22.2.7

(M M M M) (LE1) Employee Identification

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

a. responding to requests to view personnel identification;

b. providing official agency identification with at least the personnel's photograph; and

c. verbal identification over the telephone.

Commentary

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

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

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

22.2.8

(M M M M) (LE1) Long Term Military Deployment and Reintegration

The agency has a written directive establishing a plan for personnel with military activations exceeding 180 days for pre-deployment, deployment and post deployment. The plan includes provisions for:

a. designating an agency point of contact;

b. designating a human resources point of contact, if outside the agency;

c. out processing, including an exit interview with the CEO or designee;

d. storage of agency owned equipment during deployment;

e. in processing, including an interview with the CEO or designee;

f. initial and/or refresher training, weapons requalification and steps for reintegration, as appropriate; and

g. ensuring a process for communication with the deployed member is established.

Commentary

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

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

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

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

Although the requirements of this standard are mandatory for military deployments exceeding 180 days in duration, the agency may impose a shorter time period by policy. Under those circumstances the agency must comply with the established policy. (M M M M) (LE1)

22.3.2

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

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

Commentary

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

22.3.5

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

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

a. the requirement that sworn personnel must receive agency permission to engage in extra duty employment;

b. policies that address the behavior and activities of officers during extra-duty employment;

c. approval, review, and revocation processes pertaining to officers' extra-duty employment;

d. designation of a point of coordination or administration within the agency to oversee adherence to the aforementioned policies, processes, and other matters deemed appropriate by the agency; and

e. documentation of the significant aspects of each officer's extra-duty employment.

Commentary

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

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

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

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

With respect to bullet (e), documentation should reflect the unique needs of the agency, the relevant sections of its collective bargaining agreement, if any, as well as pertinent statutory requirements, e.g., the federal Fair Labor Standards Act. Among the significant aspects of extra-duty employment to document, the agency should consider the following: date, time, and place of employment; incidents that involved use of law enforcement powers, injury to the officer or others, complaints received, and court appearances (scheduled and actually attended) resulting from extra-duty employment; and liability and indemnification concerns stemming from actions during extra-duty employment. (M M M M) (LE1) - Change Notice 5.5 (March 20, 2009)

Chapter 25 Introduction

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

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

25.1.1

(M M M M) (LE1) Grievance Procedures

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

a. *identification of matters that are grievable (scope) and the levels in the agency or government to which the grievance may be filed and/or appealed;*

b. *establishment of time limitations for filing or appealing the grievance to the next level;*

c. *a description of the type of information to be submitted when filing a grievance;*

d. *establishment of procedural steps and time limitations at each level in responding to grievances or appeals; and*

e. *establishment of criteria for employee representation.*

Commentary

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

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

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

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

Chapter 26 Introduction

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

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

26.1.1

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

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

Commentary

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

26.1.3

(M M M M) (LE1) Sexual Harassment

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

Commentary

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

26.1.4

(M M M M) (LE1) Disciplinary System

A written directive establishes a disciplinary system, to include:

a. procedures and criteria for using training as a function of discipline;

b. procedures and criteria for using counseling as a function of discipline; and

c. procedures and criteria for taking punitive actions in the interest of discipline.

Commentary

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

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

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

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

26.1.6

(M M M M) (LE1) Appeal Procedures

A written directive specifies appeal procedures in disciplinary actions.

Commentary

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

Chapter 31 Introduction

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

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

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

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

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

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

31.2.1

(M M M M) (LE1) Recruitment Plan

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

a. statement of objectives;

b. plan of action designed to achieve the objectives identified in bullet a;

c. Identify employees, inside or outside the agency, responsible for plan administration.

Commentary

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

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

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

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

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

- Utilizing in the agency's recruitment activities minority personnel who are fluent in the community's non-English languages and are aware of the cultural environment, where this would be applicable;

- Depicting females and representatives of ethnic/cultural/race minority groups in law enforcement roles in the agency's recruitment literature;

- Conducting recruitment activities outside of the agency's jurisdiction to attract viable law enforcement candidates; and

- Establishing relationships with groups in and outside the community who represent targeted groups.

Statistics on the composition of the workforce in the agency's service community are available from a variety of sources, such as the U.S. Department of Labor's Bureau of Labor Statistics or national labor statistics. For the purposes of this standard, available workforce may be determined by considering several factors; for example, the residential makeup, those working in the agency's community,

31.2.2

(M M M M) (LE1) Annual Analysis

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

a. progress toward stated objectives; and

b. revisions to the plan, as needed.

