

Chapter 43 Introduction

Standards in this chapter relate to the control of vice, drugs, and organized crime. These control functions deal with activities that may or may not be related but use investigative methods that are closely related. While some agencies may separate the functions, others may place them in a single organizational component or as additional subfunctions within the criminal investigations function.

Vice control may involve prostitution, illegal use/sale of alcoholic beverages, and the distribution/sale of obscene and pornographic materials. Drug control focuses on the distribution/sale of illegal and controlled substances. Organized crime control should address unlawful activities by members of organized groups or associations engaged in or promoting extortion, theft, fencing, loan sharking, labor racketeering, or other offense for profit, or engaged in supplying illegal goods and services, prostitution, drugs, liquor, weapons-or other unlawful conduct that may include intimidation or corruption.

Organized crime activities are not restricted to large urban areas but can exist in any community where it is possible for a group of persons to establish an organization for criminal activity that provides a continuing financial profit. Investigations into vice, drug, and organized crime offenses can involve tremendous expenditures of time, money, and effort. By establishing criteria with which to evaluate the accuracy and credibility of initial information and determine the scope and relative importance of the problem, the agency can determine which vice, drug, and organized crime offenses should be investigated.

43.1 Administration and Operations

43.1.1(M M M M) (LE1) Complaint Management

43.1.2(M M M M) Records, Storage and Security

43.1.3(N/A O M M) Confidential Funds

43.1.4(M M M M) Equipment, Authorization and Control

43.1.5(M M M M) (LE1) Covert Operations

43.1.1

(M M M M) (LE1) Complaint Management

The agency has a written directive for investigating vice, drug, and organized crime activities, to include:

- a. *specifying procedures for receiving and processing complaints;*
- b. *maintaining a record of complaints received;*
- c. *maintaining a record of information conveyed to and received from outside agencies; and*
- d. *specifying procedures for advising the agency's CEO of activities.*

Commentary

The agency should establish procedures ensuring that each complaint received is recorded and investigated to the fullest extent possible. The directive should include a listing of complaint forms used, information needed, and preliminary actions to be taken. The agency should establish procedures for conducting preliminary and follow-up investigations of vice, drug, and organized crime offenses. Every complaint received should be recorded and entered in a complaint filing system with provision for purging after a specified period of time.

It is recognized that some agencies may not have functional responsibility for the investigation of vice, drug, or organized crime activities. Notwithstanding, the agency should have procedures for meeting the standard, even if only in the normal course of the agency's reporting mechanism. (M M M M) (LE1)

43.1.2

(M M M M) Records, Storage and Security

Records and reports relating to active vice, drug, and organized crime investigations are securely filed and maintained separately from the central records system.

Commentary

The nature of vice, drug, and/or organized crime offenses and the considerable amount of undercover work involved in controlling these offenses contribute to the sensitivity of related records. The agency should keep them secure and limit access to authorized persons only. These records should be assigned central case numbers, but the actual records of an active investigation should be under the control of the person responsible for the function or the CEO. (M M M M)

43.1.3

(N/A O M M) Confidential Funds

The agency's budget provides for a confidential fund(s) to support the operations of the vice, drug, and organized crime control functions.

Commentary

The nature of the operations of these functions often requires frequent and sometimes large expenditures of money. This can include paying informants, purchasing contraband as evidence, and incurring expenses for surveillance activities and equipment. The intent of this standard is to identify the existence of all such funds and to insure they are strictly administered and accounted for in accordance with standard 17.4.2. (N/A O M M)

43.1.4

(M M M M) Equipment, Authorization and Control

If the agency possesses, or has access to, surveillance and undercover equipment, a written directive establishes a system for its authorization, distribution, and use.

Commentary

The intent of the standard is to establish a system of controls, policies, and procedures that should prevent unauthorized use and loss of often expensive and sophisticated surveillance equipment. (M M M M)

43.1.5

(M M M M) (LE1) Covert Operations

The agency has written procedures for conducting, or participating in, surveillance, undercover, decoy, and raid operations.

Commentary

The intent of the standard is to have contingency procedures for all types of operations. The procedures can be contained in a single directive, a manual, or in a series of directives. They can be as simple as a checklist or more detailed depending upon the extent of the plans. Agencies conducting their own operations, or assisting other agencies who are conducting similar operations should, at a minimum, take into consideration provisions for familiarizing officers with the objectives and details of the operation, the neighborhood, or target area; determining operational procedures for observation, arrests surveillance, documentation and/or video/audio recording, high risk entries; supplying officers with expense funds; establishing means of routine and emergency communication; providing relief, backup, security, and perimeter protection for officers; supplying officers with false identity, disguises, and necessary credentials; obtaining authorization for the raid and use of force; designating a single person as a supervisor and coordinator; making contacts with suspects; searching for and seizing evidence and/or contraband; obtaining coordination and assistance from others both inside and outside of the agency; and agency report requirements. (M M M M) (LE1)

Chapter 44 Introduction

Standards in this chapter relate to the organizational and operational aspects of juvenile operations.

Beyond enforcing the law with respect to juvenile offenders, agencies should make a firm commitment to implement procedures directed toward addressing the causes of the behavior and to develop programs designed to prevent juvenile delinquency. In mid- to large-size agencies, a juvenile operations component should be established; in smaller agencies, the assignment of the function to a person as a part-time responsibility may suffice. The activities engaged in by those responsible for the function should include such things as conducting follow-up investigations of cases involving juvenile offenders, processing youth arrests, preparing and presenting court cases in which a juvenile is involved, diverting juvenile offenders from the juvenile justice system, and designing and implementing programs intended to prevent delinquent and criminal behavior by youths. Beyond this, consideration should be given to developing mechanisms to assure that the victims of juvenile crimes are apprised of case status and disposition.

When dealing with juveniles, law enforcement officers should always make use of the least coercive among reasonable alternatives, consistent with preserving public safety, order, and individual liberty. Generally speaking, law enforcement agencies have four sets of alternatives from which to choose when dealing with juveniles: they may release the offender and take no further action; they may divert the offender to any of a number of social service agencies; they may dispose of the case themselves; or they may (in the case of serious offenders) refer the youth to juvenile court (intake). Because a range of alternatives exists, agencies should establish guidelines and criteria for the use of each.

Given the special legal status of juveniles, criteria should be developed that govern when juveniles should or should not be taken into custody. In addition, procedures should be established for the interrogation and temporary detention of juveniles, who are taken into custody. Procedures should also be developed for the collection, dissemination, and retention of fingerprints, photographs, and other forms of identification, as well as juvenile records. The standards in this chapter are not intended to usurp state statutes or ordinances. Evidence of adherence to state statutes or ordinances will be taken as evidence of compliance.

44.1 Administration

44.1.1(M M M M) (LE1) Juvenile Operations Policy

44.1.2(O O O O) Policy Input, Others

44.1.3(N/A O O O) Annual Program Review

44.1.1

(M M M M) (LE1) Juvenile Operations Policy

A written directive describes the agency's juvenile operations function.

Commentary

The intent of this standard is to establish agency accountability for the juvenile function in writing. The agency should make a firm commitment to develop and perpetuate programs that are designed to prevent and control juvenile delinquency, while emphasizing that participation or support in the juvenile operations function is shared by all relevant components and personnel. Law enforcement agencies can also take an active leadership role in developing community recreational programs for juveniles. If a recreational program is needed but does not exist, the agency is encouraged to organize one. However, once the program is established, it is best for the agency to turn over the management to professional recreational personnel or citizens' groups and allow agency personnel to participate in the program on a voluntary basis.

The function should be developed and operated to effectively meet agency needs. Placement of the function within the organizational structure is also addressed by standard 11.1.1. Proving compliance with this standard may be accomplished through a series of documents or a single, all inclusive directive. (M M M M) (LE1)

44.1.2

(0 0 0) Policy Input, Others

The agency encourages review and comment by other elements of the juvenile justice system in the development of the agency's policies and procedures relating to juveniles.

Commentary

None. (0 0 0)

44.1.3

(N/A O O O) Annual Program Review

A written directive requires annual review and written evaluation of all enforcement and prevention programs relating to juveniles.

Commentary

The evaluation should consider programs and initiatives created to comply with standard 44.1.1, as well as both the quantitative and qualitative elements of each program, lending itself to decisions regarding whether a specific program should function as is, be modified, or be discontinued. (N/A O O O)



44.2 Operations

44.2.1(M M M M) (LE1) Handling Offenders

44.2.2(M M M M) (LE1) Procedures for Custody

44.2.3(M M M M) (LE1) Custodial Interrogation

44.2.4(O O O O) School Liaison Program

44.2.5(O O O O) Community Recreation Programs



44.2.1

(M M M M) (LE1) Handling Offenders

A written directive requires that officers dealing with juvenile offenders use the least coercive among reasonable alternatives and includes, at a minimum, provisions for the following:

- a. *outright release with no further action;*
- b. *criteria and procedures for issuing written citations or summonses to juvenile offenders to appear at intake in lieu of taking them into custody; and*
- c. *referral to juvenile court.*

Commentary

In keeping with the doctrine of *parens patriae*, e.g., that the state plays the role of parent to the child rather than adversary, agencies should seek the least forceful alternative when disposing of cases involving juveniles.

Law enforcement agencies have a wide range of alternative remedies they may employ, ranging from warnings to intake.

If allowed by law, written citations or summonses should be used rather than taking juveniles into custody. A copy of the citation should also be sent to the juvenile's parents or guardians.

The agency should have guidelines for making diversion decisions, such as the nature of the offense, the age and circumstances of the offender, the offender's record, the availability of community-based rehabilitation programs, and recommendations for diversion from complainants or victims.

Where appropriate and when resources are available, simple treatment by the agency alone, consisting principally of supervision on a voluntary basis agreed to by the parents, may suffice.

In other cases, a relatively prolonged program of treatment or diversion on a voluntary basis, necessitating the services of one or more social agencies, may be needed.

Agency referral of alleged juvenile offenders for formal legal proceedings should be restricted to those cases involving serious criminal conduct or repeated criminal violations. In general, delinquent acts requiring referral to the juvenile justice system would include all delinquent acts that, if committed by an adult, would be felonies; all delinquent acts involving weapons; all serious gang-related delinquent acts; all delinquent acts involving aggravated assault and battery; all delinquent acts committed by juveniles on probation or parole or by those with a case pending; and all repeated delinquent acts (within the preceding 12 months).

Other cases that may require referral to the juvenile justice system include juveniles who have been selected for a diversion program but have refused to participate and cases in which it has been determined that parental supervision is not effective.

If prevailing law specifies requirements for intake, the standard may be satisfied by incorporating reference to the law into the written directive. (M M M M) (LE1)

44.2.2

(M M M M) (LE1) Procedures for Custody

The agency has written procedures for taking a juvenile into custody including, at a minimum, provisions for the following:

- a. *determining whether the juvenile is alleged to have engaged in noncriminal misbehavior (a status offense);*
- b. *determining whether the juvenile is alleged to have been harmed or to be in danger of harm;*
- c. *ensuring that the constitutional rights of juveniles are protected;*
- d. *bringing the juveniles to the intake facility or the juvenile component without delay (unless a juvenile is in need of emergency medical treatment); and*
- e. *notifying parents or guardians of juveniles that the latter have been taken into custody.*

Commentary

The intent of the standard is to provide guidance to agency personnel in making custody decisions in juvenile matters. For the purposes of this standard the term "taking into custody" encompasses the concept of protective custody for juveniles.

Agency procedures should also specify the responsibilities of law enforcement personnel during the processing of a juvenile taken into custody. (M M M M) (LE1)

44.2.3

(M M M M) (LE1) Custodial Interrogation

A written directive describes the procedures for the custodial interrogation of juveniles.

Commentary

In developing this directive, the agency should be aware that the voluntariness of the juvenile's confession will generally be the issue. In determining whether a confession is voluntary, the courts look to the totality of the circumstances which includes a review of the following factors related to the juvenile defendant: 1) age, intelligence, educational background, 2) mental capacity, including whether the defendant was nervous and physical condition, 3) prior experience in the criminal system, 4) whether the defendant is suffering from any injury or pain at the time the statement is given, 5) the duration of the questioning, 6) time of day, 7) whether the defendant is tired and is desirous of sleep, 8) length of confinement, 9) whether Miranda or police caution warnings were given, when, and whether he understood them, 10) whether the room size was of sufficient size and supplied with appropriate furniture, 11) whether defendant was cuffed or threatened, 12) whether defendant was refused the use of bathroom, food, or drink, 13) whether there was a promise of leniency, 14) whether the juvenile understood the interrogation process, 15) whether a youth officer is present during the interview, 16) whether the parents were notified, 17) whether the juvenile asked for a parent to be present, 18) whether the police prevented a concerned adult from speaking with the juvenile, which is a significant factor, and 19) familiarity with English or the official language. (M M M M) (LE1)

44.2.4

(0 0 0 0) School Liaison Program

A written directive describes the agency's school liaison program.

