

**Change Notice No. 2.4:
Recognition Standards for Law Enforcement Agencies Amendments
Enacted by the Commission on December 6, 2008**

Background

This is the fourth change notice for the Recognition Standards for Law Enforcement Agencies – 2nd 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 Notice 2.1, Change Notice 2.2 and Change Notice 2.3 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 2.1 bear the dates July 2006 and November 2006, Change Notice 2.2 bear the dates July 2007, November 2007, March 2008 and Change Notice 2.3 bears the date July 2008..

Standards Amendments and Other Revisions Accompanying This Change Notice

Standard 1.3.6: Commentary language change.

Standard 1.3.9: Commentary language change.

Appendix A: GLOSSARY – Added new terms:
PHOTOGRAPHIC LINEUP
PHYSICAL LINEUP
SHOW-UP

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

The following corrections to typographical errors in the publication are also made as part of this change notice:

APPENDIX H: Standard Titles:
H-8 – 42.1 Administration
H-10 – 46.3.1 Liaison
H-10 – 46.3.4 Hazmat

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 2.1 (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 2.2 (March 2008)

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 G: FILE CONSTRUCTION AND DOCUMENTATION - Deleted reference to Panel Presentations.

Change Notice 2.3 (July 2008)

Table of Contents: New Standards.

Standard 33.5.4: Language change.

Introduction to Chapter 42: Added paragraph 3.

Standard 42.1.6: Revised.

Standard 71.1.1: New Standard.

Standard 71.5.1: New Standard.

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.

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

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

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

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

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

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

1.2 Limits of Authority

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

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

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

Commentary: In many jurisdictions the legal authority to carry weapons is clearly stated within state law, provincial code, city charter, or local ordinance. In other areas, such authority is implied or can be inferred from laws and ordinances outlining the agency's law enforcement functions, limits on its use of

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

(M M M M)

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

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

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

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

1.2.4 *A written directive governs search and seizure without a warrant by agency personnel, to include the following situations:*

- a. search by consent;*
- b. stop and frisk of an individual under circumstances where the officer has articulable reasons to fear for his/her safety;*
- c. search of a vehicle under a movable vehicle exception;*
- d. at the scene of a crime;*
- e. exigent circumstances, as where the public safety is endangered;*
- f. inventory searches of seized vehicles or other property; and*
- g. other situations authorized by state and federal constitutional provisions.*

Commentary: The intent of this standard is to provide general guidelines and procedures for agency law enforcement personnel to follow in conducting searches that have not been reviewed and authorized by judicial personnel. **(M M M M)**

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

1.3.3 *A written directive governs the discharge of “warning” shots.*

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

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

Commentary: None. (M M M M)

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

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

(M M M M)

1.3.6 *A written report is submitted whenever an employee:*

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

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

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

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

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

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

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

Commentary: None. (M M M M)

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

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

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

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

1.3.9 *A written directive requires that only weapons and ammunition authorized by the agency be used by agency personnel in law enforcement 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)

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

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

should be prepared to substantiate ratings in the lowest or highest categories and give specific reasons for the ratings through a narrative comment.

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

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

35.1.6 *A written directive requires that non-probationary employees be advised in writing whenever their performance is deemed to be unsatisfactory and that the written notification be given to them at least 90 days prior to the end of the annual rating period.*

Commentary: The supervisor should be prepared to substantiate ratings at the unsatisfactory level, to advise the employee of unsatisfactory performance, and to define actions that should be taken to improve his or her performance. If unsatisfactory performance continues, this information should be included in the evaluation report at the end of the 90-day period. Some flexibility concerning the 90-day period is allowable if the spirit of the standard is observed. (M M M M)

35.1.7 *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)

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

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

35.1.9 *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 53, 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)**

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

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

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

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

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

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

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

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

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

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

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

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

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

42.2.11 *In the absence of controlling authority, a written directive describes the procedures for using photographic or physical lineups in eyewitness identification to include the following:*

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

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

42.2.12 *In the absence of controlling authority, a written directive describes the procedures for using show-ups in eyewitness identification to include the following:*

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

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

(M M M M)

OUTSIDE ACADEMY: An academy not operated by the agency, such as a regional or state training academy providing recruit, in-service, or specialized training.