Commentary

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

Chapter 32 Introduction

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

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

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

32.1.1

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

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

Commentary

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

32.2.1

(M M M M) (LE1) Background Investigations

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

a. verification of qualifying credentials;

b. a review of any criminal record; and

c. verification of at least three personal references.

Commentary

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

32.2.7

(M M M M) (LE1) Medical Examinations

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

Commentary

None. (M M M M) (LE1)

32.2.8

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

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

Commentary

None. (M M M M) (LE1)

32.2.10

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

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

Commentary

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

Chapter 33 Introduction

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

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

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

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

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

33.1.4

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

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

a. a statement of performance and job-related objectives;

b. the content of the training and specification of the appropriate instructional techniques;

c. a process for approval of lesson plans; and

d. identification of any tests used in the training process.

Commentary

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

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

33.1.5

(M M M M) (LE1) Remedial Training

A written directive establishes agency policy concerning remedial training.

Commentary

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

33.1.6

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

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

Commentary

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

33.1.7

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

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

a. course content (lesson plans);

b. names of agency attendees; and

c. performance of individual attendees as measured by tests, if administered.

Commentary

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

33.4.1

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

The agency requires all sworn officers to complete a recruit training program prior to assignment in any capacity in which the officer is allowed to carry a weapon or is in a position to make an arrest, except as part of a formal field training program required in standard 33.4.3.

Commentary

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

33.4.3

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

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

a. field training of at least four weeks for trainees, during and/or after the required classroom training;

b. a selection process for field training officers;

c. supervision of field training officers;

d. liaison with the academy staff, if applicable;

e. training and in-service training of field training officers;

f. rotation of recruit field assignments;

g. guidelines for the evaluation of recruits by field training officers; and

h. reporting responsibilities of field training officers.

Commentary

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

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

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

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

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

33.5.1

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

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

Commentary

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

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

33.5.3

(M M M M) (LE1) Accreditation Training

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

a. *to all newly hired agency personnel within thirty days after their employment begins or within thirty days after completing the recruit academy;*

b. *to all agency personnel during the self-assessment phase associated with achieving initial accreditation; and*

c. *to all agency personnel prior to an on-site assessment.*

Commentary

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

33.6.2

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

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

Commentary

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

33.8.2

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

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

Commentary

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

Chapter 34 Introduction

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

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

34.1.3

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

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

a. evaluating the promotional potential of candidates;

b. administering written tests, if any;

c. using assessment centers, if any;

d. conducting oral interviews, if any;

e. providing procedures for review and appeal of results for each promotional element by candidates;

f. establishing procedures for reapplication, if any;

g. determining promotional eligibility for vacancies where lateral entry is permitted, if any; and

h. security of promotional materials.

Commentary

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

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

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

34.1.7

(M M M M) (LE1) Promotional Probation

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

Commentary

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

Chapter 35 Introduction

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

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

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

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

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

35.1.1

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

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

a. measurement definitions;

b. procedures for use of forms;

c. rater responsibilities; and

d. rater training.

Commentary

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

35.1.2

(M M M M) (LE1) Annual Evaluation

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

Commentary

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

35.1.7

(M M M M) (LE1) Employee Counseling

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

a. *results of the performance evaluation just completed;*

b. *level of performance expected, rating criteria or goals for the new reporting period; and*

c. *career counseling relative to such topics as advancement, specialization, or training appropriate for the employee's position.*

Commentary

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

35.1.9

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

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

a. provisions to initiate a review based on current patterns of collected material;

b. agency reporting requirements of conduct and behavior;

c. documented annual evaluation of the system;

d. the role of first and second level supervision;

e. remedial action; and

f. some type of employee assistance such as a formal Employee Assistance Program, peer counseling, etc.

Commentary

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

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

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

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

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

Chapter 41 Introduction

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

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

41.1.4

(M M M M) (LE1) Agency Animals

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

a. authorization, conditions, and limitations on usage;

b. qualifications and training for personnel assigned to control the animal(s);

c. designation of the person or position responsible for the care of the animal(s); and

d. a listing of equipment required for each type of animal.