Commentary

School liaison programs can also provide a forum through which students, parents, faculty, and law enforcement officers can become acquainted and, as a result, earn mutual respect. Apart from the obvious benefits accruing to students, such programs demonstrate to parents and faculty that the agency has a genuine interest in the community's young people.

(0 0 0 0)

44.2.5

(O O O O) Community Recreation Programs

The agency participates in and/or organizes community recreational youth programs.

Commentary

Law enforcement agencies should take an active leadership role in developing community recreational programs for juveniles.

This standard is intended to encourage the establishment of ongoing recreational programs as opposed to occasional events. This standard is additionally intended to address recreational program, as opposed to youth-oriented instructional programs, e.g., DARE, GREAT. (O O O O)

Chapter 45 Introduction

Involvement

Standards in this chapter relate to crime prevention and community involvement. While these concepts are distinct, they often merge when police services are provided and should be seen as vehicles for strengthening community partnerships when formulating policing strategies.


Beyond stating their commitment to crime prevention and community involvement, law enforcement agencies should integrate the ideals found in various strategies for building community relationships and establish specific policies, goals, and objectives by which their commitment can be realized. In larger agencies, the creation of independent crime prevention and community involvement functions may be called for; in others, designating an individual(s) to be responsible for crime prevention and community involvement activities on an as-needed basis may suffice. In every agency, it should be understood that all members and components are responsible for enhancing the quality of life of the agency's constituency, implementing the tenets of the agency's community-involvement strategy, and for achieving agency crime prevention and community goals.

The use of non-sworn personnel should be encouraged. Agencies that utilize civilian volunteers, including senior citizens and law enforcement explorers, as part-time or full-time assistants should consider them as auxiliaries as defined in the Glossary and as referenced in various standards.

The specialized training requirements of standard 33.6.1 are applicable both to agency personnel staffing the crime prevention and community involvement function mentioned in standards 45.1.1 and 45.2.1.


Crime prevention duties might include speaking to various groups on crime prevention methods, distributing crime prevention literature, staffing information booths, alerting victims on how best to avoid future victimization (including children), developing crime prevention materials for use by the media (including public alerts such as the AMBER Alert), and developing or maintaining liaison with neighborhood groups. Beyond this, agencies should seek to develop partnerships and resources within the community to build problem-solving coalitions, to instill a sense of mutual responsibility for enhancing public safety, and to increase the community's capacity to resolve issues related to crime and the fear of crime.

Every agency should comply with those crime prevention and community involvement standards that are consistent with its mission. Agencies with overlapping jurisdictions are not expected to perform crime prevention activities that would interfere with local crime prevention efforts, but may assist local departments as deemed appropriate. Such agencies may wish to consult CALEA staff about the applicability of these standards to their operations.



The agency's community-involvement initiatives and crime prevention activities should be developed based on data reflective of community input and indicative of the types of problems that pose the greatest concern to the community and where this activity is most geographically prevalent. Programs and initiatives should be evaluated to determine whether they have been effective in achieving stated goals.

Standards in (subchapter 45.2 Community Involvement) are formulated with the intent of identifying and addressing problems arising between law enforcement agencies and all segments of their service population. Agencies should consider adopting an agency-wide philosophy of proactive community interaction and establish formal relationships with the community organizations that exist in their jurisdictions. More importantly, agencies should play an active role in organizing such groups where they are needed. By establishing links with the community, law enforcement agencies can learn of issues and respond to them before they become problems. By developing partnerships and programs that increase the community's understanding of the activities and the policing role agencies can increase public confidence while lessening obstacles to implementing new programs and approaches that could fail for want of public understanding or accurate information.



45.1 Crime Prevention

45.1.1(N/A O O M) Activities

45.1.2(O O O O) Organizing Prevention Groups

45.1.3(O O O O) Prevention Input

45.1.1

(N/A O O M) Activities

The agency's crime prevention function provides for the following:

- a. *targeting programs by crime type and geographic area on the basis of crime data;*
- b. *targeting programs to address community perceptions or misperceptions of crime; and*
- c. *conducting a documented evaluation of crime prevention programs, at least once every three years.*

Commentary

Preventing crime demands an integrated, coordinated agency response. Therefore, for a crime prevention function to meet its goals (see standard 15.2.1), it should maintain close ties with those other functions that support and make possible the furtherance of the crime prevention effort, especially by patrol officers engaged in field assignments. That an agency is small does not exempt it from seeking a reasonable balance between its reactive and proactive (crime prevention) functions. Small agencies may actually be better equipped to prevent crime because of their officers' close personal ties with the community.

Community interaction provides the framework for the agency's establishment of action priorities. The agency, in concert with the community, should decide which crime types present the greatest problem; where the problems are most severe or where crime prevention activities could be most effective; and what types of response would be most effective. (N/A O O M)

45.1.2

(0 0 0 0) Organizing Prevention Groups

The agency assists in organizing crime prevention groups in residential and business areas targeted for such activity in standard 45.1.1 and maintains liaison with these and other interested community groups.

Commentary

None. (0 0 0 0)




45.1.2

(0 0 0 0) Organizing Prevention Groups

The agency assists in organizing crime prevention groups in residential and business areas targeted for such activity in standard 45.1.1 and maintains liaison with these and other interested community groups.

Commentary

None. (0 0 0 0)



45.1.3

(O O O O) Prevention Input

The agency provides crime prevention input into development and/or revision of zoning policies, building codes, fire codes, and residential/commercial building permits.

Commentary

The agency should become proactively involved in this process as an integral element in ensuring that crime prevention concerns, from the law enforcement perspective, are addressed prior to legal enactment or construction. Programs such as Crime Free Multi-Housing (CFMH) and Crime Prevention Through Environmental Design (CPTED) are valuable resources that can aid in the development of partnerships to reduce the opportunity for criminal activity to occur. (O O O O)

45.2 Community Involvement

45.2.1(O O O O) Activities

45.2.2(N/A O O O) Quarterly Progress Report

45.2.3(N/A O O O) Procedures for Transmitting Information

45.2.4(O O O O) Citizens Survey

45.2.5(M M M M) Survey Summary to CEO

45.2.1

(O O O O) Activities

The community involvement function provides the following, at a minimum:

- a. *establishing liaison with existing community organizations or establishing community groups where they are needed;*
- b. *assisting in the development of community involvement policies for the agency;*
- c. *publicizing agency objectives, community problems, and successes;*
- d. *conveying information transmitted from citizens' organizations to the agency;*
- e. *improving agency practices bearing on police community interaction; and*
- f. *developing problem oriented or community policing strategies, if any.*

Commentary

Law enforcement agencies should establish direct contacts with the community served. Without "grass roots" community support, successful enforcement of many laws may be difficult, if not impossible. Community involvement can be an effective means of eliciting public support, can serve to identify problems in the making, and may foster cooperative efforts in resolving community issues. Input from the community can also help ensure that agency policies accurately reflect the needs of the community.

The intent of this standard is to establish agency accountability for the community involvement function in writing. The function should be developed and operated to effectively meet the needs of the agency, as well as the community it serves. Placement of the function within the organizational structure is also addressed by standard 11.1.1. Proving compliance with this standard may be accomplished through a series of documents or a single, all-inclusive directive.

Because the conduct of each employee reflects on the agency as a whole, the burden of achieving the agency's community relations objectives should be shared. A unified, coordinated effort should require the participation, enthusiasm, and skills of all agency personnel. (O O O O)

45.2.2

(N/A O O O) Quarterly Progress Report

At least quarterly, the person or persons responsible for the community involvement function prepares and submits to the chief executive officer a report that includes, at a minimum, the following elements:

- a. *a description of current concerns voiced by the community;*
- b. *a description of potential problems that have a bearing on law enforcement activities within the community;*
- c. *a statement of recommended actions that address previously identified concerns and problems;*
and
- d. *a statement of progress made toward addressing previously identified concerns and problems.*

Commentary

These concerns and problems should, at a minimum, be communicated to the chief executive officer, both to provide information on conditions in the community and to allow the chief executive officer to react in a timely manner to alleviate concerns and avert problems. Ideally, these reports should also be disseminated to other concerned command level personnel. (N/A O O O)

45.2.3

(N/A O O O) Procedures for Transmitting Information

A written directive establishes procedures for transmitting relevant information received by any agency member to the person responsible for preparing the report found in standard 45.2.2.

Commentary

The purpose of the standard is to insure that there is an evaluative loop in the community involvement/community-policing actions of the agency. Compliance with the standard reduces the likelihood of misinterpretation by the person preparing the quarterly report and insures that information being gathered by agency personnel is incorporated into the decision-making processes. (N/A O O O)

45.2.4

(O O O O) Citizens Survey

A documented survey of citizen attitudes and opinions is conducted at least once every three years with respect to:

- a. *overall agency performance;*
- b. *overall competence of agency employees;*
- c. *citizens' perception of officers' attitudes and behavior;*
- d. *community concern over safety and security within the agency's service area; and*
- e. *citizens' recommendations and suggestions for improvements.*

Commentary

Surveys are useful for several purposes; however, the survey should be used as a platform for organizational learning, asking specific questions about the quality of policing in the community. It should also address a broad section of the community: victims and others who have had recent contact with the police, employees, and/or direct observation.

The survey may be conducted by mail, in person, electronically, or by telephone and may be combined with questions relating to victimization and other issues. The results of the survey may be provided to the community. The survey may be carried out directly by agency personnel or by others with agency guidance. (O O O O) - Change Notice 5.7 (November 20, 2009)

45.2.5

(M M M M) Survey Summary to CEO

If the agency conducts a survey in compliance with 45.2.4, the results are compiled, with a written summary provided to the agency's chief executive officer.

Commentary

None. (M M M M)

Chapter 46 Introduction

And Homeland Security

The standards in this chapter relate to critical incidents encountered, and special operations conducted, by a law enforcement agency.

Critical incidents connote situations, generally of an emergency nature, that result from disasters, both natural and man-made, pandemics and civil disturbances. Disasters include floods, hurricanes, earthquakes, explosions, and tornadoes. Pandemics are infectious disease outbreaks that occur over very large areas, cross international borders, and usually involve large numbers of people. Civil disturbances include riots, disorders, and violence arising from dissident gatherings and marches, public events, political conventions, and labor disputes.

The critical incident (section 46.1 Critical Incidents) follows the structure of the National Incident Management System (NIMS). The incident command system is a component of the National Incident Management System.

The special operations (section 46.2 Special Operations) encompasses the use of a tactical team, negotiation with hostage takers or barricaded persons, coverage of special events, protection of VIPs, and conduct of search-and-rescue missions.

In many large agencies, these activities are grouped in a formally organized special operations (or tactical) component that provides a concentration of resources and specialized expertise at a level that could not be achieved as easily by conventional operational components, such as patrol or criminal investigations. Other agencies choose to establish a part-time component, staffed by personnel from other functions who assemble as the need arises. However, special operations encompass activities for responding to certain kinds of emergencies or unexpected situations that might be better served by some type of specialized component rather than organized under conventional operational components.

Smaller agencies may or may not have a special operations (or tactical) component. Regardless, these types of emergency situations arise in jurisdictions of any size and every agency may be the first responder even when another, larger agency may be called in to assist or even resolve the incident. For this reason, every agency must have a written plan(s) that outlines the procedures for how the situation will be handled. Agencies need not create separate manuals for each standard. Rather, compliance can be achieved by a single, comprehensive manual which embraces common bullets, with relevant areas addressed by appropriate sections. With the exception of the conditional standards, this chapter applies to every size agency.

Other standards related to this chapter are included in the chapters on mutual aid (Chapter 2 Agency Jurisdiction and Mutual Aid), training (Chapter 33 Training and Career Development), and property and evidence control (Chapter 84 Property and Evidence Control).

46.1 Critical Incidents

46.1.1(M M M M) (LE1) Planning Responsibility

46.1.2(M M M M) (LE1) All Hazard Plan

46.1.3(M M M M) (LE1) Command Function

46.1.4(M M M M) (LE1) Operations Function

46.1.5(M M M M) (LE1) Planning Function

46.1.6(M M M M) (LE1) Logistics Function

46.1.7(M M M M) (LE1) Finance/Administration Function

46.1.8(M M M M) Equipment Inspection

46.1.9(M M M M) (LE1) Annual Training

46.1.10(M M M M) (LE1) Active Threats

46.1.1

(M M M M) (LE1) Planning Responsibility

A written directive specifies a position in the agency tasked with planning a response to critical incidents.

Commentary

The person holding this position should be the principal planner and advisor on critical incidents to the agency's chief executive officer. In larger agencies, an important part of the duties attendant to this position may be to act as an expeditor of resources during critical incidents. (M M M M) (LE1)

46.1.2

(M M M M) (LE1) All Hazard Plan

The agency has a written All Hazard plan for responding to critical incidents such as natural and man-made disasters, pandemics, civil disturbances, mass arrests, bomb threats, hostage/barricaded person situations, acts of terrorism, and other unusual incidents. The plan will follow standard Incident Command System (ICS) protocols, which include functional provisions for: command (46.1.3), operations (46.1.4), planning (46.1.5), logistics (46.1.6), and finance/administration (46.1.7).

