



NCLEA Standards

North Carolina Law Enforcement Accreditation

North Carolina Law Enforcement Accreditation (NCLEA)

Standards

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North Carolina Criminal Justice Education & Training Commission
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CHAPTER 1

ADMINISTRATION / ORGANIZATION / PROFESSIONAL STANDARDS

The administration, organization, and professional standards of a law enforcement agency are crucial to the achievement of its mission. Lines of responsibility are necessary to assign responsibility and assure the agency's performance of tasks related to the organization, budgeting, financial/asset management, policies and procedures, authority, and jurisdiction. These topics are covered in this chapter. Effective administration and organization will assist the agency in providing efficient and effective services to the citizens of the community.

All professional law enforcement agencies must have clear rules and regulations of conduct and maintain the positive public image expected of the officers and agencies. The Code of Ethics and rules of conduct provide a level of assurance to the public that their law enforcement agency is properly supervised and held to the expected high standard of conduct. The public is assured that complaints against officers and the agency will be fairly investigated and appropriate action will be taken when violations occur.

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 must:

- A. Establish a specific format and organization for all written directives;
- B. Establish the Agency CEO has the authority to issue, revise, and approve written directives, as well, as designate any other position, if any that has authority to do the same;
- C. Require written directives and all updates be made available to, and reviewed by, all affected agency personnel in a manner designated by the Agency CEO;
- D. Provide a documented system for dissemination of new and revised policies to all affected personnel;
- E. Provide procedures for reviewing and updating existing policies, as well as, guidelines for deleting policies; and
- F. Require electronic or manual storage of the written directives and documentation of acknowledgment by all staff

Clarifying Comment: It is the responsibility of the agency to ensure their written directives comply with applicable North Carolina Law. In some agencies, all policies must be reviewed by the department's attorney to ensure that they comply with North Carolina Law. It is the responsibility of the Agency's CEO or designee to confirm that all written directives meet the legal requirements by providing proof in the form of a written statement. This written statement can be a stand-alone letter, memo, or included in the written directive.

The written directive should also clearly state how often (such as annually or biennially) the written directives will be reviewed instead of using the term "periodic."

Suggested Proofs of Compliance:

- Copy of a sample policy, procedure, general order, etc.
- Proof of receipt of a new or updated Policy
- Some documentation of the review of directives as established by the agency
- Some indication that policies comply with State Law
- Availability of written directives to all personnel

1.02 Organization

The agency have a written directive describing its organizational structure and have a current organizational chart depicting the organizational components and how it is available to all agency personnel.

Clarifying Comment: The Organizational Chart should be current with the last revision date, and the agency should make the Organizational chart available to all members of the department.

Suggested Proof of Compliance:

- Copy of current Organizational Chart
- Organizational charts are made available to all personnel
- On-line link to Organizational Chart
- Photo of posting on bulletin board

1.03 Authority of the Agency CEO

The Agency has a written a statement from a unit of government designating the authority of the Agency CEO.

Clarifying Comment: This is often found in either the charter or ordinance authorizing the department.

Suggested Proof of Compliance:

- Copy of the charter, ordinance, statute, or code giving the Agency CEO authority over the agency
- Copy of the Agency CEO's letter of appointment
- Copy of the Agency CEO's job description if approved by the governing body

1.04 Duty to Obey Lawful Orders

The Agency has a written directive requiring employees to obey lawful orders from higher-ranking members of the agency and describing how employees should deal with conflicting or unlawful orders.

Suggested Proof of Compliance

- Copy of written directive
- Copy of any Internal Investigations related to failure to obey orders
- Copy of any supervisor counseling where officer failed to obey a supervisor

1.05 Agency Jurisdiction

The Agency has a written directive that defines the authority of the Agency and defines its current jurisdictional boundaries.

Suggested Proof of Compliance:

- Copy of documents for Agency existence and jurisdiction
- Copy of boundary ordinances or portions of Metes and Bounds book
- Copy of map provided to employees with jurisdictional boundaries delineated

1.06 Law Enforcement Officer Authority

The Agency has a written directive that identifies who is authorized to be a law enforcement officer and identifies the officer's legal authority to detain, arrest, search, seize, pursue, and serve legal process.

Clarifying Comment: This authority is generally found in the city, county, or state ordinances, charters, general statutes, administrative code, state laws, or regulations.

Suggested Proof of Compliance:

- Copy of agency directive outlining the authority
- Copy of the ordinance or charter regarding the authority of police officers
- Copy of Court Rules, State Law / Regulations, Criminal Procedure

1.07 Sworn Personnel

The Agency requires all law enforcement officers to meet the minimum certification standards established by either the North Carolina Law Enforcement Training and Standards Divisions, including the completion of a North Carolina Basic Law Enforcement Training (BLET) course, before officers perform law enforcement duties.

Suggested Proof of Compliance:

- Copy of proof of LE Officers graduation from BLET and certification from either the North Carolina Sheriffs' Education and Training Standards Commission or North Carolina Criminal Justice Education & Training Standards Commission.
- Copy of Oath of Office indicating the Oath of Office was after Academy training.

1.08 Cash Transactions

The Agency has a written directive designating responsible personnel on how to handle and document all cash transactions. The directive will document which positions in the agency are authorized to perform cash transactions. This standard does not include transactions related to confidential informants or narcotics-related investigations.

- A. Identify the custodian of the account and who is responsible for its security;
- B. Identify positions with authorized access to the money;
- C. Explain how cash is secured and where it is maintained;
- D. Method(s) of maintaining and accountability for receipt of cash or cash disbursements by means such as records, documentation, invoice requirements, balance sheets, ledgers, or another system that identifies detailed transactions; and
- E. Audit cash funds quarterly using an independent auditor

Clarifying Comment: Agencies often manage cash in any number of areas, including petty cash transactions, receiving cash for bonds and fines, receiving cash for copies of reports, receiving cash for assorted permits such as dog licenses or alarm permits, and even fingerprinting services.

The policy for each of these areas should be clear enough to allow someone who knows nothing about the process, to be able to read the policy and conduct cash operations without questions. It should also be clear enough for a supervisor or auditor to know if something is wrong.

Suggested Proof of Compliance:

- Copy of written directive identifying positions responsible for each cash fund
- Copy of documentation for transactions, submission, or reconciliation
- Copy of cash account log, receipts, balance sheet, or ledger
- Quarterly audit of cash funds

1.09 Inventory for Agency Owned Capital Assets

The Agency has a written directive to ensure annual accountability of all capital assets including Agency firearms, radios, vehicles and other capital property, equipment or other assets valued greater than \$5000 or greater (agencies may choose a lesser asset amount to inventory but may not exceed \$5000). The inventory results will be forwarded to the Agency CEO.

Clarifying Comment: While not required, agencies should consider including all critical equipment regardless of the value because of their critical nature. The Agency CEO should acknowledge proof by either date and initial or email to show proof that the inventory was completed.