P

PERSONNEL EARLY WARNING SYSTEM: A system for the early identification of agency employees who may need some type of corrective action or intervention and a procedure for collecting and evaluating materials required for implementing such corrective action.

PERSONAL EQUIPMENT: Equipment items issued and/or approved by the agency for employee use, e.g., badge, baton and holder, belts, cartridge carrier, departmental and rank insignia, flashlight, handcuffs and case, notebook, raincoat and cap cover, side arm and holster, tear gas canister, and whistle.

PHOTOGRAPHIC LINEUP: A selected group of photographs of persons presented to a witness containing a single suspect and several fillers for the purpose of determining whether the witness is able to identify the suspect as the perpetrator of the crime.

PHYSICAL ARREST: Any enforcement action that consists of taking persons into custody for the purpose of holding or detaining them to answer a charge of law violation before the court. (See Arrest; Custody; Full Custody Arrest.)

PHYSICAL LINEUP: A selected group of persons presented to a witness containing a suspect and several fillers for the purpose of determining whether the witness is able to identify the suspect as the perpetrator of the crime.

PHYSICAL PLANT: The real property facilities housing the agency, its employees and property, including buildings, garages, and other structures. For a holding facility, its physical confines, including the reception area, sallyport, holding cells, and related spaces. If used only for booking detainees into the holding facility, the booking area is also included.

PLAN: Documented identification of methods to achieve desirable goals or conditions.

POLICY: A written directive that is a broad statement of agency principles. Policy statements may be characterized by such words as “may” or “should” and usually do not establish fixed rules or set procedures for conduct of a particular activity but rather provide a framework for development of procedures and rules and regulations.

POSITION: The duties and responsibilities, or work, assignable to one employee. A position may be filled or vacant. For purposes of comparison, a patrol officer assigned as a court officer would occupy a “position.” Patrol officer would be the “job.” A position may have functional responsibility for a single task, e.g., court officer, patrol officer, crime prevention officer, or over several combined tasks, e.g., administrative lieutenant responsible for planning, budget, staff inspections, and internal affairs.

PRELIMINARY INVESTIGATION: Generally, the activity that begins when personnel arrive at the scene of an incident. The activity should continue until such time as a postponement of the investigation or transfer of responsibility will not jeopardize the successful completion of the investigation.

PROCEDURE: A written directive that is a guideline for carrying out agency activities. A procedure may be made mandatory in tone through the use of “shall” rather than “should,” or “must” rather than “may.” Procedures sometimes allow some latitude and discretion in carrying out an activity.

PROCESSING: Includes pre-booking activities involving detainees in custody, after which detainees may either be released from custody by one of several means or be escorted to a holding facility, at which time they would be booked.

PURSUIT: An active attempt by a law enforcement officer in a motor vehicle to apprehend one or more occupants of another moving motor vehicle, where the driver of the fleeing vehicle is aware of the attempt and is resisting apprehension.

R

REASONABLE BELIEF: The facts or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

RECRUITMENT ACTIVITIES: A systematic method of seeking potentially qualified job applicants.

RECRUITMENT LITERATURE: Written materials or brochures designed to attract qualified applicants for jobs.

RECRUITMENT PLAN: A written plan for actively recruiting underrepresented minorities and women. A recruitment plan assumes the agency is doing more than just fairly implementing their selection procedures and instruments, e.g., providing equal opportunity. Proactive recruitment requires additional steps, where necessary, to increase the likelihood of attracting qualified applicants of protected groups that are insufficiently represented in the agency’s sworn ranks.

REMEDIAL TRAINING: Personalized training to correct a specific deficiency, which is usually identified by either testing or other evaluation during training or supervisory evaluation during routine job performance.

RESERVE: A sworn officer, armed or unarmed, who works less than full time, with or without compensation, and who, by their assigned function or as implied by their uniform, performs duties associated with those of a police officer.

RESTRAINING DEVICES: Equipment used to restrain the movement of the prisoner, such as handcuffs, flex-cuffs, waist chains, ankle chains, restraining straps, straight jackets, or tie-down stretchers.

REVIEW: To examine or study; less formal than an analysis.

ROADBLOCK: A restriction, obstruction, or device used or intended for the purpose of preventing free passage of motor vehicles on a roadway in order to effect the apprehension of a suspect.