Commentary

The Incident Command System (ICS) has proven very effective in federal and fire services emergencies over the past two decades. This system permits a clear point of control and can be expanded or contracted with ease to escalating or diminishing situations. The Federal Emergency Management Agency's (FEMA) ICS is comprehensive, available on the Internet, and widely used.

The Incident Command System (ICS) establishes standardized incident management processes, protocols, and procedures that all responders-federal, state, tribal, and local-will use to coordinate and conduct response actions. With responders using a common language and standardized procedures, they will all share a common focus, and will be able to place full emphasis on incident management when a critical incident occurs-whether terrorism or natural disaster. (M M M M) (LE1) - Change Notice 5.5 (March 20, 2009)

46.1.3

(M M M M) (LE1) Command Function

At a minimum, the command function will address the following:

- a. *activating the incident command system;*
- b. *establishing a command post;*
- c. *initiating the notification and mobilization of additional agency personnel;*
- d. *obtaining support from other agencies;*
- e. *establishing a staging area, if necessary;*
- f. *providing public information and maintaining media relations;*
- g. *maintaining the safety of all affected personnel; and*
- h. *preparing a documented after action report.*

Commentary

None. (M M M M) (LE1)

46.1.4

(M M M M) (LE1) Operations Function

At a minimum, the operations function will address the following:

- a. *establishing perimeters;*
- b. *conducting evacuations;*
- c. *maintaining command post and scene security;*
- d. *providing for detainee transportation, processing, and confinement;*
- e. *directing and controlling traffic; and*
- f. *conducting post-incident investigation.*

Commentary

The operations function is responsible for the management of all tactical operations directly related to the primary mission. (M M M M) (LE1)

46.1.5

(M M M M) (LE1) Planning Function

At a minimum, the planning function will address the following:

- a. *preparing a documented incident action plan;*
- b. *gathering and disseminating information and intelligence; and*
- c. *planning post-incident demobilization.*

Commentary

The planning function is vital to the success of the critical incident plan. Preparation of a documented incident action plan is one of the first responsibilities of the planning function. This function is also responsible for collecting and evaluating information about the incident, the status of resources, and anticipated equipment and manpower needs. The planning function is typically tasked with assembling information on current and alternative strategies, identifying needs for special resources, providing periodic predictions on incident potential, and preparing recommendations for release of resources. (M M M M) (LE1)

46.1.6

(M M M M) (LE1) Logistics Function

At a minimum, the logistics function will address the following:

- a. *communications;*
- b. *transportation;*
- c. *medical support;*
- d. *supplies; and*
- e. *specialized team and equipment needs.*

Commentary

The logistics function provides manpower, facilities, services, and materials in support of the critical incident. (M M M M) (LE1)

46.1.7

(M M M M) (LE1) Finance/Administration Function

At a minimum, the finance/administration function will address the following:

- a. *recording personnel time;*
- b. *procuring additional resources;*
- c. *recording expenses; and*
- d. *documenting injuries and liability issues.*

Commentary

The finance and administrative function is responsible for all financial and cost analysis aspects of the critical incident. (M M M M) (LE1)

46.1.8

(M M M M) Equipment Inspection

The agency completes a documented quarterly inspection for operational readiness of equipment designated for use in support of its critical incident plan.

Commentary

To ensure the readiness of equipment to be used in support of emergency operations, critical incident plans should show the numbers and types of equipment and supplies needed for various emergencies. (M M M M)

46.1.9

(M M M M) (LE1) Annual Training

A written directive provides for documented annual training on the agency's All Hazard plan for affected agency personnel.

Commentary

The expanding scope and sophistication of emergency operations, along with increased possibilities of pandemics and acts of terrorism, require law enforcement agencies to quickly act to stabilize and control emergency situations. Increasingly, law enforcement agencies must deal with large catastrophes with little or no notice. Immediate and decisive action is required to minimize loss of life, reduce property damage, and permit involved authorities to fulfill their responsibilities.

The Incident Command System (ICS) permits a clear point of control and can be expanded or contracted with ease to escalating or diminishing situations. The Federal Emergency Management Agency (FEMA)'s ICS is comprehensive, available on the Internet, and widely used. An agency may choose a different model but must insure that it accomplishes the intent of ICS and that any system used is readily adaptable to systems other agencies may use in important areas, e.g., terminology, modular organization, integrated communications, and unity of command. The ICS will not be effective if training is not provided or if it is not used.

While the law enforcement mission is often handled with few officers, there are situations that quickly escalate into major incidents. It is important to work with other agencies that use this system, so when crises arise, all personnel are familiar with the ICS structure and can function effectively within it. Compatibility between agency ICSs is imperative if ICS is to work effectively. This standard does not require the use of ICS with minor instances handled solely by the agency.

Additionally, not all components of ICS need to be activated when the system is operational; only those that are needed in the situation should be used. Component activation and deactivation depends upon changing circumstances.

Training should include tabletop, actual exercises, multiple agency involvement, and may be in conjunction with specific plans required in other standards and operations in (Chapter 46 Critical Incidents, Special Operations and Homeland Security).

The agency should also consider the effect of this standard on other standards that address command protocol and require coordination and authority, e.g., standards 12.1.2 and 12.1.4.

(M M M M) (LE1) - Change Notice 5.5 (March 20, 2009)

46.1.10

(M M M M) (LE1) Active Threats

The agency has a written directive addressing active threats to include:

- a. public notifications for awareness and safety;
- b. notification of additional public safety departments and other resources;
- c. response to threats when lives are in imminent danger;
- d. public sheltering and containment of the incident; and
- e. documented annual review of policy and training needs.

Commentary

Situations involving active threats are serious in nature and can occur in any environment.

This may include such settings as educational campuses, malls, businesses, special events, the general workplace, and can include physical or virtual threats.

The general topics and standards addressed in Chapter 46 - Critical Incidents, Special Operations, and Homeland Security address this situation from a broad response perspective. The agency, along with other public safety agencies and response resources, should develop specific plans and actions for responding to these situations. Training should be provided and may be incorporated into the annual All Hazard training requirement found in 46.1.9. (M M M M) (LE1)

46.2 Special Operations

46.2.1(M M M M) Special Operations Activities

46.2.2(M M M M) Tactical Team Selection

46.2.3(M M M M) Tactical Team Equipment

46.2.4(M M M M) Hostage Negotiator Selection

46.2.5(M M M M) Search and Rescue

46.2.6(M M M M) VIP Security Plan

46.2.7(M M M M) (LE1) Special Events Plan

46.2.8(M M M M) Event Deconfliction Systems

46.2.1

(M M M M) Special Operations Activities

A written directive establishes procedures for special operations activities including:

- a. *the responsibilities that agency personnel are to assume until assistance arrives;*
- b. *deployment of tactical teams to supplement other operational components; and*
- c. *coordination and cooperation between tactical teams and other operational components.*

Commentary

For those special operations the agency does not perform, the directive should identify where such assistance is available and how it is requested. Guidelines should also be established for use of special operations officers to supplement other operations, such as patrol, as the need arises. The intent of "coordination and control" is to establish procedures to alleviate potential misunderstandings among all components, to provide for the safety of officers, and to ensure the success of the operation. Discretion is advised in disseminating information to local commanders or operational components when operational security is critical to success. (M M M M)

46.2.2

(M M M M) Tactical Team Selection

If the agency participates in tactical operations, either on a part-time or full-time basis, a written directive establishes criteria for the selection of officers assigned to those operations.

Commentary

Officers who are assigned to tactical operations, whether full- or part-time, should be carefully selected. Special criteria for selection should be identified, such as a stipulation that the assignment is voluntary; prior law enforcement experience in a field assignment; physical fitness and agility; and ability to function as a member of a team. The submission of an application, an oral interview, a physical agility test, and a comprehensive background investigation to assess the applicant's potential performance and mental suitability for tactical assignment. These criteria should be publicized to ensure that all qualified and interested officers have equal opportunity to apply for these positions. (M M M M)

46.2.3

(M M M M) Tactical Team Equipment

If agency personnel participate in a full-time or part-time tactical team, the agency ensures that specialized equipment is provided for its personnel.

Commentary

Special equipment is needed to provide tactical officers with proper protection and to facilitate successful resolution of tactical operations. The equipment may be issued to officers for storage at home, in agency vehicles, or in some other accessible location. Such equipment is not limited to but may include a portable, handheld radio transceiver with earpiece and/or throat microphone; a flashlight; a chemical agent mask; body armor; a utility uniform; a ballistic helmet; binoculars; sidearm; and other firearms as dictated by the position of assignment, e.g., center fire rifle with telescopic sight, shotgun, automatic rifle, or submachine gun. (M M M M)

46.2.4

(M M M M) Hostage Negotiator Selection

If the agency has hostage negotiators, a written directive specifies criteria for selection to those positions.

Commentary

Hostage negotiators should be carefully screened and selected. Special criteria for selection should be identified, such as passing a psychological screening examination, including testing and a clinical interview by a licensed psychologist or psychiatrist; experience as a law enforcement officer in a field assignment; and good verbal skills and problem-solving abilities. (M M M M)

46.2.5

(M M M M) Search and Rescue

If an agency performs search and rescue missions, a written directive defines the scope and procedures of their activities.

Commentary

See Glossary definition for search and rescue. (M M M M)

46.2.6

(M M M M) VIP Security Plan

The agency has a written plan for handling the security of visiting VIP's.

Commentary

The plan should designate a single person or position as supervisor and coordinator of any given security detail. Consideration should be given to equipment requirements, to include vehicles, body armor for VIP's and assigned personnel, and weapons for officers; instructions for planning and reconnoitering travel routes and alternates; advance inspection for gathering intelligence information; coordination of operations within the agency and with outside agencies; identification of emergency first-aid, ambulance, and medical facilities; communications; and identification by designation, e.g., lapel pins.

In addition to these requirements, agencies having frequent responsibilities for coordinating operations with the U.S. Secret Service or (equivalent foreign dignitary protection services) should establish specific arrangements with that organization for purposes of planning and coordination. (M M M M)

46.2.7

(M M M M) (LE1) Special Events Plan

The agency has a written plan for handling special events.

Commentary

The intent of the standard is to encourage the development of an overall plan, setting out requirements, in turn, for specific planning and operation for each individual event. The plan should designate a single person or position as supervisor and coordinator for each event.

Special events may include parades, entertainment/sporting events, highway construction/maintenance activities, picketing/demonstrations, etc. The plan should address the following problems and special circumstances: ingress and egress of vehicles and pedestrians, parking space, spectator control, public transportation, relief of personnel assigned, news media, alternate traffic routes, temporary traffic controls and parking prohibitions, and emergency vehicle access. Consideration should also be given to use of special operations personnel, logistical requirements, and coordination inside and outside the agency. (M M M M) (LE1)

46.2.8

(M M M M) Event Deconfliction Systems

If the agency participates in a formal Event Deconfliction system(s), a written directive provides direction regarding its use and accountability measures, to include:

- a. *qualifying events and contact resources;*
- b. *authorized users and administrators;*
- c. *information authorized for release to system provider; and*
- d. *system contacts and internal distribution of information requirements.*

Commentary

Event Deconfliction Systems are used by public safety to identify law enforcement events occurring in close proximity, thereby promoting safety and effectiveness. This is particularly important for agencies in concurrent or contiguous jurisdictions that are involved in high risk activities such as undercover operations, surveillance, execution of search warrants, or fugitive apprehension. The Event Deconfliction system receives information from agencies and then provides notifications when qualifying activities are occurring in close proximity.

Participation in these systems has been endorsed by the International Association of Chiefs of Police, U.S. Bureau of Justice Assistance, Federal Bureau of Investigation, Global Justice Information Sharing Initiative, and the Executive Office of the President of the United States.

Event Deconfliction Systems can enhance officer safety, reduce risk and liability, safeguard the community, promote case integrity, enhance criminal investigations, and encourage the effective use of critical resources. Any participation should be with a recognized system that maximizes data collection and information sharing, while controlling information access. It is encouraged that a steering committee of participating agencies within designated geographic areas meet regularly to discuss participation, benchmarks and evaluate its effectiveness, along with authoring an MOU which clearly defines responsibilities, scope and security protocols for the involved agencies, which is reviewed at least triennially.

This standard does not apply to existing informal methods of Event Deconfliction with other agencies. (MMMM)

46.3 Homeland Security

46.3.1(M M M M) (LE1) Liaison with other Organizations

46.3.2(M M M M) Terrorism Related Intelligence

46.3.3(O O O O) Providing Awareness Information

46.3.4(M M M M) (LE1) Hazmat Awareness

46.3.1

(M M M M) (LE1) Liaison with other Organizations

The agency maintains liaison with other organizations for the exchange of information relating to terrorism.

Commentary

The exchange of information should facilitate information sharing and multi-jurisdictional preemption of terrorist acts or events. Private agencies should be considered for participation in information sharing as necessary for various situations. (M M M M) (LE1)

46.3.2

(M M M M) Terrorism Related Intelligence

A written directive establishes procedures for reporting and relaying terrorism related intelligence/information to the proper task force or agency.

