33.5.3(M M M M) (LE1) Accreditation Training

33.5.4(O O O O) Accreditation Manager Training

33.5.1

(M M M M) (LE1) Annual Retraining Program

A written directive requires all sworn personnel to complete an annual retraining program, including legal updates.

Commentary

The agency should ensure that personnel are kept up to date with new laws, technological improvements, and revisions in agency policy, procedures, rules, and regulations. The mandatory retraining may also be designed to provide supervisory, management, or specialized training to participants. Retraining may be used to supplement promotional training, training prior to assignment to a specialized component, or executive development training for higher-ranking officers. The agency should ensure that information included in retraining is included on promotional examinations.

The program should be structured to motivate experienced officers and to further the professionalism of the agency. The training should include a review of the following topics: agency policy, procedures, and rules and regulations, with emphasis on changes; leadership; ethics and integrity, taking into consideration cultural influences, policy compliance, and doing what is correct rather than what is not illegal (see standard 26.1.1); statutory or case law affecting law enforcement operations, with emphasis on changes; the functions of agencies in the local criminal justice system; exercise of discretion in the decision to invoke the criminal justice process; interrogation and interviewing techniques; agency policy on the use of force, including the use of deadly force; emergency medical services; the performance evaluation system; emergency fire suppression techniques; new or innovative investigative or technological techniques or methods, if any; hazardous materials incidents; contingency plans, if any, including those relating to special operations and critical incidents; crime prevention policies and procedures; collection and preservation of evidence; report writing and records system procedures and requirements; and victim/witness rights, policies, and procedures. (M M M M) (LE1)

33.5.2

(0 0 0 0) Shift Briefing Training

A written directive governs shift briefing training.

Commentary

Shift briefing training is a technique that may supplement all other training. Shift briefing training may be a useful element of agency training, if it is well managed and supervised. The goal of this training should be to keep officers up to date between formal retraining sessions. Agencies which do not have formal shift briefings, e.g., resident state troopers, deputy sheriffs, may accomplish the purpose of shift briefing training through other methods, to include in-car computers and other electronic means. To be useful to the agency, the shift briefing training program should be well structured and reflect the needs of the agency while being flexible enough to fit into a shift briefing setting. The written directive should include: planning for shift briefing training; techniques used in shift briefing training; relationships with the academy; instructional methods; instructional personnel; evaluation of shift briefing training; scheduling of training; and role of supervisors and officers (see standard 41.1.2). (0 0 0 0)

33.5.3

(M M M M) (LE1) Accreditation Training

Agency personnel shall receive information regarding the accreditation process as follows:

- a. *to all newly hired agency personnel within thirty days after their employment begins or within thirty days after completing the recruit academy;*
- b. *to all agency personnel during the self-assessment phase associated with achieving initial accreditation; and*
- c. *to all agency personnel prior to an on-site assessment.*

Commentary

The intent of this standard is twofold. First, it ensures that all employees are familiar with accreditation and what it entails during the self-assessment process. Second, familiarizing new employees with the process will provide a historical perspective and emphasize the importance of accreditation to the organization. It is recommended that familiarization include the history and background of accreditation and the agency's involvement in the process, the accreditation process, the goals and objectives of accreditation, and the advantages of accreditation and its impact on the agency. Familiarization may be achieved by such means as classroom instruction, newsletter, memo, and periodic attendance by command staff at conferences of the Commission on Accreditation for Law Enforcement Agencies, Inc. (M M M M) (LE1)

33.5.4

(O O O O) Accreditation Manager Training

A written directive requires agency employees assigned to the position of accreditation manager shall receive specialized accreditation manager training within one year of being appointed.

Commentary

The role of accreditation manager is very specialized and requires familiarization with the accreditation process. At a minimum, the training should include information on the essential components of the process, the standards manual, and file maintenance. The individual selected as accreditation manager should attend at least one CALEA Conference during the self-assessment period or current award period. Agencies are urged to join and participate in Police Accreditation Coalition (PAC's) within their state or province. (O O O O)

33.6 Specialized In-Service Training

33.6.1(M M M M) Specialized Training

33.6.2(M M M M) (LE1) Tactical Team Training Program

33.6.1

(M M M M) Specialized Training

A written directive identifies the assignments for which specialized training is required, and includes the following:

- a. *a description of the required training;*
- b. *retraining requirements, if any; and*
- c. *supervised on-the-job training, if applicable.*

Commentary

The agency should identify all of the functions for which both pre- and post-assignment specialized training is required. Specialized training includes supervised on-the-job training provided by the agency, training mandated by governmental authority such as training for certification as a breathalyzer operator, and training deemed necessary by the agency for the development and enhancement of the skills, knowledge, and abilities particular to the specialization, such as motorcycle units or marine patrol.

Persons responsible for crime scene processing should receive specialized criminalistics training commensurate with their duties and responsibilities. For example, DNA evidence should be collected only by persons appropriately trained.

The supervision and management of specialized functions includes responsibility for ensuring that persons assigned to the function receive adequate training and support services. (M M M M)

33.6.2

(M M M M) (LE1) Tactical Team Training Program

If the agency participates in a tactical team, the agency requires that all personnel assigned to the team engage in training and readiness exercises.

Commentary

The purpose of this standard is to ensure that tactical team members have ample opportunity to practice their special skills and develop their abilities to function effectively as a team. This is necessary because many skills are perishable and should be exercised to build and maintain proficiency. Operational simulations should be included in the training program, and if the agency also has a separate hostage negotiation team, its personnel should be required to train periodically with the tactical team. All tactical training must be documented and the records retained pursuant to standard 33.1.6. (M M M M) (LE1)

33.7 Civilian Training

33.7.1(M M M M) Civilian Orientation

33.7.2(M M M M) Civilian Pre-Service and In-Service Training

33.7.1

(M M M M) Civilian Orientation

A written directive requires all newly appointed civilian personnel to receive information regarding:

- a. *the agency's role, purpose, goals, policies, and procedures;*
- b. *working conditions and regulations; and*
- c. *responsibilities and rights of employees.*

Commentary

None. (M M M M)

33.7.2

(M M M M) Civilian Pre-Service and In-Service Training

A written directive identifies the civilian positions for which pre-service and in-service training is required.

Commentary

The agency personnel should receive initial and on-going training commensurate with their responsibilities. Such training should stress not only the skills necessary to perform technical aspects of their jobs but also the importance of the link they provide between citizen and agency, which often shapes a citizen's opinion of the agency. (M M M M)



33.8 Career Development and Education

33.8.1(O O O O) Career Development Personnel Training

33.8.2(M M M M) (LE1) Skill Development Training Upon Promotion

33.8.3(O O O O) Career Development Program

33.8.4(O O O O) Education Incentives

33.8.1

(O O O O) Career Development Personnel Training

A written directive establishes training requirements for all personnel conducting career development activities.

Commentary

Personnel, such as supervisors and counselors, who are assigned to conduct career development activities should undergo a period of orientation that should provide increased knowledge and skills in at least the following areas: general counseling techniques; techniques for assessing skills, knowledge, and abilities; salary, benefits, and training opportunities of the agency; educational opportunities and incentive programs; awareness of the cultural background of ethnic groups in the program; record-keeping techniques; career development programs of other jurisdictions; and availability of outside resources. (O O O O)

33.8.2

(M M M M) (LE1) Skill Development Training Upon Promotion

The agency provides job related training to all newly promoted personnel.

Commentary

Such training should be commensurate with their new duties and should take place either prior to promotion or within the first year following promotion. (M M M M) (LE1)

33.8.3

(O O O O) Career Development Program

A written directive describes the agency's career development program.

Commentary

The agency should assist employees in planning their career paths through the utilization of formal schooling opportunities and law enforcement related training courses to improve their skills, knowledge, and abilities. (O O O O)

33.8.4

(0 0 0 0) Education Incentives

A written directive establishes the agency's commitment to higher education through one or more of the following:

- a. a requirement of all candidates for full-time sworn positions to possess at a minimum a bachelor's degree;
- b. career advancement or compensation incentives for post-secondary educational attainments;
- c. education reimbursement for post-secondary education expenses incurred by sworn members of the agency; or
- d. bachelor's degree or higher educational requirements for defined sworn positions/ranks within the agency.