The proof submitted should not be simply a list of asset items but must show that an inventory has been conducted. The inventory can be an asset list with dates, initials, and checkmarks indicating the presence of assets or a memo to the Agency CEO with a copy of the checked-off items attached. Include the condition of the equipment, if it needs replacing, and expiration dates if applicable.

Suggested Proof of Compliance:

- Copy of recent agency asset inventory

1.10 Approval for Personally Owned Equipment

The Agency has a written directive that requires all personnel to obtain written approval from the Agency CEO or designee before carrying or using any personally owned equipment during the performance of their duties.

Clarifying Comment: This standard ensures the Agency CEO is aware of and has control over what weapons, equipment, and uniform items are carried and worn by the members of the agency. It covers personally owned uniform items, leather gear, equipment such as handcuffs and ASP batons, handguns, rifles, any non-lethal weapons including Tasers, OC sprays, etc., and any items not issued or specifically approved in the department policy manual.

Agencies must have a policy that requires all employees to request permission and obtain approval from the Agency CEO or a designee before carrying or using any personally owned equipment during the performance of their duties. This approval can be as simple as requesting approval in a memorandum or email and having the memorandum or email filed in the employee's personnel file.

Agencies can authorize employees to carry or use specific personally owned items in their directives and specifically prohibit any other items (weapons, equipment, or uniform items) other than those approved in their written directive. If the directive clearly states that no items other than the items listed in the policy will be authorized, then the agency is not required to have a written approval process from the Agency CEO. If other items are allowed, then an approval process is required.

Suggest Proof of Compliance

- Copy of any request or approval of personally owned equipment by the Agency CEO or designee
- Copy of any supervisory counseling or investigation for violating provision

1.11 Agency Issued Property/Equipment

The Agency has a written directive that requires all personnel to sign for any Agency-owned property/equipment issued to the employee and includes a process for recovering the property/equipment when the employee leaves the Agency.

Clarifying Comment: Sample property issue and return forms should verify the condition of the property/equipment to ensure it is in good working order when issued and returned.

Suggested Proof of Compliance:

- Copy of property sheets for personnel signing for issued property/equipment
- Copy of property sheets for personnel returning issued property/equipment

1.12 Continuing Compliance with NCLEA Standards

The agency has a written directive that designates a person within the agency responsible for monitoring continued compliance with the accreditation program. The agency has a system in place that ensures continued compliance.

Clarifying Comment: Agencies are required to continue compliance with NCLEA standards throughout their three-year accreditation period. Several standards require performance of various inspections, audits, and reports, as well as continuing operational processes. Left uninspected, many of these requirements may not be done regularly. The agency must identify, in a written directive, a position or person responsible for ensuring the standards are maintained.

The agency must also develop a system – designed by the agency – to ensure these requirements are continuously met. This system may be the use of a “required performance” checklist which is personally monitored by the assigned person, an automated or computerized reminder system requiring periodic checks (such as Microsoft Office Outlook Calendar or Task system), or a formalized reporting system with individual units of an agency required to submit formal reports.

Suggested Proof of Compliance:

- Copy of written directive showing the assignment of a position or person responsible
- Job description
- Evidence of a system developed to ensure compliance
- Screenshot of Office Outlook

1.13 Bias-Based Policing

The agency has a written directive, complying with current laws and training on Bias-Based Policing. Agencies are required to conduct an annual documented review of selected available agency data related to bias-based policing in a good faith effort to ensure compliance with agency policy and state law. The completed documented annual review will be submitted to the Agency CEO for review.

Suggested Proof of Compliance:

- Copy of annual review
- Reports of Bias-Based Policing or complaints

1.14 Ethics

The Agency requires all personnel, Sworn and Non-Sworn, to have ethics training at a minimum every two years.

Clarifying Comment: Proof of training is required for both sworn and non-sworn personnel. This training could be combined with the required Code of Conduct Training.

Suggested Proof of Compliance:

- Proof of training for each employee
- Copy of training or email used for training

1.15 Oath of Office

The Agency has a written directive that requires every employee who is a peace officer, under the law, to take and sign an oath of office before conducting law enforcement duties for the Agency.

North Carolina General Statutes – Chapter 11 prescribes the specific wording of both the officer’s statement and Oath of Office. Agencies may add to the Oath of Office, but the basic requirements that are stated in the North Carolina General Statutes, must be met.

Suggested Proof of Compliance:

- Copy of signed Oath of Office

1.16 Investigations of Complaints

The Agency has a written directive requiring documentation, review, investigation, and disposition of complaints against employees. Complaints can be internal, external, or anonymous. Sustained complaints must be based on facts determined during the investigation.

Clarifying Comment: The written directive on Internal Investigations should be reviewed to ensure it meets all the standards.

The policy should address when and how complaints are received, investigated, and concluded. The Written directive should also in some manner indicate that allegations are sustained based only on the facts determined during an investigation or a preponderance of the factual evidence. The written directive should indicate that any member of the department receiving a complaint is to notify a supervisor and that the subject of should also be notified. Any outcome

of the investigation/complaint should be communicated to the person the complaint is filed against, as well as the complainant.

Suggested Proof of Compliance:

- Copy of an IA Investigation showing conclusion was based on a finding of fact
- Identification of how the public can file a complaint

1.17 Time Limit on Internal Investigations

The Agency has a written directive that sets a time limit for completion of Internal Investigations, including disciplinary action, if necessary, and includes procedures for request and approval of extensions of time if needed.

Clarifying Comment: Agencies should ensure that their time limits include the taking of disciplinary action if necessary. Time limits must be in a specific number of days and may allow for extensions if requested and approved by the Agency CEO.

Agencies can give a time limit in their policy for the “investigation and taking of disciplinary action” or provide a time limit for the investigation and a separate time limit for the taking of disciplinary action if necessary.

Suggested Proof of Compliance:

- Review Internal Investigations or logs for compliance with time limits
- Email or memo showing an extension if requested

1.18 Complaints Requiring an Investigation

The Agency has a written directive requiring that all complaints received by the agency shall be investigated. Allegations of violation of policy or law must be investigated. A confidential file will be maintained for each investigation.

Clarifying Comment: In smaller agencies, the department may not differentiate between formal or informal complaints. It is sufficient if all complaints are sent to the Chief or a designee, who decides by whom and how they are investigated.

Suggested Proof of Compliance:

- Copy of IA log or documents showing investigations
- Copy of the formal internal investigation and the supervisor’s investigative file
- Email or memo to the Chief or designee about the complaint

1.19 Notification of the Agency CEO

The Agency has a written directive for notifying the Agency CEO, as soon as practical, of formal complaints against agency employees and agency volunteers (if any).

Clarifying Comment: This standard intends to notify the Agency CEO of external complaints as soon as possible. The agency may determine when and how this notification is made but should be done early in the complaint receipt and investigation process.

Suggested Proof of Compliance:

- Copy of log, memo, or email showing Agency CEO notified of complaint per the directive

1.20 Appeal Procedures for Disciplinary Actions

If the agency allows appeals of disciplinary action, the Agency has a written directive describing the appeal process, including which actions may be appealed and what level/position will constitute the appellate authority.