ROAD SIDE SAFETY CHECK: A temporary operation in which law enforcement or other authorized personnel stop some or all traffic to inspect individual vehicles or their contents or to interview drivers.

RULES AND REGULATIONS: A set of specific guidelines to which all employees must adhere.

S

SALARY AUGMENTATION: Pay that is added to the base salary of the employee. Such augmentation may be considered as premium pay, merit pay, differential pay, or a temporary increase because of a temporary assignment to a position with higher base salary.

SEARCH AND RESCUE: A coordinated effort to locate individuals missing in a wilderness area, in large bodies of water, or elsewhere. Search and rescue missions usually involve use of aircraft, boats, or other special purpose vehicles and specialized personnel such as scuba divers, mountain climbers, or spelunkers.

SECONDARY EMPLOYMENT: Any outside employment, which is either extra-duty or off-duty. Extra-duty employment is any secondary employment that is conditioned on the actual or potential use of law enforcement powers by the officer-employee. Off-duty employment is any secondary employment that is not conditioned on the actual or potential use of law enforcement powers by the off-duty employee.

SECURITY HAZARD: Any threat to the security of the prisoner, to the facility in which he or she is held, or to others with whom the prisoner may come into contact. Estimations of the degree of security hazard will govern the means of transport, the kinds of restraining devices to be used, and other actions to be taken by the escort officer to provide proper protection for and security of the prisoner.

SECURITY SURVEY: An on-site examination and analysis of security needs that determines the nature and degree of the threat, the exact kind and degree of protective measures used, and the precise kinds of security measures that are required and recommends the appropriate policies, procedures, and equipment needed for the security function.

SELECTION CRITERIA: Rules, standards, procedures, or directives upon which a judgment or decision concerning employment can be based.

SELECTION MATERIALS: All written tests, test scores, answer sheets, study materials, evaluations, ratings, questionnaires, reports, and forms used in the selection process that have a bearing upon the employment decision.

SELECTION PROCEDURE: Any established method or combination of methods used in any way as the basis for an employment decision.

SELECTION PROCESS: The combined effect of components and procedures leading to the final employment decision, including minimum qualifications, e.g., education, experience, physical attributes, citizenship, residency-written tests, performance tests, oral exams, interviews, background investigations, medical exams, polygraph tests, police academy ratings, probationary period ratings, personality inventories, interest inventories, psychiatric evaluations, veteran's preference, cut-off scores, and ranking procedures.

SERIOUS PHYSICAL INJURY: A bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long-term loss or impairment of the functioning of any bodily member or organ.

SERVICE: The delivery of any item of civil process that is complete with the act of delivery and does not require physical or legal seizure of a person or thing.

SEXUAL HARASSMENT: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

SHIFT BRIEFING: Training or informational sessions of short duration administered to law enforcement personnel just prior to, or after, their tour of duty.

SHOW-UP: A witness views a single suspect for purposes of identification of the suspect as the perpetrator of the crime.

SKILLS, KNOWLEDGE, AND ABILITIES: Skills are the proficiency with which an individual performs. Knowledge is a body of information or the understanding gained through learning, education, experience, or associations. Abilities are processes required to perform the various job responsibilities.

SPECIAL EVENT: An activity, such as a parade, athletic contest, or public demonstration, that results in the need for control of traffic, crowds, or crimes.

SPECIAL PURPOSE VEHICLE: A vehicle that requires special training or authorization for deployment. This includes, but is not limited to: SWAT trucks, bomb disposal vehicles, mobile command posts, aircraft, watercraft, and motorcycles. Bicycles, all-terrain vehicles, snowmobiles, and *Segways* may fall under the definition of a special purpose vehicle, if the agency or law requires special licensing or training prior to their use.

SPECIALIZED ASSIGNMENT: An assignment often characterized by increased levels of responsibility and specialized training, but within a given position classification; a specialized assignment may involve higher pay or additional benefits.

SPECIALIZED TRAINING: Training to enhance skills, knowledge, and abilities taught in either recruit or other in-service programs. Specialized training may address supervisory, management, and/or executive development training, or it may include technical and job-specific subjects, e.g., homicide investigation, fingerprint examination, juvenile investigation.

SPECIAL ORDER: A directive affecting only a specific segment of the organization or a statement of policy or procedure regarding a specific circumstance or event that is of a temporary nature.

