NCLEA

Essential Standards Program

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Program Introduction

The North Carolina Law Enforcement Accreditation (NCLEA) Essential Standards Program (ESP) is a voluntary opportunity for local police and sheriff's agencies in North Carolina to demonstrate their commitment with North Carolina law enforcement's current best practices and standards. The NCLEA ESP operates under authority granted by the North Carolina Sheriffs' Education and Training Standards Commission and the North Carolina Criminal Justice Education and Training Standards Commission.

The NCLEA ESP was developed to assist North Carolina law enforcement agencies in meeting their professional obligations to the citizens of North Carolina. The NCLEA ESP is comprised of a minimal number of standards, ensuring that small and rural agencies that do not have the resources to enroll in the full accreditation program, can demonstrate compliance with essential standards that ensure transparency, promote public trust, and foster agency accountability.

Like the NCLEA program, participating agencies will establish electronic files and be audited by outside Assessors to ensure their compliance with ESP standards. The NCLEA Accreditation Committee conducts reviews of the agencies that complete the ESP and makes a recommendation to the appropriate Commission to award a professional certificate of completion. For more information on the process, refer to the NCLEA Program Guide.

Chapter 1 – Administration/Organization/Professional Standards

The administration, organization, and professional standards of a law enforcement agency are crucial to achieving its mission. The public we serve expects their law enforcement agency to demonstrate professionalism in every community contact and establish high standards of expectations to ensure community trust.

Effective organizations have clear lines of authority that assign responsibility and ensure the agency performs critical tasks such as budgeting, financial/asset management, and developing policies and procedures in accordance with best practices in the profession. Effective agency administration and organization will assist in providing efficient and effective services to the community.

All professional law enforcement agencies must have clear rules and regulations for employee conduct to maintain a positive public image. This community expectation is imperative for employees and the agency to maintain public trust. The public needs to have confidence that the organization accepts all complaints against employees, thoroughly and fairly investigates all complaints, and takes appropriate action when complaints are sustained.

1.01 Written System of Agency Directives

The agency has a written directive system in place that includes all agency policies, procedures, and practices. The written directive system shall:

A. Establish an organizational format for all written directives;
B. Establish the process by which the agency issues, reviews, revises, and approves written directives;
C. Include persons authorized to revise and approve written directives;
D. Identify timeline procedures for review;
E. Require written directives to be made available to and reviewed by all affected personnel in a manner designated by the Agency CEO;
F. Provide a documented system and procedures for dissemination;
G. Require acknowledgment of new and revised written directives to all affected personnel;
H. Provide procedures and guidelines for deleting policies; and
I. Require centralized storage of written directives and documentation of acknowledgment by all staff.

1.02 Bias-free Policing

The agency has a written directive that states that all persons having contact with members of the agency shall be treated in a fair, impartial, equitable, and objective manner without consideration of their individual demographics, in accordance with law.

1.03 Ethics Training

The Agency requires all agency personnel to have ethics training at a minimum every two years.

1.04 Duty to Intervene

The Agency has a written directive that includes the duty and obligation to intervene as provided for in NCGS 15A-401(d1).

1.05 Investigations of Complaints

The Agency has a written directive requiring documentation, review, investigation, and disposition of complaints against employees. Sustained complaints must be based on facts determined during the investigation. The written directive shall include:

A. Time limits for the completion of the internal investigation;
B. Procedure for requesting and approving extensions of time if needed;
C. A documentation process for notification made to the complainant on the outcome, as permitted by law.

Chapter 2 – Training Functions

Law enforcement agencies are held accountable by their community and the courts for their actions. An agency's employees' actions are guided by clearly written policy, adequate supervision, and training. The North Carolina Sheriffs' Education and Training Standards Commission or the Criminal Justice Education and Training Standards Commission regulate the minimum level of training for entry into law enforcement and continued annual in-service training after employment. Agencies are responsible for providing additional training to staff as needed. These standards ensure mandated training is completed in a timely manner and appropriate records are kept proving the training was completed.