Commentary

None. (M M M M) (LE1)

41.2.1

(M M M M) (LE1) Responding Procedures

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

Commentary

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

41.2.2

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

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

a. *evaluating the circumstances;*

b. *initiating officer's responsibilities;*

c. *designating secondary unit's responsibilities;*

d. *specifying roles and restrictions pertinent to marked, unmarked, or other types of police vehicle involvement in the pursuit;*

e. *assigning dispatcher's responsibilities;*

f. *describing supervisor's responsibilities;*

g. *specifying when to terminate pursuit;*

h. *engaging in inter and intrajurisdictional pursuits involving personnel from the agency and/or other jurisdictions;*

i. *requiring a written report and an administrative review of each pursuit;*

j. *conducting a documented annual analysis of pursuit reports; and*

k. *conducting a documented annual review of pursuit policies and reporting procedures.*

Commentary

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

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

41.2.3

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

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

a. describing circumstances warranting their use;

b. specifying procedures for implementation;

c. requiring training in the use of agency-authorized roadblocks and forcible stopping techniques;

d. defining supervisory responsibilities; and

e. requiring a written report and an administrative review of each such incident.

Commentary

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

41.2.4

(M M M M) (LE1) Notification Procedures

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

Commentary

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

41.2.5

(M M M M) (LE1) Missing Persons

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

a. initial description and information to be gathered;

b. dissemination of collected information;

c. entry and removal of the information in the appropriate criminal justice information system;

d. follow-up contact with the reporting persons;

e. follow-up investigation and search; and

f. any special considerations applicable to critically missing or at-risk persons.

Commentary

None. (M M M M) (LE1)

41.2.6

(M M M M) (LE1) Missing Children

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

a. a policy statement concerning missing or unidentified children;

b. criteria for supervisory notification;

c. information required for immediate notification of appropriate inter- and intra-agency coordination;

d. criteria for activation of AMBER Alert Systems or other public notification;

e. responsibilities of call takers, first responders, supervisors, and investigators; and

f. follow-up responsibilities.

Commentary

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

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

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

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

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

41.2.7

(M M M M) (LE1) Mental Illness

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

a. guidelines for the recognition of persons suffering from mental illness;

b. procedures for accessing available community mental health resources;

c. specific guidelines for sworn officers to follow in dealing with persons they suspect are mentally ill during contacts on the street, as well as during interviews and interrogations;

d. documented entry level training of agency personnel; and

e. documented refresher training at least every three years.

Commentary

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

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

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

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

41.3.2

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

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

Commentary

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

41.3.5

(M M M M) (LE1) Protective Vests

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

Commentary

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

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

41.3.6

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

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

Commentary

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

41.3.8

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

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

a. policy statement on purpose and organization philosophy regarding use;

b. requirements and restrictions for activation and deactivation of the device;

c. criminal and administrative use of camera captured data;

d. data storage and retention requirements;

e. equipment maintenance and inspection procedures;

f. training requirements for users and supervisors; and

g. requirements for documented review of camera captured data including frequency and quantity.

Commentary

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

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

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

Chapter 42 Introduction

Criminal Investigation and Intelligence

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

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

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

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

42.1.3

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

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

a. a case status control system;

b. administrative designators for each case;

c. types of records to be maintained;

d. accessibility to the files; and

e. procedures for purging files.

Commentary

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

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

42.1.6

(M M M M) (LE1) Criminal Intelligence

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

a. a description of the function;

b. the responsibilities of all agency personnel;

c. training of personnel;

d. procedures for safeguarding, securing, and storing information;

e. procedures for ensuring that information collected is limited to criminal conduct or relates to activities that present a potential threat to the jurisdiction;

f. legal and privacy requirements;

g. documentation, reporting, and dissemination of information;

h. procedures for purging out-of-date or incorrect information; and

i. an annual review of procedures and processes.

Commentary

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

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

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

Law enforcement personnel should be trained and encouraged to document information gleaned from a variety of sources. Training should emphasize that all personnel, regardless of their jobs, have a role in criminal intelligence and the sharing of information. Training can range from roll-call to more advanced training and is frequently available at little or no agency cost.

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

42.2.1

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

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

a. observing all conditions, events, and remarks;

b. locating and identifying witnesses;

c. maintaining and protecting the crime scene and arranging for the collection of evidence; and

d. interviewing the complainant, witnesses, and suspects.

Commentary

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

42.2.7

(M M M M) (LE1) Informants

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

a. inclusion of informants in a master file;

b. content of the informant file, to include biographical and background information, criminal history record, if any, and code name or number of each informant;

c. maintenance and security of informant file and related codes;

d. other methods to protect the identity of informants;

e. criteria for paying informants, if applicable;

f. precautions to be taken with informants, generally; and

g. special precautions to be taken with juvenile informants.

Commentary

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

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

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

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