Commentary

This standard is intended to encourage post-secondary educational attainments for employees of the agency. To that end, a bachelor's degree accentuates the set of skills necessary to perform effectively in today's policing environment. College-level course work provides opportunities for employees to improve problem-solving and communication skills; to acquire computer skills and confidence with emerging technology; and to study criminal law from social, historical, and political perspectives.

Career advancement or compensation incentives may include access to specialized sworn positions within the agency, participation in special initiatives, one-time compensation packages, graduated pay plans, or other written incentives that are only accessible to those with post-secondary attainments. Generally, this should be limited to those with bachelor's degrees; however, graduated educational incentive plans are also permissible.

Many agencies elect to reimburse employees for the costs associated with attending post-secondary educational classes. For the purposes of this standard, this reimbursement may be for all associated costs or a percentage of the cost. The reimbursement plan must be written and provided to all eligible employees. The plan may also differentiate levels of reimbursement based on grades posted by the employee for the respective classes.

Reimbursement may be for traditional classes occurring in the classroom setting or through electronic formats at the agency's discretion.

Agencies may also demonstrate compliance with this standard by requiring a bachelor's degree for specific sworn ranks within the agency. This requirement does not have to apply to every rank within the agency; however, those ranks that are affected must be defined and this information must be available to all agency employees.

It is important to recognize the college experience allows students to actively engage persons of diverse cultures, values, and socioeconomic groups, which have been shown to create more open-minded and tolerant candidates better able to engage citizens in obeying the law. Compliance with the standard does not ensure that college-degree candidates will

be good officers. However, officers with a bachelor's degree have a greater likelihood of communicating effectively with persons in their communities, respecting cultural differences, and developing well-reasoned, data-driven solutions to crime. (O O O O)

Chapter 34 Introduction

Promotion denotes vertical movement in the organizational hierarchy from one rank classification or position to another, usually accompanied by increases in duties and responsibilities as well as salary. These standards are designed to improve the validity of the process and make the system less susceptible to court challenge.

The evaluation and selection of personnel for promotion begin with the identification of employees who appear to have the potential for assuming greater responsibility and who possess the skills, knowledge, and abilities required to perform at that level.

34.1 Professional and Legal Requirements

34.1.1(M M M M) Agency Role

34.1.2(M M M M) Authority and Responsibility

34.1.3(M M M M) (LE1) Promotional Process Described

34.1.4(M M M M) Job Relatedness

34.1.5(M M M M) Promotional Announcement

34.1.6(M M M M) Eligibility Lists

34.1.7(M M M M) (LE1) Promotional Probation

34.1.1

(M M M M) Agency Role

A written directive defines the agency's role in the promotion process for sworn personnel.

Commentary

The law enforcement agency may rely upon a state or local civil service commission or other public or private external organization to administer or provide one or more elements of the process in accordance with legal, professional, and administrative requirements. Where a centralized personnel agency exists, the directive should govern the responsibilities retained by the law enforcement agency's chief executive officer for the promotion of personnel. The agency should have a role in the development of the measurement instruments that are used in determining the skills, knowledge, and abilities of employees for positions. (M M M M)

34.1.2

(M M M M) Authority and Responsibility

A written directive vests in an identifiable position the authority and responsibility for administering the agency's role in the promotion process for sworn personnel.

Commentary

Although the written directive should identify a position responsible for the administration of the promotion process, a specific person may be designated. The person identified as the administrator of the process should have the authority to manage effectively its operation and direction. If responsibility is shared with or vested in another agency, e.g., a centralized personnel department or a civil service commission, the law enforcement agency should perform appropriate liaison activities to carry out the process. Even when authority is shared, the law enforcement agency should maintain the primary responsibility for certain key activities, such as oral interviews, promotions, and administration of all employees' probationary periods. (M M M M)

34.1.3

(M M M M) (LE1) Promotional Process Described

A written directive describes the procedures used for each element of the promotion process for sworn personnel, including those for:

- a. *evaluating the promotional potential of candidates;*
- b. *administering written tests, if any;*
- c. *using assessment centers, if any;*
- d. *conducting oral interviews, if any;*
- e. *providing procedures for review and appeal of results for each promotional element by candidates;*
- f. *establishing procedures for reapplication, if any;*
- g. *determining promotional eligibility for vacancies where lateral entry is permitted, if any; and*
- h. *security of promotional materials.*

Commentary

The directive should describe all elements and procedures used in each promotional process and may be incorporated within a comprehensive personnel management or general policy and procedures manual.

Promotion potential ratings may replace or supplement on-the-job performance evaluations and may be used to determine an employee's initial eligibility for promotion or for ranking candidates on a list. Written examinations (including answer keys, cut-off scores, passing points, and/or numerical rankings) may be administered for each classification, position, or rank. Promotional criteria for lateral entry may include both eligibility qualifications and formal procedures for carrying out the process. Oral interviews should include uniform questions and rating scales and assess a defined set of personal attributes; the interview results should be recorded on a standardized form.

The right of candidates to review and challenge all aspects of the promotion process is an integral part of the process itself. Candidates should be allowed to review and appeal all scores and evaluations related to their performance in the process to ensure fairness and impartiality. The administrative review and appeal process may be conducted by individuals from within and outside the agency. An impartial review and appeal process should reduce or eliminate litigations. (M M M M) (LE1)

34.1.4

(M M M M) Job Relatedness

All elements used to evaluate candidates for sworn personnel for promotion are job-related and nondiscriminatory.

Commentary

The intent of this standard is to ensure that candidates are evaluated by a promotion process that measures traits or characteristics that are a significant part of the job. It is not sufficient for an agency to merely say in a directive that its procedures are job related. However, there are a variety of means by which job-relatedness can be shown.

An agency may choose, for example, to demonstrate that an oral examination measures traits that are shown by the job analysis to be significant or necessary to perform the job. An assessment center may be shown to measure the performance of tasks or skills that the job description has shown to be essential job functions (see Chapter 21 Classification and Delineation of Duties and Responsibilities regarding job analysis and job descriptions).

The agency may also demonstrate job-relatedness by validation of a testing element. For example, an agency may demonstrate statistically that a written test is a predictor of future job success by correlating test scores with the performance of individuals on the job. If high test scores can be associated with individuals that are successful, and vice versa, then the process may be legally considered a valid means of measurement if the correlation is statistically significant. Agencies will normally need competent professional assistance from personnel specialists before undertaking a validation study of this type. Many commercially available tests have done validation studies that may be helpful to an agency.

Nothing in this standard should be interpreted as preventing an agency from using a combination of methods to document the job-relatedness of its promotion process. The goal of this standard is to ensure that the agency has the documentation necessary to make a logical and persuasive case in the event of a legal challenge and that the elements of the promotion process measure skills, knowledge, abilities, and traits needed to perform that job. (M M M M)

34.1.5

(M M M M) Promotional Announcement

The agency provides sworn personnel with a written announcement of the promotional process.

Commentary

Announcements should be posted prominently and in a timely fashion and be augmented by periodic verbal reminders at staff meetings, conferences, and shift briefing sessions. A concise description of the vacancy should be provided, including the salary and the duties, responsibilities, skills, knowledge, and abilities required. Eligibility should be established during a formal qualifying period that continues until the closing date of the announcement, until the closing date for submitting a completed application, or until the date of the first scored part of the process, e.g., for a written examination. The description of the promotion process should be as detailed as is necessary to indicate clearly to candidates what they can expect. Information should include expected duration of the entire process; format, length, and duration of the written examination, if any; a summary of the role of the oral interview; cut-off scores on written and oral evaluations; a description of the assessment center, if any; and the numerical weight assigned to each element of the process. (M M M M)

34.1.6

(M M M M) Eligibility Lists

A written directive establishes criteria and procedures for the development and use of eligibility lists, if any, for sworn positions to include, at a minimum:

- a. *the numerical weight, if any, assigned to each eligibility requirement;*
- b. *the system of ranking eligible candidates on the lists;*
- c. *time-in-grade and/or time-in-rank eligibility requirements, if any;*
- d. *the duration of the lists; and*
- e. *the system for selecting names from the lists.*

Commentary

None. (M M M M)

34.1.7

(M M M M) (LE1) Promotional Probation

A written directive describes the probationary period, if any, for all personnel who are promoted.