Clarifying Comment: If the agency uses or relies on an appeal process issued by a higher authority, such as city or county personnel rules, city or state civil service rules, collective bargaining agreements, the agency should submit those documents, and they must meet the requirements of the standard.

Suggested Proof of Compliance:

- Copy of an appeal case or notification to the employee of the appeal process

1.21 Records and Security of Complaints and Investigations

The Agency has a written directive that requires information and records related to complaints against employees to be kept secure. Records of internal investigations are generally confidential and not public record per N.C.G.S 160A-168, 126-22 and related statutes. The release of information regarding complaints against employees and any subsequent disciplinary action must comply with the Freedom of Information Act (FOIA) and other applicable Federal, State, and Local laws, rules, and regulations. Records must be maintained and per the proper retention schedule for the agencies from the Department of Cultural Resources and State Archives of North Carolina.

Clarifying Comment: This requirement ensures that records be kept secured in locked cabinets or rooms with only limited access by designated individuals and secured from unauthorized access by agency employees. The written directive must clearly state that the records will be maintained securely.

Suggested Proof of Compliance:

- Photograph of file security for file

- Physical inspection of security of files

1.22 Notification to Complainant

The Agency has a written directive to notify the person who files a complaint, against the agency or employee, of the results of the investigation.

Suggested Proof of Compliance:

- Copies of letters where complainants have been notified of results of investigations

1.23 Harassment and Discrimination

The Agency has a written directive that prohibits all harassment and discrimination and retaliation against an employee for filing a harassment or discrimination complaint. The written directive must provide for reporting procedures that include when it is appropriate to make a report outside the chain of command or outside the Agency.

Clarifying Comment: This written directive must be made public to all employees and posted in common areas of the Agency.

Suggested Proof of Compliance:

- How written directive is available to all
- Copy of report from the complaint

1.24 Professional Conduct

The Agency has a Code of Conduct that identifies acceptable and unacceptable conduct and requires mandatory training of all personnel every two years.

Clarifying Comment: This is typically the agency's Code of Conduct or Rules of Conduct and may contain numerous rules and regulations regarding what employees are required to do and what actions are prohibited. Possible topics included in the Code of Conduct would be drug and alcohol use, gifts/gratuities, honesty, social media use, attendance, and handling inappropriate relationships with victims, witnesses, suspects, or defendants. The Code of Conduct should include the duty to intervene (1.27). Proof of training on the code is required for both sworn and non-sworn. This training could be combined with the required Ethics Training and completed every two years.

Suggested Proof of Compliance:

- Documentation of training
- Documentations of violations of the code of conduct

1.25 Appearance

The Agency has a written directive that describes uniform and personal appearance standards for sworn and non-sworn employees, including when non-uniform clothing is approved for special assignments.

Clarifying Comment: This directive should describe the agency uniform standards and other appearance standards such as cleanliness, grooming, jewelry, tattoos, and other appearance guidelines. Standards for non-uniform positions should be included, such as for Criminal Investigations. Standards for non-sworn work staff, dispatchers, must also be included. These may be covered in a city manual, but if additional uniform requirements exist such as for dispatchers, they must be covered.

If expectations to appearance rules are made for special assignments, such as undercover narcotics, the specific exceptions should be made in the policy or the policy should require specific approval from the Agency CEO, or their designee.

Suggested Proof of Compliance:

- Picture of an officer in uniform or a civilian employee dressed by guidelines
- The observation that employees present a professional image
- Report of an officer not in compliance with the dress code

1.26 Emergency Operations

The Agency has a written directive regarding the availability of personnel during emergency situations. A plan for emergencies should include a listing of positions/personnel and responsibilities for them during emergencies.

Clarifying Comment: Agencies should specifically spell out employee's duty to report during emergencies as directed by supervisors or the Agency CEO.

Suggested Proof of Compliance:

- Review any appropriate disciplinary actions
- Plan of action for employees with the duty to report during an emergency.

1.27 Duty to Intervene

The Agency has a policy articulating a duty to intervene and report to the appropriate supervisor any case where a law enforcement officer may be a witness to what they believe to be an excessive use of force, or other inappropriate behavior, activity, or abuse of a suspect or arrestee.

Clarifying Comment: Law Enforcement agencies should follow recommendations by the North Carolina Task Force for Racial Equity in Criminal Justice concerning the duty to intervene.

Suggested Proof of Compliance:

- Copy of report of intervention
- Annual Use of Force Report
- Copy of disciplinary action

CHAPTER 2 Training Functions

Law Enforcement agencies are held accountable both by their community and by the courts for their actions. An agency's employees' actions are guided by clearly written policy, by adequate supervision, and by training. North Carolina Law Enforcement Training and Standards regulate the minimum level of training for both 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 Annual Firearms Qualifications and Training

The Agency has a written directive requiring an agency to ensure all sworn officers attend firearms training sessions annually, as required by North Carolina Law Enforcement Training and Standards and conducted by a Firearms Instructor certified by North Carolina Law Enforcement Training and Standards for all departmentally authorized firearms utilized by the officer.

Clarifying Comment: The written directive must require qualification with ALL firearms carried or used by an officer, including handguns, rifles, back-up firearms, etc., both day and night, as well as any other requirement required in the in-service firearms training as a directed by North Carolina Law Enforcement Training and Standards.

Suggested Proof of Compliance:

- Roster from training
- Officer training transcript

2.02 Use of Deadly Force Training

The agency has a written directive on training its sworn personnel at least annually in the proper use of deadly force.

Clarifying Comment: This deadly force training shall consist of a review of the deadly force policy of the department and other scenario-based training programs. This is a requirement of the annual in-service firearms training as required by North Carolina Law Enforcement Training and Standards.

Suggested Proof of Compliance:

- Transcript of officer
- Roster from course

2.03 Use of Force Training and Proficiency for Intermediate Weapons

The Agency has a written directive that requires all personnel, who are authorized to use intermediate weapons (including ECDs, pepper spray, batons, etc.), be trained annually and demonstrate the justified legal use of and proficiency with those weapons. The required training should be conducted by instructors certified to teach the specific devices used by the agency.

Clarifying Comment: The agency should indicate which intermediate weapons are carried or used by the agency. As a part of the mandated annual in-service firearms training, all departmental policies regarding the use of force are required to be reviewed.

Suggested Proofs of Compliance:

- Transcript of officer
- Roster from course
- Instructor Certification
- Lesson plan

2.04 Training Records

The Agency has a written directive that describes its employee training records system that is in accordance with North Carolina Law Enforcement Training Standards for appropriate personnel. Reporting of training through the North Carolina Justice Academy or community colleges may be used to document sworn training.

Clarifying Comment: For clarification, each officer's individual record must be kept. In addition, if the agency provides any training in-house, the agency must maintain copies of lesson plans and as attendance records of classes.

Training records for non-sworn personnel must also be addressed in the directive and maintained.

