

**Change Notice No. 5.5:
Standards for Law Enforcement Agencies Amendments
Enacted by the Commission on March 20, 2009**

Background

This is the fifth change notice for the Standards for Law Enforcement Agencies - 5th Edition, which was published July 2006. Change notices shall be numbered by the Edition, followed by a decimal point and the sequential number of the change to that edition. Change notices are an essential component of the standards for law enforcement; they help ensure these standards continue to reflect the best and most up-to-date information the profession can offer.

For the purpose of record, Change Notices 5.1, 5.2, 5.3 and 5.4 were previously made available to all client agencies and the changes are outlined on the reverse side of this notice. The loose-leaf pages that accompanied Change Notice 5.1 bear the dates July 2006 and November 2006, Change Notice 5.2 bear the dates July 2007, November 2007, and March 2008, Change Notice 5.3 bears the date July 2008 and Change Notice 5.4 bears the date December 2008.

Standards Amendments and Other Revisions Accompanying This Change Notice

Standard 1.3.1: Standard language change.

Standard 1.3.9: Standard language change.

Introduction to Chapter 2: Language change.

Standard 2.1.3: Standard and Commentary language change.

Standard 22.3.3: New.

Standard 22.3.4: Renumbered from 22.3.3.

Standard 22.3.5: Renumbered from 22.3.4.

Introduction to Chapter 46: Language change.

Standard 46.1.2: Standard language change.

Standard 46.1.9: Commentary language change.

Standard 83.2.2: Standard language change.

Appendix H: STANDARD TITLES

H-4 – Added 22.3.3

H-5 – Changed 22.3.3 to 22.3.4

H-5 – Changed 22.3.4 to 22.3.5

Where to Insert This Notice and Accompanying Pages

Insert this notice immediately behind the front cover of the Standards Manual. Insert the accompanying loose-leaf pages as indicated by their respective page numbers and discard the old, correspondingly numbered pages. The new pages carry more recent dates than do those being replaced.

Change Notice 5.1 (January 2007)

Standard 22.2.7: Standard and Commentary language were changed.
Standard 71.3.3: Changed language for bullet a and added commentary language.
Chapter 72 Introduction: Language change.
APPENDIX A: GLOSSARY – Added new term – Demonstrated Proficiency.
APPENDIX B: GUIDING PRINCIPLES FOR AGENCIES AND ASSESSORS – Language change to 4.3.

Change Notice 5.2 (March 2008)

Table of Contents: New Standard.
Standard 16.3.3: Addition of Commission Interpretation.
Standard 25.1.3: Language and Levels of Compliance changes.
Standard 35.1.2: Language change.
Standard 42.2.8: Language change.
Chapter 45 Introduction: Language change.
Standard 46.3.4: Language change.
Standard 52.1.5: Levels of Compliance change.
Chapter 71 Introduction: Language change to Introduction.
Standard 71.3.3: Language change.
Standard 71.4.1: Language change.
Standard 71.4.2: Language change.
Standard 71.4.3: Language change.
Subsection 71.5 Processing and Testing: New.
Standard 71.5.1: New.
Standard 81.2.10: Language change.
Standard 81.2.14: Moved to Standard 82.2.5.
Standard 81.2.15: Renumbered to Standard 81.2.14.
Standard 84.1.6: Commentary Language change.
APPENDIX A: GLOSSARY- Added new terms – AMBER Alert and Constant Supervision.
Language change to Temporary Detention.
APPENDIX E: LIST OF TIME SENSITIVE ACTIVITIES – Deleted 72.3.1(b) and 73.5.9(b).
APPENDIX G: FILE CONSTRUCTION AND DOCUMENTATION – Deleted reference to Panel Presentations.

Change Notice 5.3 (July 2008)

Table of Contents: xi – page number change for 42.2.
Standard 33.5.4: Language change.
Introduction to Chapter 42: Added paragraph 3.
Standard 42.1.6: Revised.
Standard 71.5.1: Language change.
Appendix H: STANDARD TITLES
H-10 – 46.3.4 changed to Hazemat Awareness.

H-16 – 81.2.14 moved to 82.2.5 (H-17).
H-16 – 81.2.15 changed to 81.2.14.

Change Notice 5.4 (December 2008)

Standard 1.2.2: Commentary language change.

Standard 1.3.6: Commentary language change.