Commentary

None. (M M M M)

46.3.3

(O O O O) Providing Awareness Information

The agency provides terrorism awareness information within its service area.

Commentary

Such information should encourage and identify methods for reporting suspicious activity that may be related to terrorism. This may be accomplished through individuals and community organizations, both public and private. (O O O O)

46.3.4

(M M M M) (LE1) Hazmat Awareness

The agency provides awareness level training for events involving hazardous materials.

Commentary

The purpose of this standard is to provide responding law enforcement officers the basic knowledge to recognize a hazardous situation and immediately implement basic procedures to have authorities with the technical ability assess the situation. Also, law enforcement personnel need to understand basic self-protection measures for themselves and others, while being able to protect the incident scene and controlling the area to prevent unauthorized or unknowing persons from entering into a possible contamination zone. (M M M M) (LE1)

Chapter 52 Introduction

The internal affairs function is important for the maintenance of professional conduct in a law enforcement agency. The integrity of the agency depends on the personal integrity and discipline of each employee. To a large degree, the public image of the agency is determined by the quality of the internal affairs function in responding to allegations of misconduct by the agency or its employees.

The standards in this chapter assume that in large agencies there will be a specialized organizational component, usually as a part of the office of the chief executive, responsible for internal affairs matters. In those cases involving the integrity of the agency, the specialized unit will actually conduct the investigation and carry out all assignments related to resolving the issue. The specialized unit should be a resource and should review those internal affairs matters of lesser importance that are investigated by supervisory personnel.

In smaller agencies, a specialized unit may not be established. However, the function is important and investigations may be assigned to an individual on an as needed basis or be conducted by the chief executive officer.

Agencies having an internal affairs function consistent with these standards will have the capability to respond appropriately to allegations of misfeasance, malfeasance, and nonfeasance by employees, and to complaints about the agency's response to community needs, thereby instilling public confidence in the agency.

52.1 Organizational Integrity

52.1.1(M M M M) (LE1) Complaint Investigation

52.1.2(M M M M) (LE1) Records, Maintenance and Security

52.1.3(M M M M) (LE1) CEO, Direct Accessibility

52.1.4(O O O O) Complaint Registering Procedures

52.1.5(M M M M) Annual Summaries; Public Availability

52.1.1

(M M M M) (LE1) Complaint Investigation

A written directive requires all complaints against the agency or its employees be investigated, to include anonymous complaints.

Commentary

To ensure the integrity of its operations and personnel, agencies should investigate all allegations of misconduct, regardless of their source. Anonymous complaints can be difficult to investigate; however, the agency should carefully review each complaint for validation before disregarding it for lack of a credible complainant. (M M M M) (LE1)

52.1.2

(M M M M) (LE1) Records, Maintenance and Security

A written directive requires the agency to maintain a record of all complaints against the agency or employees and to protect the confidentiality of these records by maintaining them in a secure area.

Commentary

The confidentiality of internal affairs records is important, and proper security precautions should be taken. This records activity is a task of the internal affairs function and is an exception to the personnel records or centralized records systems.

The schedule for retaining internal affairs records should be consistent with legal requirements. (M M M M) (LE1)

52.1.3

(M M M M) (LE1) CEO, Direct Accessibility

A written directive specifies that the position responsible for the internal affairs function has the authority to report directly to the agency's chief executive officer.

Commentary

The sensitivity and impact of internal affairs matters on the direction and control of an agency require that the agency's chief executive officer receive all pertinent information directly. (M M M M) (LE1)

52.1.4

(O O O O) Complaint Registering Procedures

The agency makes available information to the public on procedures to be followed in registering complaints against the agency or its employees.

Commentary

Procedures for registering complaints should be made available to the community through the media or the agency's community relations programs. This information should also be disseminated to all agency employees. (O O O O)

52.1.5

(M M M M) Annual Summaries; Public Availability

The agency compiles annual statistical summaries, based upon records of internal affairs investigations, which are made available to the public and agency employees.

Commentary

None. (M M M M)



52.2 Complaint Procedures

52.2.1(M M M M) (LE1) Complaint Types

52.2.2(O O O O) CEO, Notification

52.2.3(M M M M) (LE1) Investigation Time Limits

52.2.4(M M M M) Informing Complainant

52.2.5(M M M M) Statement of Allegations/Rights

52.2.6(M M M M) Submission to Tests, Procedures

52.2.7(O O O O) Relieved from Duty

52.2.8(O O O O) Conclusion of Fact

52.2.1

(M M M M) (LE1) Complaint Types

A written directive specifies:

- a. *the type of complaints to be investigated by line supervisors; and*
- b. *the type of complaints that require investigation by the internal affairs function.*

Commentary

The intent of this standard is to provide guidelines regarding which categories of complaints are to be handled by the internal affairs function and which are part of routine discipline. The criteria for determining the categories of complaints to be referred to the internal affairs function may include allegations of corruption, brutality, misuse of force, breach of civil rights, and criminal misconduct. Criteria for assignment of the investigation of the complaint to line supervisors may include, for example, alleged rudeness on the part of the officer, tardiness, or insubordination. (M M M M) (LE1)

52.2.2

(O O O O) CEO, Notification

A written directive specifies the procedures for notifying the agency's chief executive officer of complaints against the agency or its employees.

Commentary

The directive should specify the nature of those complaints that should be brought immediately to the attention of the agency's chief executive officer and those that can be postponed to a later time. (O O O O)

52.2.3

(M M M M) (LE1) Investigation Time Limits

A written directive specifies a time limit for completing an internal affairs investigation, with provisions for extensions.

Commentary

None. (M M M M) (LE1)

52.2.4

(M M M M) Informing Complainant

The agency has a written directive regarding complainant notification, that includes::

- a. *verification that the complaint has been received;*
- b. *a schedule for status notification to the complainant; and*
- c. *notification that the investigation has concluded.*

Commentary

The verification, usually in the form of a receipt, furnished to persons initiating complaints alleging misconduct on the part of the agency or an agency employee may contain a description of the investigative process. The status of investigations should be communicated to the complainant, although the degree of specificity of the notice is left to the discretion of the agency. This standard does not apply to anonymous complaints. (M M M M)

52.2.5

(M M M M) Statement of Allegations/Rights

When employees are notified that they have become the subject of an internal affairs investigation, the agency issues the employee a written statement of the allegations and the employee's rights and responsibilities relative to the investigation.

Commentary

None. (M M M M)

52.2.6

(M M M M) Submission to Tests, Procedures

A written directive specifies the conditions, if any, during an internal affairs investigation, when:

- a. *medical or laboratory examinations are administered;*
- b. *photographs are taken of employees;*
- c. *an employee may be directed to participate in a line-up;*
- d. *an employee may be required to submit financial disclosure statements; and*
- e. *instruments for the detection of deception are used.*

Commentary

The written directive should be based on the legal requirements in the jurisdiction, case law, and precedent and should be consistent with other administrative decisions. An employee may be required to submit to a medical or laboratory examination, at the agency's expense, when the examination is specifically directed and narrowly related to a particular internal affairs investigation being conducted by the agency. An example is the use of this process in determining drug use by employees. An employee may also be required to be photographed, to participate in a line-up, and/or submit to a financial disclosure statement when the actions are material to a particular internal affairs investigation being conducted by the agency. (M M M M)

52.2.7

(O O O O) Relieved from Duty

A written directive specifies the circumstances in which an employee may be relieved from duty.

Commentary

The written directive should be supported by other documents establishing the powers and authority of the office of the chief executive. The relief from duty may be a temporary administrative action pertaining to an employee's physical or psychological fitness for duty or an action pending disposition of an internal affairs investigation. The authority to relieve an employee from duty should extend to supervisory levels. (O O O O)

52.2.8

(O O O O) Conclusion of Fact

A written directive requires a "conclusion of fact" for each investigation into allegation of misconduct.

Commentary

The conclusion of the disciplinary process should be structured and should provide information to all participants in the process. The agency needs to be aware of changes in policies, procedures, rules, and regulations that may prevent future allegations of misconduct, as well as the need to modify or expand training. (O O O O)

Chapter 53 Introduction

The standards in this chapter relate to the inspectional process within a law enforcement agency. The inspectional process is an essential mechanism for evaluating the quality of the agency's operations; ensuring that the agency's goals are being pursued; identifying the need for additional resources; and ensuring that control is maintained throughout the agency. Inspections may include, for example, evaluation of facilities, vehicles, equipment, records, personnel, investigative procedures, crime reporting practices, and incident reports. The inspectional process compares the agency's formal expectations with actual performance. Inspections, conducted with clear objectives and a positive approach, provide a means of communication within the agency, not only downward but also upward.

The inspectional process, at both the line and the staff levels, provides the chief executive officer and other managers and supervisors with a means of regularly assessing the agency's efficiency and effectiveness and provides information necessary to plan for change. Clear objectives for the inspectional process should be established; it should also be acknowledged that inspectional activity can properly evaluate performance only by comparing it with previously established goals, objectives, policies, procedures, and rules and regulations. All agencies should conduct line inspections, which should be carried out by supervisors at all levels. Larger agencies should also have formally organized staff inspection components.

Staff inspections may overlap depending on the construction of the specific systems. Generally, line inspections focus on the condition of facilities, equipment, procedures, uniforms, etc., and are done frequently by a line supervisor. Staff inspections generally focus on agency procedures and are done infrequently by staff personnel. For example, a line inspection may determine if patrol officers are checking their cars at the beginning of their shift as required by a department directive. A staff inspection system may monitor organizational components in terms of their results; for example, a detective unit may be required to report solvability rates for various crimes or a patrol unit asked to report the number of DUI arrest per hours of DUI patrol. These reports are valuable for decisions concerning resource allocation, modification of component objectives, and training needs.



53.1 Line Inspections

53.1.1(O M M M) Procedures

53.1.1

(O M M M) Procedures

A written directive requires line inspections within the agency and includes provisions for the following, at a minimum:

- a. *procedures to be used in conducting line inspections;*
- b. *frequency of inspection;*
- c. *responsibilities of the supervisor in each organizational component for both the conduct of inspections and correction of conditions discovered by the inspection;*
- d. *criteria to identify those inspections that require a written report; and*
- e. *follow-up procedures to ensure corrective action has been taken.*

Commentary

Line inspections should be an ongoing activity to ensure that employees are acting in concert with agency requirements in such areas as personal appearance, use and maintenance of equipment, and adherence to agency directives and orders. Line inspection is also concerned with the status and conditions of physical facilities within a given organizational component. Line inspections should be a primary responsibility of supervisors and managers at every level of the agency and should provide a mechanism for achieving accountability within the agency. (O M M M)



53.2 Staff Inspections

53.2.1(N/A O O O) Procedures

53.2.1

(N/A O O O) Procedures

A written directive requires a staff inspection function, and includes provisions for:

- a. *identity of the person(s) conducting the staff inspection;*
- b. *procedures to be used in conducting staff inspections;*
- c. *submission of a written report that identifies deficiencies and makes recommendations for their improvement and/or correction, and identifies positive aspects of the area being inspected;*
- d. *a follow-up written report for noted deficiencies that cannot be immediately corrected; and*
- e. *a staff inspection to be conducted within all organizational components at least once every three years.*

Commentary

A staff inspection, whether conducted by inspectors internal or external to the agency, is an in-depth review of all components of the agency. This management tool is used to assure the agency head that administrative procedures are being adhered to.

The role of staff inspections is to promote an objective review of agency administrative and operational activities, facilities, property, equipment, and personnel outside the normal supervisory and/or line inspections. A "mock" or CALEA on-site assessment will not satisfy this standard. (N/A O O O)

Chapter 54 Introduction

Standards in this chapter relate to the establishment and maintenance of public information. Agencies have an obligation to inform the public and news media of events that affect the lives of citizens in the community with openness and candor.

To convey information, agencies often rely on the news media. Policies should be developed that govern what information should be released, when it should be released, and by whom it should be released. In large jurisdictions where media contacts are frequent and often of a sensitive nature, a full-time public information officer (PIO) may be needed to coordinate activities. Where the community served is small and media contacts infrequent, the assignment of the function to an individual as a part-time responsibility may suffice. Agencies should consider procedures for involving the media in the development of policies affecting the news media, and for determining when a public information officer should respond to the scene of a crime or other event.

A state-level agency must comply with those public information standards that are consistent with its mission. A state agency is not expected to perform public information activities that would interfere with those provided by local agencies. State agencies may wish to consult CALEA staff about the applicability of these standards to their operations.