Commentary

The agency should include a probationary period among the final steps in the process to ensure newly promoted employees can assume the duties and responsibilities of the new positions, an intent consistent with selection procedures for entry-level officers. Employees on probation should be closely observed and evaluated frequently. Unsatisfactory performance should be identified and corrected early through counseling, training, or other suitable personnel actions to safeguard against the promotion of employees beyond their capabilities. (M M M M) (LE1)

Chapter 35 Introduction

To achieve its stated objectives, a law enforcement agency must be able to depend on satisfactory work performance from all employees. Performance evaluation is the measurement by the employee's supervisor of the worker's on-the-job performance of assigned duties. This chapter deals with the principles of performance evaluation and the manner in which it should be carried out, whether structured or not.

There is a direct relationship between performance evaluation and the subjects dealt with in other chapters, particularly those on recruitment (Chapter 31 Recruitment), selection (Chapter 32 Selection), training (Chapter 33 Training and Career Development), promotion (Chapter 34 Promotion), classification (Chapter 21 Classification and Delineation of Duties and Responsibilities), and grievance procedures (Chapter 25 Grievance Procedures). This relationship is based on the fact that the nature and quality of the employees' performance have a bearing on their working life in the agency, on the manner in which they relate to management, and on their assignments and promotions.

Performance evaluation in the law enforcement field varies considerably. Centralized personnel agencies will usually have requirements for performance evaluation of all employees within their jurisdictions.

It is important that the principles of evaluation be applied by all agencies to ensure the best use of human resources available, to ensure that personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum job satisfaction on the part of each employee.

Constant attention by management is needed to eliminate personal error and biases on the part of the raters. The key to successful operation of the performance evaluation system will always be the chief executive officer, who must monitor its functioning to ensure that it is fair and impartial and is achieving established objectives consistent with sound personnel management.



35.1 Administration

35.1.1(M M M M) (LE1) Performance Evaluation System

35.1.2(M M M M) (LE1) Annual Evaluation

35.1.3(M M M M) Quarterly Evaluation of Probationary Employees

35.1.4(M M M M) Evaluation Criteria


35.1.5(M M M M) Evaluation Period

35.1.6(M M M M) Unsatisfactory Performance

35.1.7(M M M M) (LE1) Employee Counseling

35.1.8(O O O O) Rater Evaluation

35.1.9(M M M M) (LE1) Personnel Early Warning System



35.1.1

(M M M M) (LE1) Performance Evaluation System

A written directive defines the agency's performance evaluation system and includes, at a minimum:

- a. *measurement definitions;*
- b. *procedures for use of forms;*
- c. *rater responsibilities; and*
- d. *rater training.*

Commentary

A central personnel agency may or may not incorporate performance evaluation as part of its overall management activities. Where it does, some features of the evaluation system may not suit the needs of the law enforcement agency. Although policies and procedures may be developed by a centralized agency, it remains the responsibility of the chief executive officer to adapt and amplify those guidelines to meet the agency's needs. (M M M M) (LE1)

35.1.2

(M M M M) (LE1) Annual Evaluation

A written directive requires a performance evaluation of each full-time employee and reserve officer be conducted and documented at least annually with the exception of the agency CEO, constitutionally elected officials, or those employees exempted by controlling legislation.

Commentary

The purposes of performance evaluation are to standardize the nature of the personnel decision making process, ensure the public that the agency's personnel are qualified to carry out their assigned duties, and provide job incumbents with necessary behavior modification information to allow them to maintain behaviors that are appropriate from the agency's standpoint and to eliminate inappropriate behaviors. Agencies are encouraged to evaluate part-time employees. (M M M M) (LE1)

35.1.3

(M M M M) Quarterly Evaluation of Probationary Employees

A written directive requires a written performance evaluation report on all entry-level probationary employees and probationary reserve officers at least quarterly.

Commentary

A separate set of criteria is important in the rating of personnel on probation in order to determine, at the earliest point, their suitability for the current position. The principal objective of supervisors rating probationary employees is to ascertain whether they can actually perform the required functions. Performance should be closely monitored and written evaluations should be a part of this process. (M M M M)

35.1.4

(M M M M) Evaluation Criteria

Criteria used for performance evaluation are specific to the assignment of the employee during the rating period.

Commentary

None. (M M M M)

35.1.5

(M M M M) Evaluation Period

A written directive concerning the personnel evaluation system requires:

- a. *the evaluation of the employee's performance covers a specific period;*
- b. *explanatory comments when performance ratings are unsatisfactory or outstanding;*
- c. *that each performance evaluation report is reviewed and signed by the rater's supervisor;*
- d. *that the employee will be given the opportunity to sign and make written comments to supplement the completed performance evaluation report;*
- e. *that a copy of the completed evaluation report be provided to the employee;*
- f. *an appeal process for contested evaluation reports; and*
- g. *retention of performance evaluation reports.*

Commentary

Evaluation reports may be regular periodic reports or interim reports for varying reasons. The actual dates covered by the evaluation, shown on the face of the report, are required to provide a continuity of the record of performance during a specified period. Performance of the employee prior to or following the rating period should be excluded from the rating for that period. Raters should be prepared to substantiate ratings in the lowest or highest categories and give specific reasons for the ratings through a narrative comment.

Each evaluation report on an employee's performance should be read and understood by the employee. The signature should indicate only that the employee has read the report and should not imply agreement or disagreement with the contents. If the employee refuses to sign, the supervisor should so note and record the reason or reasons, if given.

The retention schedule should be consistent with applicable legislation or civil service regulations. Where these do not exist, a period of three years is recommended. (M M M M)

35.1.6

(M M M M) Unsatisfactory Performance

A written directive requires that non-probationary employees be advised in writing whenever their performance is deemed to be unsatisfactory and that the written notification be provided to the employee in a timely manner.

Commentary

The supervisor should be prepared to substantiate ratings at the unsatisfactory level, to advise the employee of unsatisfactory performance, and to define actions that should be taken to improve his or her performance. If unsatisfactory performance continues, this information should be included in the evaluation report. Timely written notification of unsatisfactory performance is not immediately required in the event that notification could compromise an on-going investigation. (M M M M)

35.1.7

(M M M M) (LE1) Employee Counseling

A written directive requires that each employee be counseled at the conclusion of the rating period, to include the following areas:

- a. results of the performance evaluation just completed;
- b. level of performance expected, rating criteria or goals for the new reporting period; and
- c. career counseling relative to such topics as advancement, specialization, or training appropriate for the employee's position.

Commentary

The intent of this standard is to ensure that at least once each year, the immediate supervisor of each employee provides feedback regarding employee performance. It is critical that counseling of this type include both a review of performance over the prior rating period and, as a matter of fairness to the employee, an indication of the expectations for the upcoming reporting period. This is also an appropriate time to review the employee's career goals within the agency. However, nothing in this standard should be interpreted as requiring that these items be completed in one single session by the same supervisor. Agencies have flexibility in complying with this standard, and may, for example, conduct career counseling activities at a separate time by specialists in this area. (M M M M) (LE1)

35.1.8

(0 0 0 0) Rater Evaluation

A written directive requires raters to be evaluated by their supervisors regarding the quality of ratings given employees.

Commentary

Supervisors should evaluate raters regarding the fairness and impartiality of ratings given, their participation in counseling rated employees, and their ability to carry out the rater's role in the performance evaluation system. The supervisor should ensure that the raters apply ratings uniformly. (0 0 0 0)

35.1.9

(M M M M) (LE1) Personnel Early Warning System

A written directive establishes a Personnel Early Warning System to identify agency employees who may require agency intervention efforts. The system shall include procedures for:

- a. provisions to initiate a review based on current patterns of collected material;
- b. agency reporting requirements of conduct and behavior;
- c. documented annual evaluation of the system;
- d. the role of first and second level supervision;
- e. remedial action; and
- f. some type of employee assistance such as a formal Employee Assistance Program, peer counseling, etc.