Standard 1.3.9: Commentary language change.

Standard 35.1.9: Level of Compliance change.

Standard 42.2.11: New.

Standard 42.2.12: New.

Appendix A: GLOSSARY – Added new terms:

PHOTOGRAPHIC LINEUP

PHYSICAL LINEUP

SHOW-UP

Appendix E: LIST OF TIME SENSITIVE ACTIVITIES

E-2 – Changed Level of Compliance for 35.1.9(c)

Added 42.1.6(i)

E-4 – Changed Level of Compliance for 35.1.9(c)

Added 42.1.6(i)

Appendix H: STANDARD TITLES

H-9 – Added 42.2.11 and 42.2.12.

Index

Index-4 – Added Eyewitness identification

Index-6 – Added Line-up

Index 8 – Show-up

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

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

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

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

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

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

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

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

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

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

Commentary: Strip and body cavity searches are sometimes necessary for agency safety and security or to seize evidence of criminal activity. These searches, however, are highly intrusive and should be conducted within the limits of legal authority, out of public view, and with due regard for human dignity. Some body cavity searches may require special hygienic procedures and qualified medical personnel to

conduct the search. The procedures should guide agency personnel in conducting strip and body cavity searches that will maximize safety, seize necessary evidence, and be considered reasonable by applicable judicial authority. (M M M M)

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

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

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

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

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

1.3 Use of Force

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

Commentary: None. (M M M M)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2

AGENCY JURISDICTION AND MUTUAL AID

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

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

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

2.1 Agency Jurisdiction and Mutual Aid

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

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

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

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

2.1.3 *In the absence of controlling legislation governing mutual aid, the agency has written agreements with neighboring agencies to provide mutual aid in emergency situations. The mutual aid agreement must include, at a minimum, the following details:*

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

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

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

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

Commentary: None. **(M M M M)**

22.3 Conditions of Work

22.3.1 *A written directive describes the agency's policy regarding physical examinations for employees. Any examination required of employees in permanent, full-time jobs must be provided at no cost to the employee.*

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

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

22.3.2 *A written directive describes the agency's policy regarding general health and physical fitness 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)

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

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

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

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

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

22.3.5 *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. **(MMMM)**

46

CRITICAL INCIDENTS, SPECIAL OPERATIONS, 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) 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) 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), training (Chapter 33), and property and evidence control (Chapter 84).

46.1 Critical Incidents

46.1.1 *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 expediter of resources during critical incidents.

(M M M M)

46.1.2 *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)**

46.1.3 *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)**

46.1.4 *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)

46.1.5 *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)

46.1.6 *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)

46.1.7 *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)

46.1.8 *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 *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.

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. (O M M M)

46.2 Special Operations

46.2.1 *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

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COLLECTION AND PRESERVATION OF EVIDENCE

The effective exercise of law enforcement responsibility in the investigation of crime and in the prosecution of offenders requires that information be obtained through the application of scientific knowledge and methods. There is no practical alternative. Research has shown clearly that physical evidence must be identified, collected, and preserved properly, and transmitted to the laboratory promptly if laboratory support resources are to be used effectively.

83.1 Administration

83.1.1 *Qualified personnel are available on 24-hour basis to process a crime scene/traffic collision.*

Commentary: If a crime/collision has occurred and involves the prompt collection and preservation of physical evidence, 24-hour crime scene processing capability should be available. When the immediate services of a crime scene processor are required, personnel with these skills should be notified as soon as possible. In many cases, the implementation or continuation of the investigative process should await completion of certain aspects of the crime scene processor's work. Therefore, it is important that the processor be notified to coordinate their arrival at the scene and to provide instructions to on-scene personnel on how to proceed until they arrive. Smaller departments may have skilled personnel on call or may have arranged to acquire such personnel from another agency. (M M M M)

83.2 Operations

83.2.1 *A written directive establishes guidelines and procedures used for collecting, processing, and preserving physical evidence in the field, and includes the documented transfer of custody of physical evidence, while in the field.*

Commentary: The agency should develop general guidelines for its approach to crime scene processing. For example, the first rule may be to secure and protect the crime scene. Agency policy should dictate whether processing is to be conducted by field personnel or specialists. Processing procedures should determine the progression of tasks, such as photograph, sketch, fingerprint, mark, and collect.