Suggested Proof of Compliance:

- Copy of individual officer training records
- Copy of non-sworn training record
- Observation of Training files (On-Site)

2.05 In-Service Sworn Officer Training

The Agency has a written directive that requires in-service training or refresher training for all SWORN personnel employed/appointed by the agency, in accordance with training mandated by North Carolina Law Enforcement Training and Standards, and any other training designated by the Agency. If not already covered by annual in-service training, training must include North

Carolina laws of arrest including when arrests can be made without a warrant, laws related to search and seizure including when searches can be done without a warrant, and self-defense tactics.

Clarifying Comment: Every officer in North Carolina must complete annual in-service training mandated by the commissions and their respective agency. This training must take place between January 1st and December 31st of each year.

Suggested Proof of Compliance:

- Roster from training
- Emails assigning training
- Officer training transcript
- Screenshot from ACADIS of records
- Observation of training records

2.06 In-Service Non-Sworn Training

The Agency has a written directive that identifies the non-sworn positions, including volunteer positions that have any required state or agency pre-service and in-service training or certifications, and provides the necessary training.

Clarifying Comment: The written directive should clearly identify the non-sworn positions that require training and what training is required for those positions.

Suggested Proof of Compliance:

- Roster from training
- Officer training transcript

2.07 Supervisor Training

The Agency provides training for newly promoted supervisors appropriate to their position/rank within 12 months of promotion.

Clarifying Comment: This training applies to all ranks below the Agency CEO in the department. Newly promoted supervisors or commanders (not just the initial supervisory rank), including non-sworn supervisors, should be provided training "appropriate to their position/rank," and the training should take place within 12 months prior to or after promotion.

The standard does not dictate the specifics of the training. Suggested courses include The New Sergeants Course and First Line Supervision. Other supervision courses may be appropriate for command level staff.

Suggested Proof of Compliance:

- Roster from training
- Officer training transcript
- Certificate from course

2.08 Specialized Tactical Team Training

If the Agency maintains a specialized tactical team – SRT, SERT, SWAT, a written directive establishes the criteria for training and specifies the frequency of training for all assigned team members. The minimum level of basic training is the completion of a recognized basic tactical response school or the equivalent before active participation in a SRT, SERT, SWAT or other tactical operation. Agencies utilizing specialized tactical teams must provide for at least 8-hours of relevant tactical training to be determined by the agency based on training needs at a minimum, monthly. The training must be regular and reoccurring and based on critical skills training specific to SWAT mission capability defined by the agency. Missed training must be made up and maintained in a current status.

Suggested Proof of Compliance:

- Roster from training
- Officer training transcript
- Lesson plan
- Pictures from training

2.09 Field Training Program

The Agency has a minimum of 160 hours of a field-training officer (FTO) program for all newly sworn personnel and officers who have not completed their probationary status with North Carolina Law Enforcement Training and Standards. The program must:

- A. Provide a selection process for field training officers for the agency and position responsible for the FTO Program;
- B. Require selected field training officers to attend a Field Officer Training school and periodic in-service training;
- C. Rotation of the new officer's field assignments;
- D. Be divided into phases of training based on departmental needs;
- E. Provide guidelines for evaluations during the field training program; and
- F. List reports, evaluations, and responsibilities

Clarifying Comment: Agencies should have something in place for lateral entry officers new to their agency to provide an orientation to the agency.

Suggested Proofs of Compliance:

- Copy of FTO schedule for an officer in training
- Copy of an evaluation completed during the FTO program.
- Copy of FTO's certificate of training

2.10 Field Training Officer Evaluations

The Agency has a written directive that requires new officers, while in the Field Training Program, to receive at least weekly evaluations by the FTO. The evaluation will be reviewed with the new officer and the FTO and maintained on file by the agency.

Suggested Proof of Compliance:

- Copy of at least weekly documented review by the new officer and FTO
- Observation of Field Training files

2.11 Background Investigator Training

The Agency requires training for personnel designated to conduct applicant background investigations, and that training must be completed prior to conducting applicant backgrounds. This requirement may be fulfilled by a formal class or a standard full outline or other specific written document that an investigator must follow during any background investigation.

Clarifying Comment: Training requires attendance to Background Investigations class or a copy of detailed instructions (or manual) for completing background investigations.

Suggested Proof of Compliance:

- Certificate from Training Course
- Officer training transcript

2.12 Required Emergency Communication Specialists Training

If the Agency operates a communications center, the agency will have a written directive related to the operations of the telecommunications center and will ensure its personnel are trained in the directive, operations of utilized equipment, department policy and procedure related to the telecommunications center. ECS obtain within six months of their start date the five mandated training courses: Emergency Telecommunication Course (ETC), Emergency Medical Dispatch (EMD), Cardiopulmonary Resuscitation (CPR), E911, and Computer Terminal Operator (CTO).

Clarifying Comment: Training in familiarity with department operations may be some type of formal training or by the provision of a departmental operations manual or policy and clarifying comment. Proof of departmental operations training is required.

Suggested Proof of Compliance:

- Certificates of completed training
- Observe Communication Specialists using the equipment (On-Site)
- Interviews with Communication Specialists (On-Site)

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 also necessary to ensure the consistent direction of employee's efforts toward agency goals.

Good employee relations are necessary to retain competent employees and provide for their continued growth and development. All agencies must have established procedures for promotional opportunities to ensure fairness of the process.

3.01 Employee Selection Procedures

The Agency has a written selection process that details all elements of the selection process for both sworn and non-sworn applicants and requires those elements to be administered in a fair and consistent manner. Applicants for sworn and non-sworn positions must meet any legal requirements to hold their positions (i.e., sworn staff must meet North Carolina Law Enforcement Training Standards minimum standards).

Clarifying Comment: A written directive on the process or steps to become a member of the agency for BOTH sworn and non-sworn personnel. The non-sworn process may be outlined in a City or County Personnel Manual.

The written directive should, in some manner, indicate that the process is to be administered in a fair and consistent manner.

Suggested Proof of Compliance:

- Copy of written directive (department policy, applicant handout, or brochure)
- Certification from the North Carolina Criminal Justice Education and Training Standards or the North Carolina Sheriffs' Education and Training Standards for sworn personnel. Must also have a selection process for non-sworn personnel.

3.02 Background Investigations for Selection of Employees

The Agency has a written directive that specifies the scope of the background investigation to be conducted on all sworn and non-sworn applicants prior to or following a conditional offer of employment. This would include the use of the Computer Voice Stress Analyzer (CVSA) or Polygraph.

Clarifying Comment: The agency written directive should clearly detail the items to be investigated for both sworn and non-sworn members of the department. The directive must

include those items required by North Carolina Law Enforcement Training Standards for sworn officers.

Suggested Proof of Compliance:

- Copy of any written directive describing the background investigation process
- Copy of a background investigation file (sworn and non-sworn)
- Copy of complete CVSA or Polygraph, if used
- Proof of training of background investigator and polygraph operator

3.03 Personnel Files

The agency maintains a personnel file(s) on each employee, which contains originals or copies of all documents, related to personnel matters including but not limited to changes of status; training received, commendations, records of counseling, performance evaluations, and NC Law Enforcement Training and Standards required documentation.