54.1 Public Information

54.1.1(O O O O) Activities

54.1.2(O O O O) Policy Input

54.1.3(M M M M) (LE1) News Media Access



54.1.1

(O O O O) Activities

The public information function shall include, at a minimum:

- a. *assisting media personnel in covering news stories at the scenes of incidents;*
- b. *preparing and distributing agency media releases;*
- c. *arranging for, and assisting at media conferences;*
- d. *coordinating and authorizing the release of information about victims, witnesses, and suspects;*
- e. *coordinating and authorizing the release of information concerning confidential agency investigations and operations; and*
- f. *developing procedures for releasing information when other public service agencies are involved in a mutual effort.*

Commentary

The intent of this standard is to establish agency accountability for the public information function in writing. The function should be developed and operated to effectively meet the agency's needs. Placement of the function within the organizational structure is also addressed by standard 11.1.1. Proving compliance with this standard may be accomplished through a series of documents or a single, all inclusive directive.

The directive should also identify those within the agency authorized to make releases when the CEO/PIO is not available. All information released should be reported to the CEO/PIO as soon as practical.

Another intent of the standard is to provide specific guidance to personnel regarding the release of information about the prior criminal record, character, or reputation of the accused; mug shots of the accused; the existence of any confession, admission of guilt, or statement made by the accused or the failure or refusal by the accused to make a statement; the results of any examinations or tests conducted or refusal by the accused to submit to any examinations or tests; the identity, testimony, or credibility of any prospective witness; any opinion of agency personnel regarding the guilt or innocence of the accused; any opinion of agency personnel regarding the merits of the case or quality of evidence gathered; personal information identifying the victim; information identifying juveniles; and information received from other law enforcement agencies without their concurrence in releasing that information.

"Other service agencies" is meant to refer to all public service agencies, e.g., fire departments, coroners' offices, and other outside agencies. Where more than one agency is involved, the agency having primary jurisdiction should be responsible for releasing, or coordinating the release of, information. (O O O O)



54.1.2

(0 0 0 0) Policy Input

The agency involves the media in the development of changes in policies and procedures relating to the public information function.

Commentary

By allowing media representatives to participate in the process of developing policies and procedures relating to the public information function, agencies can receive input that should lead to more effective working relationships between agency and media personnel.

(0 0 0 0)

54.1.3

(M M M M) (LE1) News Media Access

A written directive controls media access at locations where such access would interfere with law enforcement operations.

Commentary

The guidelines for media access should be communicated to the media to help ensure their cooperation. The following standard should be referenced when writing the directive(s):

46.1.3.f. (M M M M) (LE1)

Chapter 55 Introduction


The principal justification for the standards in this chapter is that they are integral to sound law enforcement. For example, compliance with these standards can enhance an agency's ability to make quality arrests including those that survive to plea or trial. Research findings over time and across jurisdictions consistently indicate that a major cause of case attrition after arrest, but before plea or trial, is witness related problems. Similarly, research suggests that the probability of conviction increases markedly as the number of cooperative witnesses increases. If victims and other witnesses (see Glossary for definitions) are subjected to what they consider poor treatment, they can be expected to offer something less than wholehearted cooperation with law enforcement agencies, which can have a devastating effect on investigations and subsequent prosecutions, if any.

Writing for a National Sheriffs' Association publication, the chair of the President's Task Force on Victims of Crime (1982), former Assistant Attorney General Lois H. Herrington made the following point: In a free society, we are absolutely dependent upon the aid of these victims to hold the criminal accountable. In return the victim deserves support and fair treatment. As often the first to arrive on the scene of the crime, the (officer) is the initial source of protection for the victim. The manner in which (the officer) treats a victim at the time of the crime and afterwards affects not only (the victim's) immediate and long-term ability to cope with the crime, it can determine his (or her) willingness to assist in prosecution.

In its own best interests, law enforcement has a role to play in victim/witness assistance, a role that no other component of the criminal justice system can effectively duplicate e.g., victim/witness assistance activities of prosecutors' offices usually affect only witnesses of cases that have been accepted for prosecution.

The review described in standard 55.1.2 is designed to identify appropriate victim/witness services that the agency can provide without duplicating services offered elsewhere in the community, whether by another government agency or by a private-sector organization. Standard 55.1.3 depends in large part, on the results of the review noted in standard 55.1.2. Standards in (subsection 55.2 Operations) address primarily victim/witness services offered prior to preliminary investigation, during preliminary and follow-up investigations, and following arrest of the suspect.

State-level agencies and those with similar jurisdictional or mission characteristics must comply with victim/witness assistance standards that are in accord with their respective missions. Such agencies are not required to perform activities that would interfere with local victim/witness assistance efforts but may assist local departments as deemed appropriate. State-level and similar agencies may wish to consult with CALEA staff about the applicability of these standards to their operations.



The standards in this chapter are designed to ensure that victims and other witnesses receive professional handling consistent with their important investigative and prosecutory role.

More importantly, agencies must make every reasonable effort to assure that the personal rights and safety of the victim or witness are protected by its actions. Agency members should be particularly sensitive to the special needs of the victims and families of crimes such as domestic violence, child abuse, sexual assault, and abuse of the elderly because of their effect on the delicate structure of the family unit and the community in general.

55.1 Administration

55.1.1(M M M M) Summary of Rights

55.1.2(N/A O O O) Analysis, Need/Services

55.1.3(O O O O) Policy/Procedure Development

55.1.1

(M M M M) Summary of Rights

A written directive summarizes the rights of victims and witnesses.

Commentary

State victim bill-of-rights legislation or similar statutes may serve as a written directive if distributed to all employees. (M M M M)

55.1.2

(N/A O O O) Analysis, Need/Services

The agency completes a documented review of victim/witness assistance needs and available services within the agency's service area at least once every three years.

Commentary

What are the needs of victims and other witnesses? How are those needs being met by other government agencies and by community organizations? What needs remain unfulfilled? Of those, which ones are appropriate for the agency to meet? Those are the major questions raised by the standard. Answers to those questions should ultimately result in a list of victim/witness services that the agency can provide without duplicating the efforts of other victim/witness services in the jurisdiction. At a minimum, such services would include only those that first responders can provide effectively, those that the agency is in a unique position to provide between first response and the time when (and if) the case is accepted for prosecution. Surveys by small agencies may be little more than the application of conventional wisdom inasmuch as those agencies are usually in close touch with residents of their jurisdictions.

To the extent that another organization's survey of victim/witness needs conforms to this standard, the agency may adopt that survey in whole or in part as its own. (N/A O O O)

55.1.3

(0 0 0 0) Policy/Procedure Development

A written directive describes the agency's role in victim/witness assistance, to include:

- a. *the implementation and delivery of victim/witness assistance services by agency personnel;*
- b. *the confidentiality of victims/witnesses and their role in case development to the extent consistent with applicable law;*
- c. *agency efforts to inform the public and media about the agency's victim/witness assistance services; and*
- d. *the relationship between the agency and victim/witness efforts of other agencies and organizations.*

Commentary

The purpose for relationships with outside sources of victim/witness assistance is at least twofold: to ensure that agency referrals of victims/witnesses to outside sources are based on accurate and up-to-date knowledge of the services offered by those sources; and to maintain an ongoing channel of communication by which to offer and receive suggestions about how agency and outside sources can more effectively work together in order to better serve the victim/witness. This relationship may be initiated by letter, phone call, or in person.

(0 0 0 0)

55.2 Operations

55.2.1(O O O O) Initial Assistance

55.2.2(M M M M) Assistance, Threats

55.2.3(M M M M) Assistance, Preliminary Investigation

55.2.4(M M M M) Assistance, Follow-Up Investigation

55.2.5(O O O O) Assistance, Suspect Arrest

55.2.6(M M M M) (LE1) Next-of-Kin Notification

55.2.1

(O O O O) Initial Assistance

The agency makes the following victim/witness assistance information available 24 hours a day from a single point of contact:

- a. *information regarding victim/witness assistance supplied by the agency directly; and*
- b. *referral information regarding services offered in the agency's jurisdiction by other organizations (governmental or private sector) for victims/witnesses.*

Commentary

The "single point of contact" could be a phone number connecting the caller to a recording or to a specific position (such as dispatcher-see standard 81.2.7) staffed 24 hours a day. A single point of contact could provide the information noted in bullet (a) and a second single point of contact supply the information described in bullet (b), or a single point of contact could provide both bullet (a) and bullet (b) information.

Regarding state law enforcement and certain other agencies, multiple points of contact may be required because of the decentralized nature of those agencies and the large geographical areas involved. Victim/witness assistance information may be supplied in cooperation with other agencies, such as by a multiagency dispatch center. (O O O O)

55.2.2

(M M M M) Assistance, Threats

The agency provides appropriate assistance to victims/witnesses who have been threatened or who, in the judgment of the agency, express specific, credible reasons for fearing intimidation or further victimization.

Commentary

What constitutes appropriate assistance is a judgment call by the agency. This is determined by the nature of the case and by the resources available to the agency and if possible, is commensurate with the danger faced by the victim/witness. Appropriate assistance may range from placing a victim in protective custody, such as might be offered by the agency itself or the appropriate prosecutor's office, to offering a frightened witness words of encouragement.

When physical protection is a consideration, the agency is not obligated by this standard to provide it when the victim/witness is not physically present within the agency's jurisdiction. If the agency becomes aware of danger to a victim/witness, the agency should promptly attempt to contact and alert the victim/witness; when the victim/witness is in another jurisdiction, the agency should also contact the appropriate agency and inform it of the situation and request that reasonable precautions be taken. (M M M M)

55.2.3

(M M M M) Assistance, Preliminary Investigation

A written directive defines victim/witness assistance services to be rendered during the preliminary investigation to include, at a minimum:

- a. *giving information to the victim/witness about applicable services, e.g., counseling, medical attention, compensation programs or emergency financial assistance, and victim advocacy;*
- b. *advising the victim/witness about what to do if the suspect or the suspect's companions or family threatens or otherwise intimidates him or her;*
- c. *informing victims/witnesses about the case number, if known by the agency, and subsequent steps in the processing of the case; and*
- d. *providing a telephone number that the victim/witness may call to report additional information about the case or to receive information about the status of the case.*

Commentary

Regarding "preliminary investigation," see standard 42.2.1. Much of the information for the victim/witness can be on a card that the patrol officer or investigator gives to the victim/witness. The "status of the case" means open, suspended, or closed (see standard 42.1.3). (M M M M)

55.2.4

(M M M M) Assistance, Follow-Up Investigation

A written directive defines victim/witness assistance services to be provided during the follow-up investigation, if any, to include, at a minimum:

- a. *recontacting the victim/witness periodically to determine whether needs are being met, if in the opinion of the agency, the impact of a crime on a victim/witness has been unusually severe and has triggered above-average need for victim/witness assistance;*
- b. *explaining to victims/witnesses the procedures involved in the prosecution of their cases and their role in those procedures, if not an endangerment to the successful prosecution of the case;*
- c. *scheduling line-ups, interviews, and other required appearances at the convenience of the victim/witness and, at the option of the agency, providing transportation, if feasible;*
- d. *returning promptly victim/witness property taken as evidence (except for contraband, disputed property, and weapons used in the course of the crime), where permitted by law or rules of evidence if feasible; and*
- e. *assigning a victim advocate, if available, to the victim/witness during follow-up investigation.*

Commentary

Regarding "follow-up investigation," see standard 42.2.2. The significance of the "if" clauses is that the agency is expected to make a good-faith effort to provide the bulleted services. Deletion of the "if clauses" would make this standard unattainable for many agencies inasmuch as compliance depends on many factors that vary substantially from case to case and from agency to agency.

Regarding bullet (a), the agency should consider recontacting victims/witnesses within ten days of the follow-up investigation's initiation. The explanation called for by bullet (b) may be printed on cards given to victims/witnesses and is intended to orient them and relieve their possible anxiety about their continued involvement in their cases. The feasibility of providing the assistance noted in bullet (c) may vary from case to case and should depend, in large part, on the physical, financial, and emotional state of the victim/witness as well as on resources available to the agency. Bullet (d) is related to standard 84.1.7 but seeks to encourage a quicker return of property than specified in standard 84.1.7. (M M M M)

55.2.5

(0 0 0 0) Assistance, Suspect Arrest

A written directive defines victim/witness assistance services to be rendered upon arrest and during post-arrest processing of the suspect.

Commentary

Among the services that agencies should consider providing is notification of the victim/witness of the arrest, the charges and the arrestee's custody status and changes thereto. In many jurisdictions, such notification is frequently impossible because of the overwhelming volume of arrests. In some instances such notification may unavoidably, not be timely-such as when suspects are apprehended elsewhere and perhaps released on bond well before the agency in the jurisdiction where the crime occurred is even informed of the arrest. (0 0 0 0)

55.2.6

(M M M M) (LE1) Next-of-Kin Notification

A written directive establishes procedures for notifying next-of-kin of deceased, seriously injured, or seriously ill persons.

Commentary

The procedures should ensure that notifications are carried out promptly and in a considerate manner. Whenever possible, assistance should be obtained from the clergy, relative, or close friend. Procedures should also address notification requests initiated by other agencies. The agency may cover notifications for accident and non-accident situations in the same directive. (M M M M) (LE1)

Chapter 61 Introduction

Standards in this chapter govern the processes and procedures that enable the agency to execute its traffic related responsibilities and services.