The directive should also provide guidelines for the preferred methods of collecting, marking/labeling, and packaging/storing a variety of evidentiary items. Methods used are those that should preserve the condition of evidence in the process of collection, prevent the introduction of foreign materials to it, and ensure as complete a sample as possible and practical.

For physical evidence to be accepted by the court at time of trial, it is essential that the chain of evidence be maintained. The initial step in this process is marking or labeling the item at the time it is collected, seized, or received. Items should be marked so as not to damage or contaminate the evidence. Items that cannot be marked should be placed in an appropriate container, sealed, and the container labeled.

Vehicles used for processing crime scenes should have equipment to recover fingerprints, take photographs, sketch the crime scene, and collect and preserve evidence.

For all items of evidence gathered at a crime scene, the investigator and/or processor should prepare a list containing a description of the item collected (including make, model, and serial number, if any), the source (person or location obtained from), and the name of the person collecting the item. The inventory is essential to the investigator and the processor for recording activities at the scene and qualifying the evidence at the time of trial.

If the evidence is transferred to another person prior to being logged in with the agency, documenting the transfer is critical to maintaining the chain of custody. The record of transfer of physical evidence should include the following: date and time of transfer; receiving person's name and functional responsibility; reason for the transfer; name and location of the laboratory; synopsis of the event; examinations desired; and date of transfer to a laboratory not within the agency. This standard applies to all persons, functions, and components responsible for collecting evidence. (M M M M)

83.2.2 *A written directive governs procedures used for conventional and digital photography, imaging and videotaping pursuant to the collection and preservation of evidence. The directive specifies the information to be recorded when these methods are used.*

Commentary: Photographs and/or videotapes are critically important as evidence. Preferably, they should be taken by personnel trained in photography and video procedures. The directive should specify the information to be recorded when photographs and videotapes are taken, as well as the procedure for their storage, in order to be qualified in the future as competent evidence. Procedures should be consistent with applicable statutory and case law. (M M M M)

83.2.3 *A written directive governs the procedures for processing, developing, lifting, and labeling all fingerprints pursuant to the collection and preservation of evidence.*

Commentary: The directive should address the handling of fingerprints taken from known individuals, as well as the processing of latent fingerprints. Procedures for the proper handling, identification, labeling, and storage of known and latent prints should be described. The methods should be consistent with statutory and case law. (M M M M)

83.2.4 *The agency provides or has access to personnel, equipment, and supplies used for processing scenes for the following purpose:*

- a. *recovery of latent fingerprints;*
- b. *photography;*
- c. *sketch of the scene; and*
- d. *collection and preservation of physical evidence.*

15.0 Planning and Research, Goals and Objectives, and Crime Analysis

- 15.1 Planning and Research
 - 15.1.1 Activities of Planning and Research
 - 15.1.2 Organizational Placement/Planning and Research
 - 15.1.3 Multiyear Plan
- 15.2 Goals and Objectives
 - 15.2.1 Annual Updating/Goals and Objectives
 - 15.2.2 System for Evaluation/Goals and Objectives
- 15.3 Crime Analysis
 - 15.3.1 Establish Procedures

16.0 Allocation and Distribution of Personnel and Personnel Alternatives

- 16.1 Allocation and Distribution of Personnel
 - 16.1.1 Position Management System
 - 16.1.2 Workload Assessments
- 16.2 Specialized Assignment
 - 16.2.1 Annual Review
 - 16.2.2 Announce Openings
 - 16.2.3 Temporary/Rotating Assignments
- 16.3 Reserves
 - 16.3.1 Program Description
 - 16.3.2 Selection Criteria
 - 16.3.3 Entry Level Training
 - 16.3.4 Uniforms and Equipment
 - 16.3.5 In-Service Training
 - 16.3.6 Use of Force Training & Firearms Proficiency
 - 16.3.7 Bonding/Liability Protection
 - 16.3.8 Performance Evaluations
- 16.4 Auxiliaries
 - 16.4.1 Program Description
 - 16.4.2 Training
 - 16.4.3 Uniforms

17.0 Fiscal Management and Agency Property

- 17.1 Fiscal Management
 - 17.1.1 CEO Authority and Responsibility

- 17.2 Budget
 - 17.2.1 Budget Process and Responsibility Described
 - 17.2.2 Functional Recommendations to Budget
- 17.3 Purchasing
 - 17.3.1 Requisition and Purchasing Procedures
- 17.4 Accounting
 - 17.4.1 Accounting System
 - 17.4.2 Cash Fund/Accounts Maintenance
 - 17.4.3 Independent Audit
- 17.5 Agency Property
 - 17.5.1 Inventory and Control
 - 17.5.2 Issue/Reissue Procedures
 - 17.5.3 Operational Readiness