Clarifying Comment: "Personnel records" are records kept by an employer about an employee's qualifications for employment, promotion, transfer, additional compensation, or disciplinary actions. Medical records should be kept in a separate confidential file for additional privacy. Employee medical records may be subject to additional confidentiality provisions under laws such as the Americans with Disabilities Act (ADA) or the Genetic Information Nondiscrimination Act (GINA). All personnel records should be maintained in a locked area with limited access. All guidelines for record retention should be followed.

Suggested Proof of Compliance:

- Observation of personnel files for compliance
- Picture of locked personnel files
- Interview with the person responsible for maintaining Personnel Files

3.04 Off-Duty Employment/Extra Duty Employment

The Agency has a written directive that specifies the criteria for off-duty, secondary, and extra duty employment. The Directive must:

- A. Address who is authorized to work off duty and extra duty employment;
- B. State the types of employment prohibited by the agency; and
- C. Include the approval procedure for off-duty and extra duty employment

Clarifying Comment: The written directive should clearly indicate who is eligible to work off duty employment; who is eligible to work extra duty employment; any prohibitions on the types of jobs that cannot be worked; and describe the approval process for working the jobs.

Suggested Proof of Compliance:

- Copy of written directive
- Copy of request for appropriate approval of off-duty or extra duty employment work

3.05 Promotional Process

The Agency has a written directive that describes the components of the promotional process, which may include any applicable qualifications, announcements, any testing procedures, grading, and any appeal process.

Clarifying Comment: This standard does not require an agency to create or use any specific process; however, whatever process is used within the agency must be clearly described in the written directive. If the agency changes its process or allows the Agency CEO to determine the process each time a vacancy occurs, the agency must clearly state that fact and describe how employees will be advised and how far in advance of any selection process. A case law reference for guidance related to promotional process is the dictates of *Tully v City of Wilmington*.

Suggested Proof of Compliance:

- Copy of promotional process announcement
- Email to staff

3.06 Promotional Eligibility Lists

If the Agency establishes a promotional eligibility list, a written directive specifies the duration of the list and the criteria for placement on the list.

Suggested Proof of Compliance:

- Copy of eligibility list

3.07 Annual Performance Evaluations

The Agency has a written directive that requires, at a minimum, annual performance evaluations. Performance evaluations must cover a specific period of time not to extend beyond one year. Performance evaluations should be completed for all employees, including full-time, part-time, and reserve. Performance evaluations should be signed by the employee and reviewer.

Clarifying Comment: The written directive must clearly require annual performance evaluations and indicate when they are to be done.

Suggested Proof of Compliance:

- Copy of performance evaluation showing review with the employee and showing evaluations over a specific time period

3.08 Early Warning System

A written directive that mandates procedures for a personnel early warning system. At a minimum, the system should establish:

- A. Reporting of actions or behaviors that should be monitored and documented;
- 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, when warranted, if available; and
- E. Annual review of the system used

Clarifying Comment: The goal is for agencies to have an early warning system to identify potential personnel problems before leading to an internal affairs review or implementation of disciplinary action. Agencies should establish criteria to be monitored and which would initiate a review. Such criteria may include such behaviors as absenteeism, tardiness, use-of-force incidents, on-the-job injuries, loss of agency equipment, or vehicle collisions. A personnel early warning system can be paper-based, electronic, or any combination of the two.

Suggested Proof of Compliance:

- Copy of collection of identified behaviors of employees
- Annual review of the agencies system
- Referral for counseling

3.09 Reserve Officer Program

If the Agency has a Reserve Officer Program, the agency has a written directive that describes the program and designates the types of functions the Reserve Officers will or will not perform.

Clarifying Comment: Reserve Officers are to adhere to all departmental policies and procedures. They are required to attend and complete all annual training requirements.

Suggested Proof of Compliance:

- Job description for Reserve Officer
- Report completed by or referencing a Reserve Officer

3.10 Recruitment Plan

The agency shall participate in a recruitment program for sworn personnel and maintain a

written recruitment plan. The recruitment plan shall minimally:

- A. Contain a statement that the agency is committed to Equal Employment Opportunity;
- B. Define goals and objectives for the agency;
- C. Establish a plan to achieve stated goals and objectives;
- D. Annually review the progress of the recruitment plan towards goals and objectives, as well as update the plan when needed; and
- E. Establish the position responsible for the plan

Clarification Statement: The agency's recruitment plan should be developed and implemented with the goal to increase sworn representation that reasonably reflects the demographics of the service area of the agency. An annual review should include an explanation of progress, if any, made towards achieving the stated objectives and an explanation of any changes required to the recruitment plan.

Suggested Proof of Compliance:

- Copy of annual review with goals and objectives
- Reports from recruiting officer of events or presentations
- Pictures from recruitment event

CHAPTER 4 RECORDS AND INFORMATION MANAGEMENT

Proper handling of agency records is critical to the successful prosecution of individuals charged with crimes and to provide the agency with the information to properly manage its operations. Agencies must comply with the provisions of State and Federal law regarding Public Information and the Retention Schedule for Records of Public Safety Agencies.

4.01 Privacy and Security of Records

The Agency has a written directive complying with applicable law for the privacy, security, and retention of records. Appropriate training for the agency personnel responsible for records management is provided. Records must be kept securely, and all juvenile records must be secured separately from adult records.

Clarifying Comment: Privacy and security of records require departmental records such as offense reports, arrest reports, criminal history reports, and other sensitive reports to be secured to prevent unauthorized access. Records must be maintained in a locked room or locked cabinets with only authorized persons having access. Juvenile records must also be maintained separately and must be secure as well.

The person charged with maintaining the records must clearly be identified in the directive and have proper training provided.

Suggested Proof of Compliance:

- Observation of security of records
- Picture of locked files
- Certificate for the training of personnel

4.02 Release of Information

The Agency has a written directive, in accordance with current law, regarding the release of information and open records requests.

Clarifying Comment: Department policy should clearly address what information in police reports is releasable and what is not to be released. The policy should also address who is responsible for releasing information and responding to open records requests.

Suggested Proof of Compliance:

- Completed record request or response to a record request

4.03 Public Information Officer (P.I.O)

The agency has a Public Information Officer or designated person(s) to release information to the news media and the public about cases or investigations.

Suggested Proof of Compliance:

- Copy of email or document appointing or informing agency who is P.I.O.
- Copy of release of information by P.I.O. or designated person

CHAPTER 5 USE OF FORCE

Law enforcement agencies are the only part of government authorized to use force against a citizen. Officers are sworn 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 police organizations to review and examine their use of force to ensure that it is only utilized in conformity with the law, departmental policies, and community expectations.

5.01 Authorization to Use Force

The Agency has a written directive that authorizes designated employees to use only the physical force that is reasonable to achieve the desired legal objective.

Clarifying Comment: This requirement is to ensure agencies only allow officers to use the minimum force necessary to achieve a legal objective.