2.01 Use of Force Training

The Agency has a written directive requiring all sworn officers authorized to carry a firearm to:

A. Attend firearms training and qualify annually as mandated by the appropriate Commission,
B. Train sworn personnel at least annually in the legal use of force, as mandated by the appropriate Commission.
C. Annually train all personnel authorized to use intermediate weapons *(including Electronic Control Devices, pepper spray, batons, etc.)* and to ensure they can demonstrate the legal use and proficiency with those weapons.
D. Ensure all use of force training is conducted by instructors trained to teach the specific devices and weapons used by the agency.

2.02 Field Training Program

The Agency has a written directive requiring all sworn personnel to complete a minimum 160- hour field-training program.

The program shall:

A. Provide a selection process for field training officers in the agency;
B. Specify a position responsible for overseeing the field training program;
C. Require selected field training officers to attend a field training officer school and periodic in-service training;
D. Require rotation of the new officer's field assignments;
E. Be divided into phases of training based on agency needs;
F. Provide guidelines for evaluations of the new employee during the field training program; and

G. List all required reports, evaluations, and responsibilities.
H. Ensure trainees receive, at a minimum, weekly evaluations by the FTO which are reviewed with the trainee and maintained by the agency.

Chapter 3 – Personnel

Employees are an Agency's most valuable asset, and the recruitment and selection of the most qualified employees available is critical to the success of the Agency's mission. The selection of employees must be non-discriminatory, job-related, and administered in a fair and consistent manner. Continuing evaluation of employees is necessary to ensure the consistent direction of employees' efforts towards Agency goals. Good employee relations are necessary to retain competent employees and provide for their continued growth and development.

3.01 Employee Selection Procedures and Background Investigations

The Agency has a written selection process that details all elements of the selection process for sworn and non-sworn applicants and requires those elements to be administered in a fair and consistent manner. Applicants for all positions must meet all legal requirements to hold their positions with the appropriate Commission. The written directive will specify that background investigations to be conducted on all sworn and nonsworn applicants prior to or following a conditional offer of employment, and shall include:

A. The procedures for utilization of a CVSA or polygraph;
B. The procedures for psychological evaluations;
C. The verification of biographical data, family data, scholastic data, employment data, and criminal history data;
D. Interviews with the applicant's references;
E. A summary of the investigator's findings and conclusions regarding the applicant's moral character known to the agency;
F. Any reviews and/or reports required by the CEO.

3.02 Early Warning System

A written directive that mandates procedures for a personnel early warning system to document and track the actions and behaviors of law enforcement officers to intervene and improve performance, based on NCGS 17F-10.

At a minimum, the system shall establish the following:

A. Reporting:
   - of discharge of a firearm,
   - instances of the use of force,
   - vehicle collisions,
   - and citizen complaints;
   - or any other indicators identified by the agency;
B. System for initiating review based on information reported and documented;

C. Supervisory responsibilities and intervention to correct behavior;
D. Referral (voluntary or involuntary) to the employee assistance program or counseling, if available; and
E. An annual review of the system utilized to determine program effectiveness.

Chapter 4 – Use of Force

Law enforcement agencies are the only part of the government authorized to use force against a citizen. Officers are authorized to intervene in circumstances to keep the peace in their jurisdiction and, in doing so, must sometimes resort to the use of force. The legislature and the courts grant the authority to use force with the expectation that it will be used appropriately. It is the obligation of professional law enforcement organizations to ensure that the force utilized conforms with the law and Agency policies.

4.01 Authorization to Use Force and Deadly Force

The Agency has a written directive that authorizes personnel to use only the physical force that is reasonable to achieve the desired legal objective. The written directive further authorizes law enforcement officers to use deadly force in accordance with NCGS 15A-401(d)(2).

4.02 Neck and Choke Holds

The Agency has a written directive that prohibits the use of choke holds *(a physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation)* except in those situations where the use of deadly force is allowed by law.

4.03 Documenting the Discharge of a Firearm

The Agency has a written directive for the documentation and supervisory review of any intentional or unintentional discharge of a firearm by an employee, not inclusive of training scenarios or approved humane life-termination of injured animals.

Chapter 5 – Law Enforcement Operations

Basic law enforcement operations have developed over time due to input from our community, the courts, professional law enforcement organizations, and technological advancements. The standards provided in this section are the best practices for law enforcement operations and ensure agencies are meeting their employees' and citizens' most basic needs.

5.01 24-hour Law Enforcement Response to Emergency Situations

The Agency responds to requests for law enforcement services 24 hours a day or has arrangements with another law enforcement agency to respond to those requests.