21.0 Classification and Delineation of Duties and Responsibilities

- 21.1 Task Analysis
 - 21.1.1 Task Analysis
- 21.2 Classification
 - 21.2.1 Classification Plan
 - 21.2.2 Job Description Maintenance and Availability

22.0 Compensation, Benefits, and Conditions of Work

- 22.1 Compensation
 - 22.1.1 Salary Program
- 22.2 Benefits
 - 22.2.1 Leave Program
 - 22.2.2 Benefits Program
 - 22.2.3 Personnel Support Services Program
 - 22.2.4 Victim Witness Services/Line of Duty Death
 - 22.2.5 Clothing and Equipment
 - 22.2.6 Employee Assistance Program
 - 22.2.7 Employee Identification
- 22.3 Conditions of Work
 - 22.3.1 Physical Examinations
 - 22.3.2 General Health and Physical Fitness
 - 22.3.3 Fitness and Wellness Program

- 22.3.4 Off-Duty Employment
- 22.3.5 Extra-Duty Employment

24.0 Collective Bargaining

- 24.1 Collective Bargaining and Contract Management
 - 24.1.1 Agency Role
 - 24.1.2 Ratification Responsibilities

25.0 Grievance Procedures

- 25.1 Grievance Procedures
 - 25.1.1 Grievance Procedures
 - 25.1.2 Coordination/Control of Records
 - 25.1.3 Annual Analysis

26.0 Disciplinary Procedures

- 26.1 Disciplinary Procedures
 - 26.1.1 Code of Conduct and Appearance
 - 26.1.2 Employee Awards
 - 26.1.3 Sexual Harassment
 - 26.1.4 Disciplinary System
 - 26.1.5 Role and Authority of Supervisors
 - 26.1.6 Appeal Procedures
 - 26.1.7 Dismissal Procedures
 - 26.1.8 Records

31.0 Recruitment

- 31.1 Administrative Practices and Procedures
 - 31.1.1 Agency Participation
 - 31.1.2 Assignment/Recruitment
- 31.2 Equal Employment Opportunity and Recruitment
 - 31.2.1 Work Force Analysis
 - 31.2.2 Recruitment Plan
 - 31.2.3 Equal Employment Opportunity Plan
- 31.3 Job Announcements and Publicity
 - 31.3.1 Job Announcements
 - 31.3.2 Posting Locations
 - 31.3.3 Maintaining Applicant Contact
 - 31.3.4 Application Rejection

32.0 Selection

- 32.1 Professional and Legal Requirements
 - 32.1.1 Selection Process Described
 - 32.1.2 Job Relatedness
 - 32.1.3 Uniform Administration
 - 32.1.4 Candidate Information
 - 32.1.5 Notification of Ineligibility
 - 32.1.6 Records
 - 32.1.7 Selection Material Security
- 32.2 Administrative Practices and Procedures
 - 32.2.1 Background Investigations
 - 32.2.2 Training
 - 32.2.3 Records Retention
 - 32.2.4 Polygraph Examinations
 - 32.2.5 Conducted by Trained Personnel
 - 32.2.6 Use of Results
 - 32.2.7 Medical Examinations
 - 32.2.8 Emotional Stability/Psychological Fitness Examinations
 - 32.2.9 Records Retention
 - 32.2.10 Entry Level Probation

33.0 Training and Career Development

- 33.1 Administration
 - 33.1.1 Training Committee
 - 33.1.2 Attendance Requirements
 - 33.1.3 Outside Training Reimbursement
 - 33.1.4 Lesson Plan Requirements
 - 33.1.5 Remedial Training
 - 33.1.6 Employee Training Record Maintenance
 - 33.1.7 Training Class Records Maintenance
- 33.2 Academy
 - 33.2.1 Academy Administration and Operation
 - 33.2.2 Academy Facilities
 - 33.2.3 Outside Academy, Role
 - 33.2.4 Outside Academy, Agency Specific Training
- 33.3 Training Instructors
 - 33.3.1 Instructor Training