Commentary

A comprehensive Personnel Early Warning System is an essential component of good discipline in a well-managed law enforcement agency. The early identification of potential problem employees and a menu of remedial actions can increase agency accountability and offer employees a better opportunity to meet the agency's values and mission statement.

The agency's Personnel Early Warning System should be initiated when certain types of incidents occur and there should be an evaluation of collected material. Such material may include, but not necessarily be limited to: agency performance evaluations, citizen complaints, disciplinary actions, use of force incidents, internal affairs, supervisory and employee reports such as workmen's compensation claims, and traffic accidents.

The agency should not be faced with investigating an employee for a serious case of misconduct only to find there was an escalating pattern of less serious misconduct, which could have been abated through intervention. The failure of the agency to develop a comprehensive Personnel Early Warning System can lead to the erosion of public confidence in the agency's ability to investigate itself, while putting the public and agency employees in greater risk of danger.

A Personnel Early Warning System should include options and reviews available through use of force reporting (Subchapter 1.3 Use of Force), the disciplinary system (Chapter 26 Disciplinary Procedures), employee assistance program (Chapter 22 Compensation, Benefits, and Conditions of Work) and Internal Affairs (Chapter 52 Internal Affairs).

The first and second levels of supervision are crucial elements to a successful Personnel Early Warning System and should be emphasized in the agency's procedures. (M M M M) (LE1)

Chapter 41 Introduction

Standards in this chapter relate to the administration, operation, and equipment of the patrol function of a law enforcement agency.

The word patrol is used here in its broadest sense. It is considered to be a primary law enforcement function and embraces much more than the act of patrolling. It is defined as a generalized function in which officers may be engaged in a variety of activities which can range from traditional response to requests for service to alternate strategies for the delivery of police services.

41.1 Administration

41.1.1(M M M M) Shift/Beat Assignment

41.1.2(M M M M) Shift Briefing

41.1.3(M M M M) Special-Purpose Vehicles

41.1.4(M M M M) (LE1) Agency Animals

41.1.1

(M M M M) Shift/Beat Assignment

The agency has a written directive which describes:

- a. *provisions for continuous patrol coverage;*
- b. *assignment to patrol shifts;*
- c. *frequency of shift rotation, if any;*
- d. *assignment to service areas, if any;*
- e. *frequency of service area rotation, if any; and*
- f. *determination of days off.*

Commentary

this standard does not require 24-hour preventive patrol, nor does it limit the flexibility of the agency to assign personnel to community-based initiatives. Rather, the intent of this standard is to ensure that on-duty personnel are available to respond for police service or, at a minimum, includes provisions for concurrent jurisdictional coverage in the event that the agency cannot provide 24-hour coverage. As a consequence, a method for assigning available officers to shifts, service areas, and days off should be developed and followed consistently. A uniform procedure helps to ensure impartiality in the process. However, agency management should retain the final authority to assign officers to shifts and service areas in order to provide effective coverage, ensure accountability, and achieve organizational goals and objectives. (M M M M)

41.1.2

(M M M M) Shift Briefing

A written directive describes the agency's method for shift briefing.

Commentary

Shift briefing can accomplish the following basic tasks: briefing officers with information regarding daily patrol activity, with particular attention given to unusual situations, potential and actual police hazards, changes in the status of wanted persons, stolen vehicles, major investigations, and information regarding relevant community-based initiatives; notifying officers of changes in schedules and assignments; and notifying officers of new directives or changes in directives. If officers do not report for duty to a facility, e.g., resident state troopers, duty sheriffs, some form of pre-shift contact or briefing should be accomplished by other means. (M M M M)

41.1.3

(M M M M) Special-Purpose Vehicles

A written directive governs the operation of agency-owned or controlled special-purpose vehicles, and includes the following provisions for each kind of vehicle:

- a. *authorization, conditions, and limitations of usage;*
- b. *qualifications and training for personnel assigned to operate the vehicle;*
- c. *designation of the person or position responsible for the condition and maintenance of the vehicle; and*
- d. *a listing of equipment, if any, to be kept in or on the vehicle.*

Commentary

For the purpose of this standard, a special purpose vehicle is a vehicle that requires special training or authorization for deployment. This includes, but is not limited to, SWAT trucks, bomb disposal vehicles, mobile command posts, aircraft, watercraft, and motorcycles.

Bicycles, all-terrain vehicles, snowmobiles, and Segways may fall under the definition of a special purpose vehicle if the agency or law requires licensing or training prior to use. (M M

M M)

41.1.4

(M M M M) (LE1) Agency Animals

A written directive governs agency-owned or controlled animals(s), and includes the following provisions for each kind of animal:

- a. *authorization, conditions, and limitations on usage;*
- b. *qualifications and training for personnel assigned to control the animal(s);*
- c. *designation of the person or position responsible for the care of the animal(s); and*
- d. *a listing of equipment required for each type of animal.*

Commentary

None. (M M M M) (LE1)

41.2 Operations

41.2.1(M M M M) (LE1) Responding Procedures

41.2.2(M M M M) (LE1) Pursuit of Motor Vehicles

41.2.3(M M M M) (LE1) Roadblocks and Forcible Stopping

41.2.4(M M M M) (LE1) Notification Procedures

41.2.5(M M M M) (LE1) Missing Persons

41.2.6(M M M M) (LE1) Missing Children

41.2.7(M M M M) (LE1) Mental Illness

41.2.1

(M M M M) (LE1) Responding Procedures

A written directive establishes procedures for responding to routine and emergency calls, and includes guidelines for the use of authorized emergency equipment.

Commentary

At a minimum, the agency should classify calls for service as routine or emergency. These classifications should designate when emergency lights and siren should be used and when traffic laws should be observed. The directive should address high-speed driving conditions and restrictions when responding to emergency calls. The procedure should also address the responsibility of responding officers, dispatchers, and supervisors while responding to emergency calls. Guidelines for emergency equipment use during routine activities, such as stopping traffic violators, assisting motorists, and parking on/off roadways, may be included (see standard 61.1.7). (M M M M) (LE1)

41.2.2

(M M M M) (LE1) Pursuit of Motor Vehicles

A written directive governs pursuit of motor vehicles, to include:

- a. *evaluating the circumstances;*
- b. *initiating officer's responsibilities;*
- c. *designating secondary unit's responsibilities;*
- d. *specifying roles and restrictions pertinent to marked, unmarked, or other types of police vehicle involvement in the pursuit;*
- e. *assigning dispatcher's responsibilities;*
- f. *describing supervisor's responsibilities;*
- g. *specifying when to terminate pursuit;*
- h. *engaging in inter and intrajurisdictional pursuits involving personnel from the agency and/or other jurisdictions;*
- i. *requiring a written report and an administrative review of each pursuit;*
- j. *conducting a documented annual analysis of pursuit reports; and*
- k. *conducting a documented annual review of pursuit policies and reporting procedures.*

Commentary

The agency should have clear-cut policies and procedures for pursuits. All sworn personnel should be provided with this written directive. Agencies may wish to consider frequent discussion and review of these policies/procedures during shift briefings and/or in-service training sessions.