Suggested Proof of Compliance:

- Report of use of force
- Review any appropriate disciplinary actions (if any) and use of force reports

5.02 Neck and Choke Holds

The Agency has a policy prohibiting neck holds, chokeholds, strangleholds, Lateral Vascular Neck Restraints, Carotid Restraints, chest compressions, or any other tactics that restrict oxygen or blood flow to the head or neck unless necessary to protect the life of the officer or another.

Clarifying Comment: Law Enforcement agencies shall follow North Carolina laws. Use of one of these holds shall be documented and reported as a Use of Force.

5.03 Authorization of Deadly Force

The Agency has a written directive that authorizes police officers to use deadly force when the officer reasonably believes that there is an imminent threat of serious bodily injury or death to his or her life or the life of a third person.

Clarifying Comment: The legal standard espoused by the courts in *Tennessee v. Garner* and *Graham v. Connor*, as well as, North Carolina General Statutes, is used to determine authorization of deadly force.

Suggested Proof of Compliance:

- Report of use of deadly force
- Review any use of deadly force incidents (if any)

5.04 Use of Force Documentation and Review

The Agency has a written directive requiring completion of a form for documentation of each incident involving the use of force by agency personnel. A supervisor is required to perform a review of each incident as it occurs for policy, training, and legal compliance. The form can be electronic or paper in a format designated by the agency.

Clarifying Comment: This standard requires a special “Use of Force” form that is created by the agency and used to report the use of force at a level defined by the agency. Agencies are required to use this form for reporting any time a member of the agency uses any form of force as defined by the agency’s policy. A review process where supervisors review each completed form to verify that the actions of the officer were appropriate in the use of force.

Suggested Proof of Compliance:

- Copy of two forms per year
- Forms showing review by a supervisor, for example initials or comments verifying a review

5.05 Weapons and Ammunition

The Agency has a written directive identifying the types of weapons and ammunition approved for use by the department.

Clarifying Comment: The intent of this standard is to ensure that the Agency CEO is aware of and has approved all weapons and ammunition used by the department. This standard requires a specific list of the issued or approved weapons (such as Glock, Sig Sauer, Smith, and Wesson, etc.) and the approved or issued calibers. The list should include all firearms issued or approved by the agency, including specialized weapons used by a Special Operations team.

If the agency allows different back up or off-duty weapons, these weapons must also be listed. It is permissible for back-up or off-duty weapons to state that any weapon of reliable makes as determined by the Agency CEO or their designee is approved. Officers must also train and qualify with these weapons annually. The agency should document all weapons authorized for carrying, including back-up and off-duty, by make, model, serial number, and qualification date.

The agency must also list approved ammunition (such as Gold Dot 9mm 124-gr hollow point).

If the agency believes that approved weapons or ammunition may change frequently, the approved list can be referred to in policy and issued as a memorandum or letter to all personnel from the Agency CEO or their designee.

Suggested Proof of Compliance:

- Copy of list of approved weapons and ammunition
- Receipt of purchase of weapon or ammunition on the list
- Carrying and Use of Weapons, On and Off Duty
- Picture of stored ammunition

5.06 Carrying and Use of Weapons, On and Off Duty

The Agency has a written directive notifying personnel when they are authorized to legally carry and use a weapon both on-duty and off-duty.

Clarifying Comment: The written directive should clearly state when officers may carry firearms both on and off duty and any restrictions.

Suggested Proof of Compliance:

- Copy of the weapon log for each authorized member
- Picture showing officer carrying an authorized weapon

5.07 Documenting the Discharge of Firearm

The Agency has a written directive for 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.

Clarifying Comment: The standard requires the agency to have a written directive which requires officers to document the discharge of any firearm on a Use of Force form. It must contain the exception for both training scenarios or approved humane life-termination of injured animals. The policy must also require some form of a supervisory review of the discharge.

Suggested Proof of Compliance:

- Copy of Use of Force form with supervisory review

5.08 Medical Aid after Using Force

The Agency has a written directive instructing personnel in providing first aid (to the extent trained) for anyone injured or reporting an injury after force has been applied.

Suggested Proof of Compliance:

- Copy of report showing medical assistance was requested when needed

5.09 Removal from Line of Duty after Using Deadly Force

The Agency has a written directive for relieving any employee from the line of duty who has used deadly force (that force substantially likely to cause death or serious bodily injury), or has been involved in a traffic crash that has resulted in the serious injury or death of a person, until a preliminary administrative review can be conducted.

Clarifying Comment: This standard requires the removal of officers from line duty after they have used any type of Deadly Force. Line duty is defined as any enforcement position. Agency CEO may assign the officer to non-enforcement duties until the administrative review is completed.

This standard also applies in the event officers are involved in a traffic collision where a person was seriously injured or killed.

Suggested Proof of Compliance:

- Copy of notice to an officer when relieved of duty pending review

5.10 Warning Shots

The Agency has a written directive prohibiting warning shots.

Suggested Proof of Compliance:

- Copy of appropriate disciplinary actions (if any)

5.11 Use of Force Annual Report

The Agency prepares an annual report on Use of Force incidents that is sent to the Agency CEO or their designee. The contents of the report will be specified by the Agency, and the report should identify any trends in the use of force by agency personnel, training needs, equipment needs, or policy revisions.

Clarifying Comment: This standard is to attempt to reduce the overall use of force exercised by an agency when appropriate. While it is clear that officers must sometimes resort to the use of physical force to accomplish their objective, each use of force places the officer as well as the subject at risk of injury. This report should be an analysis, not just counting and sorting of incidents. The report should lead to conclusions about the agency's use of force, and whether any policies need revision, any additional training is needed, or any changes that need to be made in equipment or methods of operation or response.

If the agency does not use force frequently and has less than five incidents annually, a useful analysis may be hard to accomplish. Consideration should be given to reviewing more than one year together to get sufficient numbers to show specific trends if they exist.

Suggested Proof of Compliance:

- Copy of annual report
- Copy of any action taken as a result of identified trends, training or equipment needs, or policy revisions

CHAPTER 6 LAW ENFORCEMENT OPERATIONS

Basic law enforcement operations have developed over time with input from our community, the courts, professional law enforcement organizations, as well as advancements in technology. The standards provided in this section are the best practices in our industry for law enforcement operations. They ensure agencies are meeting the most basic needs of both their employees and their citizens. Most prominent in this chapter are the standards that ensure an agency protects the rights of those it serves.

6.01 24-Hour Law Enforcement Response to Emergency Situations

If the Agency has 24-hour emergency response responsibility, 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.

Suggested Proof of Compliance:

- Observation of 24-hour response
- Staffing schedules showing 24-hour staffing
- Verify communication and telephone calls on emergencies are forwarded to the responding agency if another law enforcement agency is used after hours

6.02 Interrogation

The Agency trains appropriate personnel in methods to conduct lawful interrogations, including juvenile interrogations.