Support activities include data collection and analysis, formulation of policy and procedures, development of effective enforcement techniques, program planning, personnel allocation and utilization, and program evaluation.

Depending upon the organization of the traffic function and the degree of specialization within it, responsibilities for particular functions may be assigned to the patrol or other specialized function.

The agency's activities are specifically directed toward reducing violations through preventive patrol and active enforcement. The standards also govern relationships with motorists, pedestrians, courts, and prosecutors.

Agency activities connected with, or related to traffic collision, include providing emergency assistance to the injured, protecting the collision scene, conducting on scene and follow-up investigations, preparing reports, and taking proper enforcement action relative to the incident.

Activities undertaken by the agency that directly affect the movement and control of vehicles and pedestrians include point traffic control, traffic engineering, school crossing supervision, and other activities related to the design and implementation of plans and programs that expedite the movement of vehicles and pedestrians.

While some agencies perform their own traffic engineering with trained personnel, most agencies have a liaison and data-sharing relationship with a local, regional, or state engineer. Close coordination and cooperation are essential to the maintenance of a safe and efficient highway system.

Lastly, the agency may perform a variety of diverse, traffic-related services including providing general assistance, emergency assistance, public information, and directions; identifying and reporting roadway and roadside hazards; checking abandoned vehicles; and locating and recovering stolen vehicles.

61.1 Traffic Enforcement

- 61.1.1(N/A O M M) Selective Enforcement Activities**
- 61.1.2(M M M M) (LE1) Uniform Enforcement Procedures**
- 61.1.3(M M M M) (LE1) Violator Procedures**
- 61.1.4(M M M M) (LE1) Informing The Violator**
- 61.1.5(M M M M) (LE1) Uniform Enforcement Policies**
- 61.1.6(O O O O) Enforcement Practices**
- 61.1.7(M M M M) (LE1) Stopping/Approaching**
- 61.1.8(O O O O) Officer-Violator Relations**
- 61.1.9(O O O O) Speed-Measuring Devices**
- 61.1.10(N/A O M M) Alcohol Enforcement Program**
- 61.1.11(M M M M) (LE1) DUI Procedures**
- 61.1.12(O O O O) License Reexamination Referrals**
- 61.1.13(M M M M) Parking Enforcement**

61.1.1

(N/A O M M) Selective Enforcement Activities

A written directive governs the agency's selective traffic enforcement activities, to include procedures for:

- a. compilation and review of traffic collision data;
- b. compilation and review of traffic enforcement activities data;
- c. comparison of collision data and enforcement activities data;
- d. implementation of selective enforcement techniques and procedures;
- e. deployment of traffic enforcement personnel; and
- f. evaluation of selective traffic enforcement activities.

Commentary

The ultimate goal of selective traffic law enforcement is to reduce traffic collision. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. The techniques used should be based on collision data, enforcement activity records, traffic volume, and traffic conditions. The objective is to direct appropriate enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in collision situations but also in terms of traffic-related needs identified in the agency's service community.

The review of location, time, and violation factors in vehicle collision should be based upon a numerically significant sample. It is also essential to analyze fluctuations caused by seasonal variations that result in increases in traffic volume and/or collision. In rural or suburban areas, basing these studies on an annual collision experience may be necessary to provide a sufficient database. However, as traffic densities and collision rates increase, a more frequent reporting cycle should be considered.

Supervisors responsible for traffic enforcement activities should be provided with copies of the analysis report. (N/A O M M)

61.1.2

(M M M M) (LE1) Uniform Enforcement Procedures

A written directive establishes uniform procedures for taking enforcement action incidental to traffic law violations, to include:

- a. physical arrest;
- b. *citation (notice to appear)*; and
- c. *warnings (if used)*.

Commentary

The directive should establish guidelines to ensure that enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. Warnings, written or verbal, or other nonpunitive enforcement actions should be substituted for arrests or citations when circumstances warrant, especially in the case of inadvertent violations. The directive should discourage emphasis on quantitative enforcement activities, such as ticket quotas, and acknowledge that both qualitative and quantitative emphases are integral to the agency's traffic enforcement program. (M M M M) (LE1)

61.1.3

(M M M M) (LE1) Violator Procedures

A written directive establishes procedures for handling traffic law violations committed by:

- a. *nonresidents of the agency's service area;*
- b. *juveniles;*
- c. *legislators;*
- d. *foreign diplomats/consular officials; and*
- e. *military personnel.*

Commentary

The written directive should address all special processing requirements, e.g., diplomatic or legislative immunity, or procedures that apply to traffic law violations committed by the classes of persons enumerated above and any others that require special processing by virtue of local mandate. (M M M M) (LE1)

61.1.4

(M M M M) (LE1) Informing The Violator

At the time a motorist is charged with a violation, the agency provides information relative to the specific charge, to include:

- a. *court appearance schedule;*
- b. *optional or mandatory nature of court appearance by the motorist;*
- c. *notice of whether the motorist is allowed to enter a plea and/or pay the fine by mail or at a traffic violations bureau; and*
- d. *other information that must be provided to the motorist prior to release.*

Commentary

It is essential that officers fully explain the rights and requirements imposed on motorists upon arrest or issuance of a citation for a traffic violation. An informational pamphlet explaining the motorist's rights and responsibilities issued with the citation can augment the information provided verbally by the officer. (M M M M) (LE1)

61.1.5

(M M M M) (LE1) Uniform Enforcement Policies

A written directive establishes uniform enforcement policies for traffic law violations, to include:

- a. *operation of a vehicle by a driver under the influence of alcohol/drugs;*
- b. *operation of a vehicle after driving privileges have been suspended or revoked;*
- c. *speed violations;*
- d. *hazardous violations;*
- e. *off-road vehicle violations;*
- f. *equipment violations;*
- g. *public carrier/commercial vehicle violations;*
- h. *non-hazardous violations;*
- i. *multiple violations;*
- j. *newly enacted laws and/or regulations;*
- k. *violations resulting in traffic collisions; and*
- l. *pedestrian and bicycle violations.*

Commentary

The intent of this directive is to provide guidelines for uniform traffic law enforcement actions. Uniform enforcement supports the ultimate aim of traffic law enforcement, which is to achieve voluntary compliance with traffic laws and regulations. The policy cannot and should not supplant officer judgment, for it is impossible to foresee every conceivable situation involving traffic violations. In unusual circumstances, the officer should decide what enforcement, if any, is appropriate on the basis of a combination of training, experience, and common sense (see standard 1.2.7 regarding officer discretion). (M M M M) (LE1)

61.1.6

(O O O O) Enforcement Practices

A written directive governs traffic law enforcement practices, to include:

- a. *visible traffic patrol, whether area, line, or directed;*
- b. *stationary observation, covert and overt;*
- c. *use of unmarked or unconventional vehicles; and*
- d. *use of roadside safety checks.*

Commentary

The intent of this standard is to have the agency set parameters for how traffic law enforcement activities are to be conducted, not to establish selective enforcement assignments (see standard 61.1.1, selective enforcement). The traffic law enforcement practices of the agency should foster trust in the agency's enforcement practices, while increasing voluntary compliance by motorists and pedestrians.

Area traffic patrol assignments may be included within existing patrol beats, or special geographic boundaries may be established for the purpose of increasing visibility or enforcement activities. Line patrol involves linear boundaries, as between specific mileposts on a highway. Directed patrol includes assignments or requests for increased traffic patrol coverage, coming from supervision or the communications center during the shift. This does not include pre-determined selective enforcement activities.

The use of unmarked or unconventional vehicles for traffic enforcement may cause the agency to develop special procedures for traffic stops, especially if there have been recent instances of persons impersonating police officers.

Roadside safety checks are accepted more readily by the public when conducted by the agency in a manner that improves rather than exacerbates normal traffic flow. (O O O O)

61.1.7

(M M M M) (LE1) Stopping/Approaching

A written directive establishes procedures for motorist stops, to include:

- a. *traffic law violators;*
- b. *unknown risk stops; and*
- c. *high risk stops.*

Commentary

Although enforcing traffic laws is one of the more basic functions that law enforcement officers perform, all too frequently officers are injured or killed in the process. Therefore, the agency should provide detailed instructions to officers on procedures for making contact with offending motorists, methods for making effective stops that are safe for the officer and the motorist, approach procedures, and responsibilities for calling in traffic stop information. The instructions should cover all potential situations from basic motorist stops to high-risk stops. (M M M M) (LE1)

61.1.8

(O O O O) Officer-Violator Relations

A written directive establishes procedures for officers to follow in their contacts with traffic violators.

Commentary

The purpose of this directive is to provide guidelines to ensure that officers take proper enforcement action and attempt to alter favorably the violator's future driving habits. The procedures should minimize conflict between the officer and the violator, and facilitate a professional interaction. (O O O O)

61.1.9

(O O O O) Speed-Measuring Devices

A written directive governs the use of speed measuring devices in traffic law enforcement, to include:

- a. *equipment specifications;*
- b. *operational procedures;*
- c. *proper care and upkeep;*
- d. *maintenance and calibration records; and*
- e. *operator training and/or certification.*

Commentary

The directive should include guidelines to ensure that traffic safety and energy conservation goals and objectives are met. The agency should ensure that officers utilizing speed measuring devices (radar, VASCAR, speedometer, stopwatch, etc.) are fully trained before they are authorized to use such devices for traffic law enforcement. Operators may be required to demonstrate their competence with each device under varying conditions in supervised field performance tests. The training and equipment standards should be equivalent to the model standards promulgated by the National Highway Traffic Safety Administration. (O O O O)

61.1.10

(N/A O M M) Alcohol Enforcement Program

A written directive establishes the agency's enforcement countermeasure programs against alcohol and drug impaired traffic offenders.

Commentary

The primary objective of the program should be to reduce alcohol and/or drug related traffic offenses by fielding units that are specially trained and equipped to apprehend and process alcohol or drug impaired drivers. Special emphasis should be placed on enforcement of laws related to driving while intoxicated and other statutes restricting drinking and driving. Training should be provided to develop officer skills in detecting those persons who are under the influence of alcohol or drugs.

The agency should consider using the following countermeasures in various combinations in their selective alcohol enforcement program: selective assignment of personnel at the time when, and to the locations where analyses have shown that a significant number of violations and/or collision involving impaired drivers have occurred; selective surveillance of roadways on which there have been an unusual incidence of drinking-driving collisions to ascertain the characteristic violation profile of the problem drinker who drives; selected alcohol related collision investigations and analyses of findings; selective roadway checks for deterrence purposes; and selective enforcement of drinking driving laws through concentration on existing laws and the expeditious processing of violators. (N/A O M M)

61.1.11

(M M M M) (LE1) DUI Procedures

A written directive establishes procedures for handling persons charged with driving while under the influence of alcohol or drugs.

Commentary

The arrest of a person for driving while intoxicated differs significantly from the handling of other traffic law violations. In most jurisdictions for instance, implied consent statutes and legislation that defines intoxication in terms of blood alcohol levels have been enacted. These statutes include many provisions affecting an officer's authority. Therefore, detailed guidance should be provided to officers based on the pertinent legal requirements of the jurisdiction. Procedures should address the methods to be employed for proper administration of preliminary and evidentiary breath tests, safe transportation of impaired arrestees, procurement of blood and urine testing where governing statutes give the arrestee a choice of these tests in addition or as an alternative to a breath test, incarceration or release to a responsible third party, and disposition of the arrestee's vehicle. (M M M M) (LE1)

61.1.12

(O O O O) License Reexamination Referrals

A written directive establishes procedures for identification and referral of drivers recommended for reexamination by licensing authorities.

Commentary

Routine enforcement, collision reporting, and investigation activities frequently lead to the discovery of drivers who have suspected incompetency, physical or mental disability, disease, or other conditions that might prevent the person from exercising reasonable and ordinary care over a motor vehicle. In addition to reports related to the action or incident for which the motorist was stopped, the actual or suspected impairments should also be brought to the attention of the state drivers licensing authority. (O O O O)

61.1.13

(M M M M) Parking Enforcement

If parking enforcement is conducted by the agency, a written directive describes the agency's parking enforcement activities.