A review of incidents involving vehicle pursuits may reveal patterns or trends that indicate training needs and/or policy modifications. The absence of pursuit reports does not remove the requirement of reviewing the policies, procedures and practices associated with the reporting process. (M M M M) (LE1)

41.2.3

(M M M M) (LE1) Roadblocks and Forcible Stopping

A written directive addresses roadblocks and forcible stopping, to include:

- a. *describing circumstances warranting their use;*
- b. *specifying procedures for implementation;*
- c. *requiring training in the use of agency-authorized roadblocks and forcible stopping techniques;*
- d. *defining supervisory responsibilities; and*
- e. *requiring a written report and an administrative review of each such incident.*

Commentary

The extreme dangers inherent in the use of roadblocks and forcible stopping mandate guidelines for their use. The directive should specify the types of roadblocks or forcible stopping techniques authorized for use, e.g., moving, fixed, circle system, roadway barriers, "road spikes," pursuit interruption techniques, and the circumstances justifying their use, e.g., to stop a fleeing felon. Standard 1.3.2 is cross-referenced to this standard. Compliance with bullet e can be shown if the use of a roadblock or forcible stopping technique was reported and reviewed as part of pursuit pursuant to Standard 41.2.2, bullet (j). (M M M M) (LE1)

41.2.4

(M M M M) (LE1) Notification Procedures

A written directive specifies the circumstances and establishes procedures for first responder notifications in emergency situations.

Commentary

Agency procedures should address notification by first responder units of such agencies or persons as are appropriate to the situation. This could include, but would not necessarily be limited to, notification of police supervisory personnel, emergency medical services, fire service, the medical examiner/coroner, street/highway department personnel, public utilities personnel, and the news media. (M M M M) (LE1)

41.2.5

(M M M M) (LE1) Missing Persons

A written directive provides procedures for reporting and investigating adult missing persons which include, at a minimum:

- a. *initial description and information to be gathered;*
- b. *dissemination of collected information;*
- c. *entry and removal of the information in the appropriate criminal justice information system;*
- d. *follow-up contact with the reporting persons;*
- e. follow-up investigation and search; and
- f. *any special considerations applicable to critically missing or at-risk persons.*

Commentary

None. (M M M M) (LE1)

41.2.6

(M M M M) (LE1) Missing Children

The agency has a written directive concerning missing children, including runaway, abandonment, abducted, or other missing status, that includes the following:

- a. a policy statement concerning missing or unidentified children;
- b. criteria for supervisory notification;
- c. information required for immediate notification of appropriate inter- and intra-agency coordination;
- d. criteria for activation of AMBER Alert Systems or other public notification;
- e. responsibilities of call takers, first responders, supervisors, and investigators; and
- f. follow-up responsibilities.

Commentary

The directive should consider the notification of appropriate agencies and their responsibilities for inter- and intra-agency support, such as federal law enforcement, social services, and the media. Systematic searches are common features of missing child investigations.

The National Child Search Assistance Act of 1990 mandates law enforcement's immediate response to reports of missing children, and the prompt entry of descriptive information into the NCIC missing persons file.

Agencies should insure that they include the use of the local or statewide America's Missing Broadcast Emergency Response (AMBER) Plan (or their jurisdiction's version of this plan) in their procedures for responding to children who are victims of non-family abductions.

Proper recovery and case closure may need to involve more than just notifying proper authorities and clearing NCIC entries. Based upon post-recovery interviews with the victims, additional investigation could lead to the discovery of further serious offenses committed, or permitted by adults, associated with the missing children.

Detailed information and recommended policies and procedures are available from the National Center for Missing & Exploited Children, the IACP National Law Enforcement Policy Center, and the International Center for Missing & Exploited Children. (M M M M) (LE1)

41.2.7

(M M M M) (LE1) Mental Illness

The agency has a written directive regarding the interaction of agency personnel with persons suspected of suffering from mental illness that addresses:

- a. guidelines for the recognition of persons suffering from mental illness;
- b. procedures for accessing available community mental health resources;
- c. specific guidelines for sworn officers to follow in dealing with persons they suspect are mentally ill during contacts on the street, as well as during interviews and interrogations;
- d. documented entry level training of agency personnel; and
- e. documented refresher training at least every three years.

Commentary

The intent of this standard is to require that the agency provide guidance to its personnel in dealing with persons suspected of being mentally ill. While the most serious consequences of officer interactions with the mentally ill are altercations or armed confrontations, other agency personnel who may come in contact with the public need guidance and training in dealing with the mentally ill.

Agency directives should be developed in collaboration with mental health professionals, who can train or assist the agency with training. Training should include access to the court system and applicable case law. The training should be reviewed and/or updated at least every three years. This training may be addressed for officers in the required use of force training (standard 1.3.11) or annual training (standard 33.5.1) and for all personnel during shift training (standard 33.5.2), or other in-service program.

This directive should be cross-referenced with the agency's directives addressing detainee transportation (Chapter 70 Detainee Transportation) and regarding receiving screening information (standard 72.6.3).

Alternatives to arrest (standard 1.2.6) should be considered to ensure the best treatment options are used and to keep those with mental illness out of the criminal justice system. (M M M M) (LE1)



41.3 Equipment

41.3.1(M M M M) Patrol Vehicles Lights,Sirens

41.3.2(M M M M) (LE1) Equipment Specification/Replenishment

41.3.3(M M M M) Occupant Safety Restraints

41.3.4(O O O O) Authorized Personal Equipment

41.3.5(M M M M) (LE1) Protective Vests

41.3.6(M M M M) (LE1) Protective Vests/Pre-Planned, High Risk Situations

41.3.7(M M M M) Mobile Data Access

41.3.8(M M M M) (LE1) In-Car Audio/Video

41.3.9(M M M M) License Plate Recognition Systems

41.3.1

(M M M M) Patrol Vehicles Lights,Sirens

Vehicles used in routine or general patrol service, whether conspicuously marked or unmarked, must be equipped with operational emergency lights and a siren.

Commentary

Conspicuously marked patrol cars are readily identified as law enforcement agency vehicles from every view and from a long distance, even at night. Conspicuous marking increases safety, serves as a warning to potential violators, and provides citizens with a feeling of security. Markings, if used, should include exterior mounted emergency lights (such as those mounted on rooftop light bars), the agency's name, the emergency telephone number, and reflective materials placed on the sides and rear of the vehicle, such as reflective striping, lettering, or decals.

It is also recommended that patrol cars be equipped with a public address speaker, exterior spotlights, and alley lights. (M M M M) Compliance may be OBSERVED.

41.3.2

(M M M M) (LE1) Equipment Specification/Replenishment

A written directive specifies the equipment to be included in every patrol vehicle and establishes a system to ensure replenishment of supplies for operational readiness.

Commentary

The amount and type of equipment carried in patrol vehicles depends on the mission of the agency and its patrol officers. Items such as a first-aid kit, equipment for protection against transmission of blood-borne pathogens, blankets, flares, reflective cones, tape measure, accident and criminal investigation equipment and reports, fire extinguisher, and other equipment are often needed by a patrol officer to handle emergencies and preliminary investigations effectively. The agency may determine its needs. However, the equipment decided upon should be specified by kind and amount, be uniformly available in all vehicles, and available for use. Check-off lists or inspection forms can aid officers and supervisors with ensuring that vehicles are properly stocked, as well as proving compliance with this standard. (M M M M) (LE1)

41.3.3

(M M M M) Occupant Safety Restraints

a written directive specifies the requirements for the use of occupant safety restraint devices in every vehicle.

Commentary

The use of seat belts can have a significant effect in reducing the number of deaths and the severity of injuries resulting from traffic crashes and assist officers in maintaining proper control of their vehicles during pursuit or emergency high speed operations. The directive should require use of occupant safety restraining devices, including the use of child-safety restraints as applicable. This standard applies to all vehicles normally equipped with factory-installed occupant safety restraining devices (see standard 70.2.1 for exceptions). (M M M M)

41.3.4

(O O O O) Authorized Personal Equipment

A written directive designates the specifications for all authorized personal equipment and apparel not issued by the agency to be worn by uniformed personnel.

Commentary

The agency should determine the specifications and authorize all personal equipment and apparel, not issued by the agency, used/worn by uniformed personnel to ensure uniformity and prevent use of unauthorized or substandard items. (O O O O)

41.3.5

(M M M M) (LE1) Protective Vests

The agency makes available protective vests for all sworn personnel and establishes written guidelines for the wearing and availability of those vests.

Commentary

The wearing of protective vests is important to officer safety. Protective vests should afford protection consistent with the threat to which officers are exposed. Protective vests donated to the agency, or provided by other means, meet the requirement of the standard.