STAFF INSPECTION: Inspection conducted by personnel who do not have control of the persons, facilities, or procedures being inspected. Staff inspectors in larger agencies are generally members of a specialized component responsible for conducting inspections throughout the agency. The results of staff inspections are usually reported to the agency's chief executive officer.

STATUS OFFENSE: An act or conduct declared by statute to be an offense only when committed or engaged in by a juvenile, and adjudicated only by a juvenile court.

SWORN OFFICER: A person who is granted those general peace officer powers prescribed by constitution, statute, or ordinance in the jurisdiction, including those persons who possess authority to make a full-custody arrest for limited or specific violations of law within the same jurisdiction.

T

TACTICAL TEAM: A group of officers who are specially selected, trained, and equipped to handle high-risk incidents, such as those involving snipers, barricaded persons, hostage-takers, selected warrant services, and other situations or activities as deemed necessary by command leadership.

TASK: A unit of work performed by an individual to accomplish the goal of a job.

TASK ANALYSIS: A systematic, structured process for dissecting a job into its basic parts. A task analysis identifies the important or essential elements of a job, the key work behaviors, and the knowledge, skills, and abilities required for these work behaviors.

TASK FORCE: Any combination of resources assembled to support a specific mission or operational need. All resource elements within a Task Force must have common communications and a designated leader.

TEMPORARY DETENTION: Temporary detention is measured in hours and does not involve housing or feeding detainees except in extenuating circumstances.

TERRORISM: Under the Homeland Security Act of 2002, terrorism is defined as activity that involves an act dangerous to human life or potentially destructive of critical infrastructure or key resources and is a violation of the criminal laws of the United States or of any State or other subdivision of the United States in which it occurs and is intended to intimidate or coerce the civilian population or influence a government or affect the conduct of a government by mass destruction, assassination, or kidnapping.

TRAFFIC ENGINEERING AUTHORITIES: Persons responsible for traffic engineering in various local, regional, and state agencies, e.g., street or highway department, public works department, transportation department.

TRAFFIC SURVEY: An examination of traffic characteristics, such as volume, speed, delay, accidents, origin, destination, etc.

TRANSPORT VEHICLE: The vehicle used for transporting a prisoner from one point to another. The transport vehicle may be the patrol vehicle, such as in the case of transporting a prisoner after an arrest; a vehicle of a correction facility designated for prisoner transport but also used for other purposes; or a specially designed prisoner transport vehicle, such as a bus or van. This term does not refer to commercial vehicles, such as buses, trains, or airplanes that may be used for prisoner transport.

TRANSPORTING OFFICER: A person who is responsible for transporting a prisoner from one point to another. This may be the arresting officer or another agency employee who is assigned to the responsibility for transport.

U

UNITY OF COMMAND: The concept that each individual in the organization has one, and only one, immediate supervisor.

UNIFIED COMMAND: Unified Command allows agencies with different legal, geographic, and functional authorities and responsibilities to work together effectively without affecting individual agency authority, responsibility, or accountability.

UNLAWFUL HARASSMENT: Conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

V

VALIDITY: Proof through statistical data that a given component of the selection process is job related either by predicting a candidate's job performance or by detecting important aspects of the work behavior related to the position.

VICTIM: A person who suffers physical, financial, or emotional harm as the direct result of a specified crime committed upon his or her person or property.

VIP: A "very important person," dignitary, famous personality, notorious person, or any other person in need of special security.

VOLUNTEERS: See Auxiliary.

W

WORKLOAD: The sum total of cases and other measurable activities occurring within a given area or time period.

WRITTEN DIRECTIVE: Any written document used to guide or affect the performance or conduct of agency employees. The term includes policies, procedures, rules and regulations, general orders, special orders, memorandums, and instructional material.

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 - 33.4.2 Recruit Training Program
 - 33.4.3 Field Training Program
- 33.5 In-Service, Shift Briefing, and Advanced Training
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- 33.6 Specialized In-Service Training
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 - 42.1.4 Accountability, Preliminary/Follow-Up Investigations
 - 42.1.5 Habitual/Serious Offenders
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- 42.2.3 Investigative Checklists
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- 42.2.6 Polygraph Examinations
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 - 43.1.2 Records, Storage and Security
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