Commentary

None. (M M M M)



61.2 Traffic Collision Investigation

61.2.1(M M M M) Reporting and Investigation

61.2.2(M M M M) Collision Scene Responses

61.2.3(M M M M) Collision Scene Duties

61.2.4(O O O O) Follow-Up Investigations





61.2.1

(M M M M) Reporting and Investigation

A written directive describes collision reporting and investigation, to include collisions involving:

- a. *death or injury;*
- b. *property damage;*
- c. *hit and run;*
- d. *impairment due to alcohol or drugs;*
- e. *hazardous materials; and*
- f. *occurrences on private property.*

Commentary

The directive should establish procedures to ensure the agency's collision reporting and investigation responsibilities are efficiently and effectively carried out. The directive should also specify which collisions require investigation and which collisions require a report. (M M M M)

61.2.2

(M M M M) Collision Scene Responses

A written directive defines agency response to the scene of any collision involving any of the following:

- a. *death or injury;*
- b. *hit and run;*
- c. *impairment of an operator due to alcohol or drugs;*
- d. *damage to public vehicles or property;*
- e. *hazardous materials;*
- f. *disturbances between principals;*
- g. *major traffic congestion as a result of the collision; or*
- h. *damage to vehicles to the extent towing is required.*

Commentary

Agency response to the scene of a serious or complex collision should include providing emergency services, investigating the collision, recording short-lived evidence, and restoring the normal flow of traffic. In less serious collisions, personnel response should be influenced by agency policy, workload, and availability of personnel. The directive should also specify the circumstances that permit the suspension of investigations—for example, during snow emergencies—and when drivers may report property damage-only collisions in person (at the nearest agency office) and/or by telephone. This policy should be communicated to motorists through the agency's public information program. (M M M M)

61.2.3

(M M M M) Collision Scene Duties

A written directive specifies collision scene responsibilities for responding officers, including procedures for:

- a. *determining the officer or investigator who is in charge at the scene;*
- b. *identifying and dealing with injured persons;*
- c. *identifying and dealing with fire hazards and/or hazardous materials;*
- d. *collecting information;*
- e. *protecting the collision scene; and*
- f. *controlling property belonging to collision victims.*

Commentary

The intent of the standard is to provide procedural guidance to officers responding to collision scenes, who may be the first to arrive, as well as to establish a procedure by which the officer in charge or investigator in charge is determined (see standard 12.1.2). The first arriving officer has important responsibilities that include, but are not limited to providing basic or advanced life support until the arrival of fire/rescue personnel, identifying potential or actual fire hazards or other dangerous conditions so that appropriate action can be taken, summoning additional assistance, protecting the scene, establishing a safe traffic flow around the scene, identifying and interviewing witnesses, and expediting the removal of debris and the vehicles involved from the roadway.

Procedural guidance for hazardous material incidents is necessary to protect the officer and other highway users and to ensure the prompt control and removal of material. The procedures should specify what actions the officer can take to identify materials, protect the scene, isolate the immediate area, evacuate nonessential personnel, and obtain appropriate technical assistance. The law enforcement agency generally will be responsible for preliminary hazard identification, e.g., spill, leak, fire, and identification of vehicles and container placards. The directive should ensure that only properly trained and equipped agency personnel attempt to enter areas where hazardous materials may be encountered or suspected.

Procedures for determining who is in charge at the scene when more than one officer or investigator is present will ensure that all required tasks are accomplished. This is especially important in agencies where supervisory personnel do not routinely respond to collision scenes. A failure to carry out certain tasks in a timely manner could be a contributing factor to additional collision. The officer in charge at the scene of a collision should ensure that property belonging to collision victims is protected from theft or pilferage and is removed to a place of safekeeping if the owner is unable to care for it. The directive should provide guidelines for property inventory and indicate methods for property removal and storage. (M M M M)

61.2.4

(O O O O) Follow-Up Investigations

A written directive establishes procedures for collision investigation follow-up activities.

Commentary

Follow-up activities may include, at a minimum, collecting off-scene data, obtaining/recording formal statements from witnesses, reconstructing collisions, using expert and technical assistance, and preparing formal reports to support criminal charges. This standard is not intended to require all of these activities in every investigation; however, the directive should establish when and how these activities should be conducted. The agency may also conduct investigations to gather additional data about driver, pedestrian, vehicle, roadway controls, or related collision information for special research studies. (O O O O)



61.3 Traffic Direction and Control

61.3.1(O O O O) Traffic Engineering

61.3.2(M M M M) (LE1) Direction/Control Procedures

61.3.3(M M M M) (LE1) Escorts

61.3.4(O O O O) Adult School Crossing Guards

61.3.5(O O O O) Student Safety Patrol Program

61.3.6(O O O O) Local/Region Planning Committees



61.3.1

(O O O O) Traffic Engineering

A written directive governs performance of agency activities related to traffic engineering, to include:

- a. *handling or referring complaints or suggestions concerning traffic engineering deficiencies; and*
- b. *procedures for transmitting collision and enforcement data to local or regional traffic engineering authorities.*

Commentary

Engineering functions should be conducted in conjunction with local traffic engineering authorities and should be directly related to the discovery and remedy of collision and congestion hazards. Guidance should be sought by the agency from whatever resource materials are available and applicable to its jurisdiction. The directive should describe the authority and responsibilities of agency personnel for collecting and compiling traffic data; conducting special traffic surveys and studies; analyzing collision and enforcement data; preparing special reports and making recommendations concerning the efficient use of traffic control devices, new or revised laws or ordinances, and engineering improvements; and participating in local and regional transportation system management planning.

The directive should establish procedures to ensure that proper action is taken to investigate complaints, evaluate suggestions, and correct deficiencies or refer them to proper authorities for correction. Traffic records call attention to changed conditions that require alteration in engineering or enforcement policies. The agency should provide copies of collision report forms and/or a monthly summary of collision and enforcement data to provide factual data necessary to make sound engineering decisions.

The occurrence of a serious collision should be brought to the attention of traffic and highway engineering authorities for analysis of potential corrective actions. (O O O O)

61.3.2

(M M M M) (LE1) Direction/Control Procedures

A written directive specifies procedures for traffic direction and control to include the following, at a minimum:

- a. *procedures applicable at the scenes of traffic collision;*
- b. *uniform hand signals and gestures for manual traffic direction and control;*
- c. *procedures applicable at the scenes of critical incidents;*
- d. *procedures applicable during periods of adverse road and weather conditions;*
- e. *circumstances warranting manual operation of traffic control devices;*
- f. *use of temporary traffic control devices; and*
- g. *a requirement that any personnel directing traffic, or in the roadway controlling traffic, wear reflective clothing at all times.*

Commentary

None. (M M M M) (LE1)

61.3.3

(M M M M) (LE1) Escorts

A written directive governs provisions for:

- a. *law enforcement escort services; and*
- b. *escorts of civilian vehicles in medical emergencies.*

Commentary

The directive should specify the circumstances, both routine and emergency, under which escort services should be provided; the procedures for processing routine or emergency requests for escort; and the identification of agency personnel authorized to approve such requests. The directive should include escort of public officials, dignitaries, emergency vehicles, funerals, oversize vehicles, and hazardous or unusual cargo. The agency should also establish procedures for ensuring the adequacy of private escort services for oversize vehicles and hazardous cargo carriers.

Escorting civilian vehicles under emergency circumstances is an extremely dangerous practice and should be avoided whenever possible. In medical emergencies, the patient should be transported by ambulance whenever possible. If escorts are authorized, the directive should establish guidelines to ensure the safety of the patient, the officer, and all other highway users. (M M M M) (LE1)

61.3.4

(O O O O) Adult School Crossing Guards

If the agency uses adult school-crossing guards, a written directive specifies:

- a. *the adult school-crossing guards' authority and responsibilities;*
- b. *selection criteria for the adult school-crossing guards;*
- c. *the uniforms to be worn by the adult school-crossing guards;*
- d. *criteria for locations requiring adult school-crossing guards; and*
- e. *identification of the locations requiring adult school-crossing guards, based on an annual documented review.*

Commentary

The scope of school-crossing guards' responsibilities and duties should be clearly spelled out and understood by both officers and crossing guards. Selection criteria should be based on the knowledge, skills, and abilities required for job performance. School crossing-guards should be uniformed so that motorists and pedestrians can readily recognize them and respond to their signals. Their uniforms should be distinctly different from those worn by sworn personnel.

The following variables should be considered when determining the locations where school-crossing guards are needed: traffic volume/speed, number of turning movements, width of an intersection, physical terrain, existence or absence of traffic control devices, local legislative policy, and the number and age of children utilizing the crossing.

Regarding bullet (e), the annual review should be conducted in conjunction with traffic engineering and school authorities. The survey's data should form the basis for establishing school crossing points and school routes.

A uniform approach to school-area traffic controls should be developed to ensure the use of similar controls for similar situations, thus promoting uniform behavior on the part of drivers and pedestrians. (O O O O)

61.3.5

(O O O O) Student Safety Patrol Program

The agency assists school authorities in the student safety patrol program.

Commentary

Student safety patrol activities should complement those of the school-crossing guards. Agency assistance in the organization, instruction, and supervision of student safety patrols should provide a degree of uniformity and improve program effectiveness. Student patrols should not be charged with the responsibility of directing vehicular traffic, nor should they be allowed to do so through the use of flags, hand signs, or other signal devices. (O O O O)

61.3.6

(0 0 0 0) Local/Region Planning Committees

If there are criminal justice coordinating and/or local or regional transportation system management planning committees within the agency's jurisdiction, the agency participates in such committees.

Commentary

None. (0 0 0 0)

61.4 Ancillary Services

61.4.1(M M M M) (LE1) Assistance, Highway Users

61.4.2(M M M M) (LE1) Hazardous Highway Conditions

61.4.3(M M M M) (LE1) Towing

61.4.4(O O O O) Traffic Safety Materials

61.4.1

(M M M M) (LE1) Assistance, Highway Users

A written directive governs the provision of assistance to highway users, to include:

- a. *general assistance;*
- b. *mechanical assistance and towing service;*
- c. *protection to stranded persons; and*
- d. *emergency assistance.*

Commentary

The directive should set forth policies that describe the role of the agency in providing information and directions, assisting stranded or disabled motorists, providing or obtaining fuel, changing tires, making minor repairs, etc.

The highway user encountering mechanical or other difficulties necessitating assistance or towing generally must rely upon the officer to obtain needed services. The directives should establish procedures for obtaining services or other assistance in an equitable manner that satisfies the needs of the public, the law enforcement agency, and the providers of such services.

The agency has a responsibility to provide a communications link to obtain needed services for motorists and to provide protection for highway users stranded or disabled in hazardous locations or environments. The written directive should provide basic guidelines to ensure that help arrives in a timely fashion and that motorists are directed or actually transported to a place of safety.

The directive should describe the role of officers in providing first aid, obtaining medical assistance, fighting fires, obtaining fire service assistance, and transporting civilians. Agency personnel should have clear guidelines to ensure that fire suppression and emergency medical transport services are provided in a timely manner. (M M M M) (LE1)

61.4.2

(M M M M) (LE1) Hazardous Highway Conditions

A written directive specifies procedures for taking action to correct hazardous highway conditions.

Commentary

Roadway and roadside hazards are contributing factors in many traffic collisions. In order to mitigate these factors, the directive should specify procedures for reporting and correcting hazardous conditions such as debris in the roadway; defects in the roadway itself; lack of or defects in, highway safety features, e.g., impact attenuation devices, reflectors; lack of, improper, visually obstructed, or down or damaged mechanical traffic control devices and/or traffic control and informational signs; lack of or defective roadway lighting systems; and other roadside hazards, including vehicles parked or abandoned on or near the roadway. (M M M M) (LE1)

61.4.3

(M M M M) (LE1) Towing

A written directive specifies procedures for the following:

- a. handling of abandoned vehicles;*
- b. removal and towing of vehicles from public and private property; and*
- c. maintaining records of all vehicles removed, stored, or towed at the direction of an officer.*

Commentary

The directive should define the circumstances under which vehicles are considered abandoned and when and how they are to be removed.

Procedures are needed for removal or towing of vehicles that are illegally stopped, standing, or parked; stolen or abandoned; and/or in the agency's custody. In addition, the directive should establish procedures to notify the registered owner of the removal or tow and to afford the owner the opportunity for a hearing to determine the legality of such removal or tow.

Whenever a vehicle is removed or towed at the direction of an officer, a written record should be made of the time, date, location, requesting officer, reason for removal or tow, charges pending, towing service, location of the vehicle, and notification or attempted notification of the registered owner. (M M M M) (LE1)

61.4.4

(0 0 0 0) Traffic Safety Materials

Traffic safety educational materials are made available to the public.

Commentary

The ultimate goal of enforcement officials is to achieve voluntary compliance with traffic laws and regulations. Preparation and dissemination of traffic safety educational materials support enforcement efforts and enhance public understanding of traffic safety programs.

(0 0 0 0)

Chapter 70 Introduction

Transportation by law enforcement agencies of persons who are in custody is a constant requirement and a frequent activity. Standards in this chapter concern those directives that should exist pertaining to the transport function. Two general time periods are involved. The first is immediately after arrest, when the arrestee is taken by the arresting officer for booking and holding or transfer to another facility. The second concerns the movement of detainees from the detention facility, such as a county jail, to a hospital, doctor, dentist, or other medical facility; to court; to attend a funeral or visit a seriously ill relative; and for other reasons. Agencies should review their policy and procedures covering all types of detainee transportation.

As law enforcement personnel perform detainee transport, they should be prepared to provide for the safety and security of the detainee, the transporting personnel, and the public. Written directives are the key in each instance. These directives form the guidelines that must be followed when agency personnel conduct the detainee transport function.

Larger agencies may be organized to effect detainee transport with specially constructed buses and specially trained personnel; smaller agencies may perform the transport function as part of their patrol activities. In any case, there are basic requirements to ensure safety and security for detainees, transporting personnel, and the general public. The standards should be addressed in accord with the agency's responsibilities for transporting detainees.