For reasons of proper fit and hygiene, it is strongly recommended that the agency provide a vest for each of its' sworn personnel. This does not preclude an agency from placing exterior armor (one size fits all) in each of its cars for use by the vehicle operator(s). (M M M M) (LE1)

41.3.6

(M M M M) (LE1) Protective Vests/Pre-Planned, High Risk Situations

A written directive requires the wearing of protective vests by personnel engaged in pre-planned, high-risk situations as defined by the agency.

Commentary

The intent of the standard is to require that personnel involved in the execution of high-risk tactical duties are required to wear agency provided protective vests whenever discharging those responsibilities, regardless of exceptions that may have been delineated under agency guidelines meeting standard 41.3.5. Examples of high-risk tactical situations include, but are not necessarily limited to planned warrant execution, drug raids, etc. (M M M M) (LE1)

41.3.7

(M M M M) Mobile Data Access

If the agency has computerized mobile data access capabilities or other similar technologies, a written directive establishes procedures for its use, to include:

- a. *the unauthorized introduction of software programs or other files; or*
- b. *the manipulation or alteration of current software running on agency-owned mobile, desktop or handheld computers.*

Commentary

The intent of the standard is to cause agencies to develop procedures for the system's access, use, and security for its servers, workstations, mobile systems, or handheld devices either hardwired or connected wirelessly, to the agency's computer system. Procedures should consider the system's sophistication. Issues of system access, password security, and administrative security inspections will be determined by the individual system and database access capabilities of that system. (M M M M)

41.3.8

(M M M M) (LE1) In-Car and/or Body-Worn Audio/Video

If the agency employs in-car and/or body-worn cameras, a written directive includes:

- a. policy statement on purpose and organization philosophy regarding use;
- b. requirements and restrictions for activation and deactivation of the device;
- c. criminal and administrative use of camera captured data;
- d. data storage and retention requirements;
- e. equipment maintenance and inspection procedures;
- f. training requirements for users and supervisors; and
- g. requirements for documented review of camera captured data including frequency and quantity.

Commentary

The use of in-car and/or body-worn audio/video recording devices within the general operational police environment provides a potentially valuable resource for law enforcement agencies in the delivery of services. Additionally, information collected through this technology can be critical in the investigation of criminal incidents and complaints against employees. Quasi-experimental research in some agencies has shown reductions in uses of force and citizen complaints when these devices are employed appropriately, with proper direction and management.

It is important for agencies to consider the legal and privacy implications regarding the use of audio/video recording devices, as some state/provincial codes require dual awareness for recordings of this type to occur. This agency consideration must include the awareness of and compliance with applicable public records laws, including Freedom of Information Act provisions in effect in the agency's jurisdiction. Furthermore, the establishment of policy is critical to recognize enhanced organizational credibility that can be accomplished through the deployment. It is also critical to develop data review practices to prevent claims of negligent supervision, as well as confirm schedules of data retention. Organization consistency in the application of destruction procedures is important for legal considerations and community trust.

It is recommended that prosecutors be included in the development of policies related to the recording and retention of criminal investigations related activities. Training should be included for officers to ensure an understanding of the organization's philosophy on the use of recording devices, including limitations involving special circumstances, such as contacts with juveniles or other agency employees. Agency managers should consider employment contract issues impacted by the use of the devices and ensure clear messaging with relevant representatives. (M M M M) (LE1)

41.3.9

(M M M M) License Plate Recognition Systems

If license plate recognition (LPR) systems are used, a written directive establishes guidelines for the following:

- a. *guidelines for use;*
- b. *data security and access;*
- c. *operator training; and*
- d. *data storage and retention.*

Commentary

The written directive should provide direction to field personnel for the use of this technology. A fundamental element of policing is locating stolen vehicles or vehicles involved in other criminal acts such as child abduction. Automated license plate recognition (LPR) systems, or license plate readers as they are commonly referred to, play an increasingly important role in public safety by assisting with the location of wanted vehicles while enhancing productivity, effectiveness, and officer safety. LPR systems are able to recognize, read, and compare motor vehicle license plates against various police databases much more efficiently than officers manually scanning and making comparisons while on patrol. (M M M M)

Chapter 42 Introduction

Criminal Investigation and Intelligence

Standards in this chapter relate to the criminal investigation function as performed by both uniformed officers and officers specializing in investigations. The standards reflect the perspective that agencies have discretion in determining the degree of specialization necessary to accomplish this function.

The standards provide for administrative and operational programs that should result in efficient and effective criminal investigations. This approach does not direct the agency's investigative functions in each specific crime category, such as homicide, rape, robbery, etc., but rather identifies those elements common to every investigation.

In this post-9/11 environment, law enforcement agencies at all levels recognize that they have a stake in the international law enforcement criminal intelligence effort, in addition to their crime-fighting responsibilities in their communities. The criminal intelligence function within each agency will provide the ability to gather, analyze, protect, and share credible and timely information. It will also provide intelligence to identify, investigate, prevent, deter, and defeat criminal and terrorist activities, both domestically and internationally, as well as protect the security of our homeland and preserve the rights and freedoms of our citizens.

Standards in this chapter are closely related to topical areas addressed in other chapters, including Vice, Drugs, and Organized Crime (Chapter 43 Vice, Drugs and Organized Crime), Juvenile Operations (Chapter 44 Juvenile Operations), and Collection and Preservation of Evidence (Chapter 83 Collection and Preservation of Evidence). Agencies have several options here. Some may treat these functions independently or combine them according to their individual needs. Other agencies, particularly smaller ones, may assign all of these responsibilities to the criminal investigation function. Once functional responsibility is assigned, applicability of standards can be determined.



42.1 Administration

42.1.1(M M M M) On-Call Schedule


42.1.2(O O O O) Case-Screening System

42.1.3(M M M M) (LE1) Case File Management

42.1.4(O O O O) Accountability, Preliminary/Follow-Up Investigations

42.1.5(O O O O) Habitual/Serious Offenders

42.1.6(M M M M) (LE1) Criminal Intelligence



42.1.1

(M M M M) On-Call Schedule

The criminal investigation function provides 24-hour service capabilities.

Commentary

In agencies in which investigators are not assigned to duty shifts throughout a 24-hour period or on weekends, the criminal investigation function should establish an on-call investigator duty roster, which is furnished to the communications center and the commander of the patrol force. (M M M M)

42.1.2

(O O O O) Case-Screening System

The agency uses a case-screening system and specifies the criteria for continuing and/or suspending an investigative effort.

Commentary

The objective of case screening is to assign available personnel to those investigations that have the best chance of being resolved. The written directive should specify how such screening is to be conducted, by whom, and what criteria (solvability factors) should be used. Screening of preliminary investigative information should assist in the decision on whether a follow-up investigation should be made.

The decision about the extent of follow-up or the suspension of investigative efforts should be made at a management level. Adherence to this standard should provide law enforcement administrators with improved management control over the productivity of investigations. Decision-making involves the continued application of solvability and degree-of-seriousness factors plus operational input from periodic reporting by investigators on the progress of assigned cases. Suspension criteria may include lack of further leads or solvability factors, unavailability of investigative resources, and/or insufficient degree of seriousness. Unsolved homicides and other serious crimes deserve consideration for cold case investigative efforts. Cold case investigations can increase the agency's success rate, often with minimal resources. Larger agencies may staff a full-time cold case investigation unit for this purpose.

Cases requiring specialized skills, knowledge, or ability should be assigned to those personnel having that expertise. This does not preclude others from assisting but should discourage the perfunctory assignment of personnel based on a rotation or other criteria-free system. A practice of assigning a single person as the "principal investigator" for each case is encouraged. This, too, does not preclude the assignment of more than one person to an investigation but is designed to place accountability for each case. (O O O O)

42.1.3

(M M M M) (LE1) Case File Management

A written directive establishes a system of case file management for the criminal investigation function, to include:

- a. *a case status control system;*
- b. *administrative designators for each case;*
- c. *types of records to be maintained;*
- d. *accessibility to the files; and*
- e. *procedures for purging files.*

Commentary

A system for case status control should be established to specify information that should be recorded for each case, such as investigator assigned, date assigned, case number, and report due date. Administrative designations such as open, suspended, and closed are also recommended for assisting internal case management and control.