5.02 Preliminary and Follow Up Investigations

The Agency has a written directive for conducting preliminary and follow-up investigations. The written directive shall:

A. Identify the criteria necessary for a case to be assigned for follow-up investigation;
B. Identify how cases are assigned for follow-up investigations;
C. Any follow-up reporting if required; and
D. Require appropriate personnel to be trained in conducting follow-up investigations.

5.03 Search Warrants/No Knock Warrants/Warrantless Searches

The Agency has a written directive regarding procedures for entry into and searches and seizures of property

A. With a warrant;
B. Without a warrant;
C. And for no-knock warrants;
D. This shall include the scope of such searches, and the documentation required of such searches in agency reports.

5.04 Vehicle Pursuits and Documentation

The Agency has a written directive for vehicle pursuits and annually trains appropriate personnel in the pursuit policy. The written directive includes:

A. Criteria for initiating a pursuit;
B. Methods for conducting a pursuit;
C. Appropriate personnel authorized to conduct a pursuit;

D. Responsibilities of the officer(s) involved, telecommunicator(s), and supervisor of an officer in a pursuit;
E. Criteria for exiting Agency jurisdiction;
F. Approved forcible stopping techniques, if any;
G. Criteria for terminating vehicle pursuits; and
H. An agency review of each vehicle pursuit as defined by the agency.

Chapter 6 – Major Incidents

While the majority of law enforcement work does not involve major incidents, some circumstances are of such a critical nature or magnitude that special responses are necessary. These may include barricaded subjects, bomb threats, or even natural disasters. Prior planning and training for these events and sound policy on how they should be handled are critical to the successful conclusion of an event.

6.01 Emergency Operations Plan

The Agency has a written Emergency Operations Plan (EOP) or is included in a city/county Emergency Operations Plan. The plan is accessible to all personnel and the agency trains appropriate personnel in the plan. The Plan shall include provisions covering:

A. Civil disturbances;
B. Bomb threats;
C. Response to natural and manmade disasters;
D. Crisis negotiation;
E. Mass arrests;
F. Other incidents or events;
G. Provisions for alternative locations for functions and facilities to ensure continuity of operations; and
H. An annual review of the Emergency Operations Plan.

Chapter 7 – Detainee Processing and Transportation

Detainees in custody must be safely transported to a detention facility and held in a manner that meets constitutional standards. Proper transportation procedures also ensure the safety of law enforcement officers and detention personnel.

7.01 Searching, Transport, and Separation of Detainees

The Agency has a written directive addressing searching, transporting, and the separation of detainees before transportation. The written directive includes, at a minimum:

A. All detainees must be searched before any transport;
B. The agency approved methods to transport detainees safely;
C. Methods or actions for transporting sick, injured, and disabled detainees;
D. Requirement that the transporting vehicle be searched before and after the transport;
E. The proper use of any restraining devices;
F. Monitoring the detainee to observe any medical difficulties that arise enroute;
G. The reporting process or procedures following an escape of a detainee while being transported;
H. The separation of adult male and adult female detainees; and
I. Sight and sound separation between adult detainees and juveniles in temporary custody.

Chapter 8 – Property and Evidence Management

The proper collection, preservation, and storage of evidence is crucial to the accomplishment of any law enforcement mission. Presentation of reliable evidence is required for the successful prosecution of criminal defendants. The property control function of the Agency must be beyond reproach.

8.01 Property and Evidence Submission and Chain of Custody

The Agency has a written directive for taking property and evidence into custody, including assets seized for forfeiture, to ensure proper inventory, storage, and chain of custody. The written directive shall require all property and evidence seized by agency personnel to be submitted to the property/evidence technician or placed in the property and evidence area by the end of their shift. Employees shall not personally retain property or evidence.

8.02 Storage, Access, and Security

The Agency has a written directive that

A. Identifies personnel authorized to enter the property and evidence storage area(s);
B. States the property and evidence storage area will be secure, with restricted access for unauthorized personnel, unless they are escorted and sign in and out in a book or register or a digital agency-approved tracking system.
C. Requires high-risk items (guns, drugs, money) to be stored separately from general property with additional security measures;
D. If another entity stores property and evidence for the Agency, that entity must comply with all the requirements of this standard.