While standards in this chapter may use the word officer, it is recognized some agencies utilize non-sworn personnel for detainee transportation.

70.1 Transport Operations

70.1.1(M M M M) (LE1) Pre-transport Detainee Searches

70.1.2(M M M M) (LE1) Searching Transport Vehicles

70.1.3(M M M M) Procedures, Transporting by Vehicle

70.1.4(M M M M) Interruption of Transport

70.1.5(M M M M) Detainee Communication

70.1.6(M M M M) (LE1) Procedures, Transport Destination

70.1.7(M M M M) (LE1) Procedures, Escape

70.1.8(M M M M) (LE1) Notify Court of Security Hazard

70.1.1

(M M M M) (LE1) Pre-transport Detainee Searches

A written directive requires the transporting officer to search the detainee before being transported.

Commentary

The transporting officer is legally responsible for the safety and custody of the detainee being transported. It must be assumed that the detainee may have had an opportunity to obtain contraband or a weapon prior to the time he or she is accepted for transport by the officer. It should never be assumed by the officer that someone else has searched the detainee. Detainees should be searched each time they come into the transporting officer's custody, including transport to and from court appearances.

The directive should clearly define agency policy on the types of searches that may be conducted, describe when and where they may be conducted, and provide strict procedures on how and by whom each type of authorized search may be performed. Exceptions if allowed, should be listed. If conducted, strict guidelines on "strip" searches and/or "body-cavity" searches should be established and included in this directive (see standard 1.2.8). (M M M M) (LE1)

70.1.2

(M M M M) (LE1) Searching Transport Vehicles

A written directive requires examination at the beginning of each shift of all vehicles used for transporting detainees and the search of any transport vehicles prior to and after transporting detainees.

Commentary

The intent of this standard is to ensure that any vehicle used to transport a detainee is free of weapons and contraband before and after the detainee comes in contact with the vehicle. An examination before beginning each shift will ensure the vehicle has not been tampered with since last used, is free of weapons and contraband, is mechanically safe, is free of damage or defect, and is properly equipped for use.

Each time a detainee is to be transported, the vehicle should be examined to ensure that no weapons or contraband are present. Some latitude may be allowed where an officer has been in constant control of the vehicle following the pre-shift examination and the introduction of the detainee to the vehicle; however, most vehicles will not have been under constant observation and officers should not assume that no opportunity has existed for the introduction of weapons, contraband, or other items.

Once a detainee has been removed from the vehicle, a thorough search should be conducted as soon as practical, but, in all cases, before the vehicle is reused. This will not only ensure that the detainee has left nothing in the vehicle, but if items are found, link them in a timely manner to the detainee.

In special transport situations, it is the transporting officer's responsibility to ensure that the vehicle is safe and equipped with appropriate items; for example, spare tire, jack, lug wrench, and safety flares. The condition of the vehicle itself should be examined, including proper inflation of tires, fuel and oil levels, ignition system, and engine operation. The transporting officer should have proper forms or credit cards for procurement of gasoline, as well as all detainee-related documentation required by standard 70.5.1. (M M M M) (LE1)

70.1.3

(M M M M) Procedures, Transporting by Vehicle

A written directive requires that transporting officers in vehicles without safety barriers be seated in specific locations within the vehicle, depending upon the number of detainees to be transported and the number of transporting officers used.

Commentary

For safety reasons, the detainee should be under control at all times. Opportunities for escape or attack on transporting officers should be reduced as much as possible. The detainee should be made as comfortable as reasonably possible, given the length of the trip being made, and should be secured to the maximum degree with appropriate restraining devices (see standard 70.2.1). (M M M M)

70.1.4

(M M M M) Interruption of Transport

a written directive establishes under what conditions an officer may interrupt a detainee transport for necessary stops and/or to render emergency assistance.

Commentary

The primary duty of the transporting officer is the safe delivery of the detainee in his or her care. This directive should stipulate circumstances under which the transporting officer can stop to respond to the need for law enforcement services while transporting a detainee, if allowed. However, the directive should caution that diversionary incidents, whether or not instigated by persons attempting to free the detainee, may divert the transport officer and place the detainee in jeopardy or enhance chances for escape. General principles of tort law impose a duty of care on the transporting officer to protect the detainee from injury. Only when the risk to third parties is both clear and grave and the risk to the detainee is minimal should the officer stop to render assistance.

During long distance transports, care should be taken when stopping for fuel and meals or for allowing the detainees reasonable opportunities to use toilet facilities. Locations should be alternated and randomly selected. Normally, no stops will be made while transporting from the point of arrest to the booking/processing location (see standard 70.2.1). (M M M M)

70.1.5

(M M M M) Detainee Communication

A written directive prescribes circumstances under which the detainee may communicate with others while being transported.

Commentary

Safety aspects of the transport function require that the detainee's right to communicate with attorneys and others will not normally be exercised during the period that the detainee is being transported. (M M M M)

70.1.6

(M M M M) (LE1) Procedures, Transport Destination

A written directive prescribes actions at the destination of employees transporting detainees to a facility to include, at a minimum:

- a. *securing firearms for safekeeping;*
- b. *when to remove restraints from the transported detainee;*
- c. *delivering documentation to the receiving personnel;*
- d. *advising receiving agency personnel of any potential medical or security risks; and*
- e. *documentation confirming the transfer of custody.*

Commentary

Procedures for the release or transfer of detainee medical information should address the need to comply with controlling legislation. In lieu of a written receipt, the employee may document the transfer of the detainee in a written report to include the receiving official's name. (M M M M) (LE1)

70.1.7

(M M M M) (LE1) Procedures, Escape

Following an escape of a detainee while being transported, the transporting officer takes actions prescribed by a written directive to include, at a minimum, the following:

- a. *persons to be notified;*
- b. *reports to be prepared; and*
- c. *further actions to be taken.*

Commentary

If the escape occurs in another jurisdiction, the authority of the escort officer to take action in recovering the detainee will depend upon the powers officers have in that jurisdiction. Depending upon the state, these will include peace officer powers anywhere within the state, within a mutual aid area, or only within the specific jurisdiction served by the officer. (M M M M) (LE1)

70.1.8

(M M M M) (LE1) Notify Court of Security Hazard

A written directive requires that the agency notify the appropriate agency or court when a detainee to be transported to another agency or court is considered an unusual security risk.

Commentary

In such cases, the receiving agency may take additional security steps or the judge may allow or direct the use of restraining devices in the court and may request the assignment of additional officers for security while at the court. (M M M M) (LE1)

70.2 Restraining Devices

70.2.1(M M M M) (LE1) Detainee Restraint Requirement

70.2.1

(M M M M) (LE1) Detainee Restraint Requirement

A written directive describes restraining devices and methods to be used during detainee transports with exceptions noted.

Commentary

It is necessary for officers to know when and how detainees are to be restrained and when, where, and how particular restraining devices are to be employed, including special and prohibited methods (see standard 41.3.3). Agencies should be aware that some techniques have been found to contribute to serious physical injury or death, e.g., "positional asphyxia" and should be prohibited. For example, in transporting more than one detainee, should each be handcuffed with hands in front and arms intertwining or may a detainee be handcuffed to any part of the vehicle? The directive should also take into account circumstances under which the detainee is to be transported by vehicle over a period of several hours.

It should not be assumed that restraining devices are unnecessary for disabled detainees. A detainee in a wheelchair or one who uses walking aids may not require the use of restraining devices in all instances. Restraining devices also may be harmful to sick or injured detainees, depending upon the nature of the sickness or injury. The written directive in both situations should be specific in defining circumstances when restraining devices would and would not be necessary and the extent of the officer's discretion in their application.

Mentally disabled detainees may pose a significant threat to themselves and/or the transporting officers. The selected device should restrain the detainee securely without causing injury. These devices should be required whenever practical but should not preclude the use of handcuffs in emergency situations. The types of restraints used should be indicated on the transfer document. (M M M M) (LE1)




70.3 Special Transport Situations

70.3.1(M M M M) Sick, Injured, Disabled

70.3.2(M M M M) Hospital Security and Control

70.3.3(M M M M) Special Situations



70.3.1

(M M M M) Sick, Injured, Disabled

A written directive prescribes procedures for transporting sick, injured, or disabled detainees.

Commentary

If a detainee becomes sick or is injured incidental to arrest, the arresting officer should seek medical attention at that time, if at all possible. If the detainee is not provided care in a medical facility or is not transported to a medical facility initially but is taken to the booking point, the directive should define the actions to be taken at that time for providing medical attention to the detainee.

Physically and mentally disabled detainees present conditions for their transport that dictate special care and attention. For example, the type of vehicle used would be a consideration when transporting nonambulatory detainees or those requiring wheelchairs, crutches, or prosthetic appliances. It may be necessary to transport medicine and other special items for certain detainees during transport. The safety of the detainee and the transporting officer requires due care when transporting disabled detainees. (M M M M)

70.3.2

(M M M M) Hospital Security and Control

A written directive establishes procedures for the security and control of detainees transported to medical care facilities or hospitals for treatment, examination, or admission.

Commentary

Detainees who are taken for immediate treatment should be closely monitored. Opportunities for escape, suicide, and assault on hospital personnel or the transporting officer should be guarded against and will be more prevalent if the detainee is unrestrained and/or out of sight. If restraints should be removed for treatment, caution should be exercised while the detainee is unfettered. Only under unusual circumstances will the detainee be allowed out of the transporting officer's sight.

If the detainee is admitted to the hospital, the agency may need to provide additional security. Some measures to consider are the type and period of treatment, degree of risk, isolation, 24-hour coverage, continued use of restraints, meals and utensils, monitoring all personal contacts with the detainee, etc. Visitors should be prohibited, including telephone contact with the detainee.

Officers assigned to guard the detainee should be cautioned not to become lax while performing their duty. Long tedious hours, with little activity, easily lead to complacency and carelessness. Officers should also avoid fraternizing with the detainee at any time. Any unusual occurrence should be recorded. Frequent rotation of guards and close supervision by superiors is recommended.

When released from treatment, the detainee's condition should be carefully recorded. All instructions for future treatment and medication should be obtained in writing and signed by the attending physician. Before moving, the detainee should be searched and restrained (see standards 70.1.1 and 70.2.1). (M M M M)

70.3.3

(M M M M) Special Situations

A written directive prescribes procedures for transporting detainees in special situations.

Commentary

The unusual circumstances surrounding such situations as attending funerals, visiting hospitals and critically ill persons, or attending the reading of a will provide extraordinary opportunities to a detainee for unauthorized personal contact, escape, or inflicting injury on himself or others. Therefore, special precautions and security measures should be stipulated and employed. (M M M M)



70.4 Transport Equipment

70.4.1 (M M M M) Vehicle Safety Barriers

70.4.2 (M M M M) (LE1) Rear Compartment Modifications



70.4.1

(M M M M) Vehicle Safety Barriers

Vehicles used primarily for transporting detainees must have the driver separated from the detainee by a safety barrier.

Commentary

The safety barrier prevents the detainee from having access to the driver's compartment of the vehicle. Communication between the front and rear compartments should not be impaired to the point that precludes conversation. Installation of such a barrier should be done in a manner that promotes the safety of occupants in the front and rear compartments. (M M M M) Compliance may be OBSERVED.

70.4.2

(M M M M) (LE1) Rear Compartment Modifications

If detainees are routinely transported alone in the rear of agency vehicles, the rear compartments are modified to minimize opportunities for exit without the aid of the transporting officer.

Commentary

Cages, safety barriers, deactivating power to windows and/or removal of window cranks and door handles from the rear compartment are modifications that should be considered by the agency to minimize unauthorized exit from the vehicle. The agency may also have a written directive that requires a secondary officer to be seated with the detainee if and when there are no physical barriers to minimize unauthorized exit (see standard 70.1.3). (M M M M) (LE1) Compliance may be OBSERVED.



70.5 Documentation

70.5.1(M M M M) Detainee ID and Documentation

70.5.1

(M M M M) Detainee ID and Documentation

A written directive prescribes the following for detainees transported from one facility to another:

- a. *methods to be used in positive identification of detainees to be transported;*
- b. *documentation that should accompany the detainee being transported between facilities; and*
- c. *information relating to the detainee's escape or suicide potential or other personal traits of a security nature be recorded and included in the documentation that accompanies the detainee during transport.*

Commentary

Each detainee being transported from a detention facility should be positively identified as the person who is to be moved. Booking records and numbers assigned to the detainee in the detention facility should be verified and the person concerned confirmed as the person described in the records.

If the detainee is to be transported to court, such information would include the detainee's name, facility detainee number, and court to which the detainee is to be delivered. When transporting a detainee to another facility, the documentation should include commitment papers and the detainee's medical records and personal property. For interstate transports, the escort officer should have a properly executed governor's warrant or a properly executed waiver. The escort officer should also be specifically alerted to any potential security problems that the detainee may present during transport. This information should include escape or suicidal tendencies as well as unusual illnesses. (M M M M)