Case files should be maintained on all cases in which investigative activities are ongoing. The case files provide an immediate information resource to investigators. The case files should contain a copy of preliminary investigative reports (all originals should be maintained in central records), records of statements, results of examinations of physical evidence, case status reports, and other reports and records needed for investigative purposes. These files should be consolidated into the central records system when the case is suspended or closed. (M M M M) (LE1)

42.1.4

(O O O O) Accountability, Preliminary/Follow-Up Investigations

A written directive specifies accountability for conducting preliminary and follow-up criminal investigations.

Commentary

To assign responsibility and to establish investigative continuity, a written directive should define which element of the agency is to accomplish the preliminary and/or follow-up investigation for various categories of incidents. (O O O O)

42.1.5

(O O O O) Habitual/Serious Offenders

A written directive requires the following:

- a. *specification of criteria designating certain individuals as habitual/serious offenders;*
- b. *identification of all cases in which a designated habitual/serious offender is a party; and*
- c. *notification to the prosecuting agency of such cases.*

Commentary

The directive should propose a process for identifying cases in which habitual or serious offenders play a role and for establishing criteria for handling such cases. Liaison with the prosecutor's office is very important in ensuring the success of a coordinated career criminal approach. (O O O O)

42.1.6

(M M M M) (LE1) Criminal Intelligence

A written directive addresses the collection, processing, and sharing of suspicious incidents and criminal intelligence relating to criminal and homeland security activities (including information detailed in 43.1.1 and 46.3.2) with appropriate entities, to include:

- a. a description of the function;
- b. the responsibilities of all agency personnel;
- c. training of personnel;
- d. procedures for safeguarding, securing, and storing information;
- e. procedures for ensuring that information collected is limited to criminal conduct or relates to activities that present a potential threat to the jurisdiction;
- f. legal and privacy requirements;
- g. documentation, reporting, and dissemination of information;
- h. procedures for purging out-of-date or incorrect information; and
- i. an annual review of procedures and processes.

Commentary

The intent of this standard is to document agency accountability for the collection and sharing of suspicious incidents and criminal intelligence information.

Intelligence-gathering activities are important in all agencies. All agencies, regardless of size, must have a criminal intelligence function. The need to develop and share information and criminal intelligence across all levels of government is imperative. Each agency has a stake in the development and exchange of suspicious incidents, information, and criminal intelligence.

Law enforcement agencies should operate under specific guidelines to ensure that no abuses occur. The sensitive nature of criminal intelligence files requires that they be maintained separately from other agency records to prevent compromise and protect the integrity of the file system. If the intelligence function is performed by an individual with other responsibilities (e.g., CEO, deputy chief) or as an activity of a larger function (criminal investigations), the separation and security intentions of this standard still apply. It is recommended that agencies utilize file procedures (i.e., Law Enforcement Intelligence Unit [leiu] Criminal Intelligence File Guidelines) as a check and balance against inappropriate activities. The collection/submission, access, storage, and dissemination of criminal intelligence information must respect the privacy and constitutional rights of individuals, groups, and organizations.

Law enforcement personnel should be trained and encouraged to document information gleaned from a variety of sources. Training should emphasize that all personnel, regardless

of their jobs, have a role in criminal intelligence and the sharing of information. Training can range from roll-call to more advanced training and is frequently available at little or no agency cost.

The National Criminal Intelligence Sharing Plan (NCISP) identifies a wide array of suggested accountability mechanisms, such as periodic review by management on decision making throughout the criminal intelligence function; audit trails within criminal intelligence processes and computer systems; staff surveys and questionnaires; effective training on department policies, procedures, and professional criminal intelligence practices; and periodic audits of criminal intelligence operations and files.

Agencies should leverage a number of resources, including existing information sharing initiatives-such as INTERPOL, the Homeland Security Information Network (HSIN), the Regional Information Sharing Systems (RISS), and Law Enforcement Online (LEO)-and reference materials such as Fusion Center Guidelines: Law Enforcement Intelligence, Public Safety, and the Private Sector, LEIU Criminal Intelligence File Guidelines, the Justice Information Privacy Guideline document, and the NCISP. (M M M M) (LE1)



42.2 Operations

42.2.1(M M M M) (LE1) Preliminary Investigations Steps

42.2.2(M M M M) Follow-Up Investigations Steps

42.2.3(O O O O) Investigative Checklists

42.2.4(N/A O O O) Patrol Shift Briefing Attendance

42.2.5(M M M M) Investigative Task Forces

42.2.6(M M M M) Polygraph Examinations

42.2.7(M M M M) (LE1) Informants

42.2.8(O O O O) Identity Crimes

42.2.9(O O O O) Cold Cases

42.2.10(M M M M) (LE1) Interview Rooms

42.2.11(M M M M) Line-ups

42.2.12(M M M M) Show-ups



42.2.1

(M M M M) (LE1) Preliminary Investigations Steps

A written directive establishes steps to be followed in conducting preliminary investigations, to include:

- a. *observing all conditions, events, and remarks;*
- b. *locating and identifying witnesses;*
- c. *maintaining and protecting the crime scene and arranging for the collection of evidence; and*
- d. *interviewing the complainant, witnesses, and suspects.*

Commentary

A properly conducted and documented preliminary investigation may be sufficient to bring the case to a satisfactory conclusion, thus obviating the need for a follow-up investigation. The investigation usually includes the following tasks: (1) providing aid to the injured; (2) protecting the crime scene to ensure that evidence is not lost or contaminated; (3) determining whether an offense has actually been committed and, if so, the exact nature of the offense; (4) determining the identity of the suspect or suspects and effecting an arrest if it can be accomplished either at the scene or through immediate pursuit; (5) furnishing other field units, through the communications system, descriptions, method, and direction of flight, and other relevant information concerning wanted persons or vehicles; (6) obtaining complete identification of all witnesses; (7) determining what information is known by the victims and witnesses; (8) arranging for the collection of evidence; (9) determining in detail the exact circumstances of the offense; (10) obtaining written statements from victims, witnesses, and if legally possible, from the suspect; and (11) accurately and completely recording all pertinent information on prescribed report forms. The standard is not intended to preclude the officer conducting the preliminary investigation from being assigned to the follow-up investigation. (M M M M) (LE1)

42.2.2

(M M M M) Follow-Up Investigations Steps

A written directive establishes steps to be followed in conducting follow-up investigations to include, at a minimum:

- a. *reviewing and analyzing all previous reports prepared in the preliminary phase, departmental records, and results from laboratory examinations;*
- b. *conducting additional interviews and interrogations;*
- c. *seeking additional information (from uniformed officers, informants);*
- d. *planning, organizing, conducting searches, and collecting physical evidence;*
- e. *identifying and apprehending suspects;*
- f. *determining involvement of suspects in other crimes;*
- g. *checking suspects' criminal histories; and*
- h. *preparing cases for court presentation.*

Commentary

These procedures should be used only in the event they are found to be necessary. For example, every follow-up investigation may not include a search. The written directive should be intended as a guide. The investigation may include the following activities: (1) identifying and apprehending the offender; (2) collecting, preserving, analyzing, and evaluating evidence; (3) recovering stolen property; (4) interviewing victims and witnesses; (5) interrogating suspects; (6) determining in detail the exact circumstances of the offense; (7) determining if other crimes may have been committed by the suspect; (8) reporting information obtained; and (9) preparing case for court presentation.

Maintaining contact with principals in any investigation is valuable in building public confidence in the agency as well as indicating that the law enforcement officers are genuinely concerned about the welfare of the victim and other citizens associated with the case. Cross-reference with 55.2.4 (Victim/Witness Assistance). (M M M M)

42.2.3

(O O O O) Investigative Checklists

The agency provides checklists to aid in criminal investigations.