Clarifying Comment: This training should cover legal issues regarding the voluntariness of confessions, what officers are prohibited from doing, breaks, and access to restrooms, the invocation of the right to counsel, and how details of the interrogation are to be recorded.

Suggested Proof of Compliance:

- Training of interrogation personnel
- Training for juvenile interrogation

6.03 Search and Seizure Warrants / No Knock Warrant / Searches without Warrants

The Agency has a written directive for procedures for search and seizure of property with a warrant, a no knock warrant, and without a warrant. This would include the scope of such searches, and the documentation of such searches in agency reports.

Clarifying Comment: The directive should provide clear instructions for officers on when search warrants will be needed to search and/or seize property and when the conditions for

warrantless searches or seizures are present. The directives should be in line with Federal and North Carolina precedent.

Suggested Proof of Compliance:

- Copy of report including documentation of search and seizure
- Copy of report where a search without a warrant was done

6.04 Preliminary Investigations

The Agency trains appropriate personnel in conducting preliminary investigations.

Clarifying Comment: This training should be more than just a statement that patrol officers are responsible for conducting preliminary investigations. It should include what steps are to be taken, including ensuring an offense has been committed, securing the scene, interviewing the complainant and witnesses, collecting physical evidence (or arranging for the collection), and writing a report, etc. This can be in the form of a departmental written directive, roll call training, or training lesson plans with proof of training.

Suggested Proof of Compliance:

- Proof of training
- Copy of investigative report

6.05 Follow-Up Investigations

The Agency has a written directive which:

- A. Identifies the criteria necessary for a case to be assigned for follow-up investigation;
- B. Identifies how cases are assigned for follow-up investigations and any follow-up reporting if required; and
- C. The Agency also requires appropriate personnel to be trained in conducting follow-up investigations.

Clarifying Comment: Appropriate personnel might be criminal investigators or supervisors who conduct follow-up investigations.

Suggested Proof of Compliance:

- Copy of follow-up investigation report or notes
- Proof of training on follow-up investigations

6.06 Informants

If the Agency uses informants, it will have a written directive to instruct appropriate personnel in the use of informants. The written directive will include:

- A. The identification and recruitment requirements, limits on who can be used, and appropriate personal interaction with informants;
- B. Payments to informants and necessary documentation;
- C. Informant file requirements (index number, history summary of cases, active or inactive status, fingerprints, photograph, current criminal history, biographical information, known associates, prior contacts with department, prior status with other LE agency as CI, statement of motivation, signed informant agreement, statement of expectations, probation parole status, visual confirmation of CI by Agency CEO or designee);
- D. Informant files will be secured with limited access; and
- E. Special precautions to be taken with juvenile informants.

Clarifying Comment: The requirement that records be kept secure includes being secured from unauthorized access by agency employees. This requires the records to be kept in locked cabinets or rooms with only limited access by designated individuals. If records are electronic, they are accessible only by designated individuals. Care should be given to protecting the identity of the informant unless ordered by a court.

Suggested Proof of Compliance:

- Copy of documentation of payments to informants
- Observation of informant files are secure and have limited access

6.07 Confidential and/or Narcotics Funds and Audits

If the Agency has confidential and/or narcotics-related funds, there is a written directive for the management of those funds. The written directive will include:

- A. Designation of who is responsible and accountable for the maintenance of the funds;
- B. Storage of the secured funds;
- C. Procedures for requesting, receiving and returning unused funds;
- D. Documentation of cash transactions; and
- E. Quarterly auditing by an individual/supervisor independent of the confidential funds

Clarifying Comment: The requirement that these funds be kept secure includes being secured from unauthorized access by agency employees. This requires the funds to be kept in locked cabinets or rooms with only limited access by designated individuals. The funds should have some form of a balance sheet or log that assists with the audit process.

Suggested Proof of Compliance:

- Observe funds are secure and determine the level of access
- Proof of audits (2 quarterly audits in a file per year)
- Copy of ledger tracking of debits and credits to the fund

6.08 Vehicle Pursuits

The Agency has a written directive for vehicle pursuits and trains appropriate personnel in the pursuit policy annually. 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 supervisor of an officer in a pursuit;
- E. Pursuit exiting jurisdiction;
- F. Forcible Stopping; and
- G. Criteria for terminating vehicle pursuits

Clarifying Comment: The training portion of this standard may be met by showing that officers have received Roll-call Training or a formal Training Bulletin, watched a video, received a copy of a policy which was discussed with or by a Supervisor, or received a copy of the policy and been tested over its content. Agencies should be able to provide proof of training of all sworn and dispatch personnel.

Suggested Proof of Compliance:

- Training roster or documentation
- CAD report of a pursuit
- Report documenting pursuit
- Report terminating pursuit

6.09 Pursuit Documentation

The Agency has a written directive that requires a pursuit report or form to be completed after each pursuit and a documented annual review of pursuits. Each report is forwarded through the chain of command to the Agency CEO or their designee. The reports will document at a minimum:

- A. Reasons for the pursuit;
- B. Personnel involved;
- C. Result of the pursuit, to include any injury, damage, or other significant events; and
- D. Annual agency pursuit review prepared for the Agency CEO or their designee

Clarifying Comment: This standard requires a specialized form designed by the agency. Bullet C. can be met by having specific questions regarding each of these items or by the use of a general "Results of Pursuit" or "other Comments" section on the form.

Supervisors should review the form for compliance with agency directives. The Annual Report of agency pursuits should include numbers, identify trends, and review policy about the need for any policy changes, training required, or changes in equipment. If the agency does not

engage in pursuits frequently and has less than four or five incidents annually, consideration should be given to reviewing more than one year together to get sufficient numbers to show specific trends if they exist. The Agency CEO should sign and date the form or acknowledge electronically that he/she has reviewed the report.

Suggested Proof of Compliance:

- Pursuit reports with a chain of command review
- Copy of annual report with Agency CEO receipt

6.10 Non-Emergency and Emergency Response

The Agency has a written directive that differentiates between emergency and non-emergency calls for service and states when an Officer is authorized to operate a police vehicle in an emergency manner. The directive must describe the Officers responsibility when operating an emergency vehicle and specifically describe any statutory duties.

Suggested Proof of Compliance:

- CAD report showing if an emergency or non-emergency call

6.11 Crash Investigation

The Agency has a written directive on conducting crash investigations. The written directive will include:

- A. How officers will respond to the scene;
- B. Obtaining emergency aid for any victims;
- C. Reporting Requirements;
- D. Preserving the scene; and
- E. Taking any enforcement actions

Suggested Proof of Compliance:

- Copy of crash reports showing the response, obtaining emergency aid, protecting the scene, and taking enforcement action

6.12 Reflective Vests

The Agency has a written directive that requires personnel to wear a reflective vest that meets current ANSI/ISEA standards as soon as practical when either directing traffic or working at the scene of a crash.

Suggested Proof of Compliance:

- Picture of officers at a scene wearing a reflective vest
- Verify officers have access to a vest

- Observe vest worn on traffic direction or crash investigation

6.13 Roadblocks

If the Agency authorizes the use of roadblocks during pursuits, it has a written directive and it trains appropriate personnel in the use of roadblocks, including when and how roadblocks may be used. Stop sticks or road spikes are not considered roadblocks.