Commentary

The field report, properly prepared, serves as a satisfactory checklist for most investigations. However, more complicated investigations require additional efforts, and checklists aid in ensuring that critical areas of investigation are not overlooked. (O O O O)

42.2.4

(N/A O O O) Patrol Shift Briefing Attendance

The agency has a system that provides for periodic attendance of criminal investigators at shift briefings conducted for patrol officers.

Commentary

Joint shift briefings conducted for patrol and criminal investigative personnel should enhance relationships between these entities and provide for the exchange of information.

(N/A O O O)

42.2.5

(M M M M) Investigative Task Forces

If agency personnel participate in formal, long term, multi-jurisdictional investigative task force(s), a written directive describes the task force activities, to include:

- a. *the purpose;*
- b. *defining authority, responsibilities, and written agreements; and*
- c. *evaluating results and the need for continued operation(s).*

Commentary

The directive may be a product of the task force or the participating agency. The criteria for the use of task forces should be specified in the directive. The kinds of offenses for which they should be used and the procedures for control and evaluation should be outlined. (M M M M)

42.2.6

(M M M M) Polygraph Examinations

If technical aids for the detection of deception are used, a written directive governs their use in criminal investigations. Examiners must be graduates of institutions providing training for this purpose.

Commentary

The written directive should govern the use of such devices as polygraphs, voice stress analyzer, and other detection of deception equipment. The directive should also specify those persons who may be authorized to use the equipment and the conditions under which it may be used. Adherence to this standard ensures a uniform training base for all operators of technical aids for detection of deception. (M M M M)

42.2.7

(M M M M) (LE1) Informants

A written directive specifies the procedures to be followed when using confidential informants, to include:

- a. *inclusion of informants in a master file;*
- b. *content of the informant file, to include biographical and background information, criminal history record, if any, and code name or number of each informant;*
- c. *maintenance and security of informant file and related codes;*
- d. *other methods to protect the identity of informants;*
- e. *criteria for paying informants, if applicable;*
- f. *precautions to be taken with informants, generally; and*
- g. *special precautions to be taken with juvenile informants.*

Commentary

The use of confidential informants is important to the satisfactory completion of many investigations, including patrol related investigations; drug, vice, and organized crime control functions; and intelligence functions. Procedures should be established to provide for this resource within a controlled system to avoid abuse. In some instances, agencies may promulgate policy governing use of parolees, if required by an authorizing corrections agency.

If the agency does not centralize this function, then each agency function that controls and manages informants should be responsible for compliance with this standard. Investigating officers should take additional precautions when dealing with informants of the opposite sex and with informants whose sexual preferences may make an investigation more susceptible to compromise through alleged improprieties.

A master file on informants should be maintained with an emphasis on security and rigid control of access. A single individual should be identified and given exclusive control over this file. The file should contain information on informants, to include their backgrounds, a record of transactions, and information on how they can be located. Coded information should be used in all transactions with informants, including pay. All funds maintained and used for informants should comply with all procedures in (Chapter 17 Fiscal Management and Agency Property).

Agencies outside the United States should contact CALEA staff for special interpretation of this standard as it relates to the differences in defining the terms informants and agents. (M M M M) (LE1)

42.2.8

(O O O O) Identity Crimes

The agency has a written directive concerning identity crime and procedures for:

- a. *taking identity crime reports;*
- b. *specialized report forms, if any;*
- c. *providing information and assistance to identity crime victims;*
- d. *coordination of investigations with other agencies; and*
- e. *providing public information on prevention of identity crime.*

Commentary

Identity crime costs businesses, end consumers, and individuals billions of dollars. Significant credit problems and financial loss often affect an individual for years. Identity crime has been directly linked to terrorist activities in both funding operations and obtaining documents for illegal purposes.

The initial agency report information may require the use of a special form designed to obtain information unique to this crime. Information from government agencies is readily available to assist a victim in providing notices of identity theft, re-establishing their identity and credit, and for public awareness presentations. (O O O O)

42.2.9

(O O O O) Cold Cases

A written directive describes the procedures for the investigation of cold case files, which includes:

- a. *defining a cold case;*
- b. *establishing cold case evaluation criteria; and*
- c. *recording agency investigative actions or activities.*

Commentary

Over time the position of persons involved and other factors in the situation may change and present new opportunities for law enforcement to solve the case. With recent advances in DNA (deoxyribonucleic acid) analysis, law enforcement has made a great advancement in its ability to identify unknown offenders, even years after the crime occurred.

Law enforcement agencies should have a procedure where unsolved/cold cases are reviewed for new information or where the application of new technology may be successful in solving the cases. This is particularly important with serious crimes against persons, as these offenders tend to continue to commit similar acts. (O O O O)

42.2.10

(M M M M) (LE1) Interview Rooms

The agency has a written directive governing procedures for both uniformed and non-uniformed personnel utilizing designated rooms for interviews and interrogation, to include:

- a. *weapons control;*
- b. *security concerns;*
- c. *number of personnel allowed in the interview room;*
- d. *means and methods for summoning assistance, if needed;*
- e. *equipment or items to be kept in the interview room or area; and*
- f. *access to restrooms, water, or comfort breaks.*

Commentary

For the purpose of this standard, designated rooms include polygraph rooms, voice stress analyzer rooms, and other rooms where it is likely that an interview could turn into an interrogation and arrest of a person. The intent of this standard is to establish safe conditions for the various situations that law enforcement officers may encounter when conducting interviews or interrogations at law enforcement facilities. Occasionally, however, serious conditions unexpectedly develop such as an apparently cooperative suspect becoming combative. The agency should provide clear direction for the use of the interview room to ensure safety and the admissibility of any statements made therein.

Standard 42.2.1, interviews and interrogations, is concerned with techniques to enhance the development of information relating to a crime.

Standard 1.2.3 addresses applicable constitutional requirements concerning interviews and interrogations including access to counsel. (M M M M) (LE1)

42.2.11

(M M M M) Line-ups

A written directive describes the procedures for using photographic or physical line-ups in eyewitness identification to include the following:

- a. *composition of line-up;*
- b. *using video and/or audio recording;*
- c. *situations where more than one eyewitness is available;*
- d. *instructing witnesses prior to viewing line-up;*
- e. *identifying the level of confidence expressed by the witness;*
- f. *prohibiting feedback by the administrator; and*
- g. *documenting line-up and the results.*

Commentary

The intent of this standard is to establish reliable identification testimony by a witness. This standard needs to be evaluated in terms of the following factors that the courts have found to be relevant in identification testimony, namely: 1) the witness' opportunity to view the criminal during the crime; 2) the length of time between the crime and subsequent identification; 3) the level of certainty demonstrated by the witness at the identification; 4) the accuracy of the witness' prior description of the suspect; and 5) the witness' degree of attention during the crime. In addition, the confidence level of the witness should be evaluated in terms of the witness' statement, conduct or other relevant observations. (M M M M)

42.2.12

(M M M M) Show-ups

A written directive describes the procedures for using show-ups in eyewitness identification to include the following:

- a. *compelling reasons under which a show-up may occur;*
- b. *manner of transportation to the show-up;*
- c. *situations where more than one eyewitness is available;*
- d. *instructing witnesses prior to viewing show-up;*
- e. *identifying the level of confidence expressed by the witness;*
- f. *prohibiting feedback by the administrator; and*
- g. *documenting show-up and the results.*

Commentary

The intent of this standard is to establish reliable identification testimony by a witness. It should be noted that a show-up carries with it a dangerous degree of improper suggestiveness and should not be used absent compelling reasons for not using a physical or photographic line-up. This standard needs to be evaluated in terms of the following factors that the courts have found to be relevant in identification testimony, namely: 1) the witness' opportunity to view the criminal during the crime; 2) the length of time between the crime and subsequent identification; 3) the level of certainty demonstrated by the witness at the identification; 4) the accuracy of the witness' prior description of the suspect; and 5) the witness' degree of attention during the crime. In addition, the confidence level of the witness should be evaluated in terms of the witness' statement, conduct or other relevant observations. (M M M M)