Clarifying Comment: This standard intends to address the use of stationary roadblocks during pursuit situations only. If the agency allows roadblocks in any circumstances at all, the agency must train officers in when it is appropriate to use roadblocks and how to use them safely. “Rolling Roadblocks” should be addressed in the agency’s pursuit policy if used or authorized.

Suggested Proof of Compliance:

- Report showing the use of roadblocks
- Training completed for the use of roadblocks

6.14 Stop Sticks/Road Spikes

If the Agency authorizes the use of stop sticks/road spikes, it has a written directive and trains its personnel in the use of stop sticks/road spikes, including when and how to safely deploy them.

Clarifying Comment: Officers received roll call training or other training, watched a video, received a copy of the policy, which was discussed with or by a Supervisor, or received a copy of the policy and been tested over its content.

Suggested Proof of Compliance:

- Documentation of training
- Report showing the use of stop sticks/road spikes

6.15 Seatbelts

The Agency has a written directive requiring occupants in Agency vehicles to wear a seat belt, as required by North Carolina law. Arrestees are required to be seat-belted anywhere in the vehicle whenever possible.

Suggested Proof of Compliance:

- Picture or video of an officer wearing a seatbelt
- Report stating detainee or prisoner was seat-belted
- Observation of personnel using seatbelts when driving Agency vehicles

6.16 Inspection of Patrol Vehicle and Equipment

The Agency requires personnel to inspect their assigned patrol vehicle for content and appearance, as well as, the operability of all Patrol equipment assigned to, or provided for, said vehicle, prior to each assignment or the beginning of each shift.

Clarifying Comment: A copy of completed vehicle check sheets is sufficient proof of compliance with this standard if all parts of the standard requirements are covered on the check sheet.

Agencies with home storage vehicles may require in policy that employees check assigned vehicles prior to each assignment or shift and require a formal report only if any new deficiency is found. Formal reports on mileage, contents, appearance, and operability may be required as needed by the agency but should be addressed in the policy.

Agencies are not required to have written inspection reports if officers are required to record the inspection on audio/video in-car camera systems prior to use.

Suggested Proof of Compliance:

- Copy of vehicle checklist, if used, or copy of recorded audio/video statement from an in-car recording system

6.17 Special Use Equipment and Vehicles

The Agency has a written directive that requires that any special equipment and vehicles, including vehicles used for special assignments, have a documented readiness inspection at least quarterly.

Clarifying Comment: Any special use vehicles such as command vehicles, crime scene search vehicles, and equipment such as radar trailers, generators, lighting systems, rescue equipment, weapons, protective vests, and equipment that is stored and not issued is also included. Agencies should take care to identify all special use equipment.

Suggested Proof of Compliance:

- Observation that equipment is ready to be used (On-Site)
- Copy of inspection documentation completed quarterly
- Pictures of ready equipment in storage

6.18 Traffic Enforcement Operations

The Agency has a written directive describing traffic enforcement activities, and the directive includes:

- A. Traffic enforcement policy;
- B. Availability of officer discretion;

- C. Procedures issuance of a citation; and
- D. Circumstances a custodial arrest

Suggested Proof of Compliance:

- Copy of a report of traffic enforcement

6.19 Eyewitness Identification

The agency has a written directive describing procedures for eyewitness identifications and trains appropriate personnel in the administration of live or photographic lineups. The written directive should follow the North Carolina Eyewitness Reform Act in its entirety.

Clarifying Comment: If a local District Attorney has issued written instructions on the procedures for eyewitness identifications, these instructions will meet this standard. Proof of training will still be required.

The training portion of this standard may be met by showing that officers have received Roll-call Training or a formal Training Bulletin, watched a video, received a copy of the policy which was discussed with or by a Supervisor, or received a copy of the policy and been tested over its content. Appropriate personnel, such as Criminal Investigators or other officers who would have the occasion to conduct eyewitness identification, must be trained.

Suggested Proof of Compliance:

- Copy of documentation from an eyewitness identification

6.20 Missing Persons

The agency has a written directive on the handling of missing persons and includes:

- A. No requirement for a waiting period;
- B. Initial investigation process, internal reporting and notification requirements, and external reporting to required entities including entry into ACIC/NCIC;
- C. Special investigative considerations for unusual circumstances and at-risk missing persons (i.e., children, elderly, evidence of abduction, mentally ill, etc.); and
- D. The use of electronic alert systems, if available to the agency

Clarifying Comment: Special considerations concerning children or the elderly should include such things as notification of additional resources, assigning personnel to remain on a case until resolved, public notifications, or use of tip lines. Electronic alert systems include such programs as Amber/Silver Alerts or other available systems.

Suggested Proof of Compliance:

- Copy of missing person offense report showing policy followed

6.21 In-Car and/or Body-Worn Audio / Video

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

- A. Policy statement on purpose and organization's reasoning for its use;
- B. Requirements and restrictions for activation and deactivation of the device;
- C. Criminal and administrative use of camera captured data;
- D. Data storage and retention requirements;
- E. Equipment maintenance and inspection procedures;
- F. Training requirements for users and supervisors;
- G. Requirements for documented review of camera captured data including frequency and quantity; and
- H. Procedures for the public request of recordings in accordance with current NC law

Clarifying Comment: The use of in-car and/or body-worn audio/video recording devices within the general operational police environment provides a potentially valuable resource for law enforcement agencies in the delivery of services. Additionally, information collected through this technology can be critical in the investigation of criminal incidents and complaints against employees. Developing a form to use for public request of recordings will ensure consistency in all requests.

It is important for agencies to consider the legal and privacy implications regarding the use of audio/video recording devices. It is recommended that prosecutors be included in the development of policies related to the recording and retention of criminal investigations related activities. Training should be included for officers to ensure an understanding of the organization's philosophy on the use of recording devices, including limitations involving special circumstances, such as contacts with juveniles or other agency employees.

Suggested Proof of Compliance:

- Copy of training records
- Retention schedule
- Appropriate use of body and dash cameras
- Release documentation showing policy followed
- Copy of violation of policy by an officer

6.22 Protective Vests

The Agency makes available protective vests for all sworn personnel and establishes a written directive for making the vest available, along with the proper wearing and the responsibility for inspection of possible damage. The agency should ensure the manufactures guidelines and recommendations are followed.

Clarifying Comment: When the protective vest is worn by an officer, the assigned vest should be carefully inspected for any signs of damage – creases, tears, smells and burns. If there is damage, the officer should report it to their supervisor to arrange for a new vest to be issued.

Suggested Proof of Compliance:

- Equipment availability, issuance, and replacement
- Picture or observation of the vest on an officer
- Copy of inspection sheet
- Copy of property sheets for personnel signing for issued property/equipment
- Report of damaged protective vest

CHAPTER 7 UNUSUAL SITUATIONS

The majority of police work is routine even though it may involve a crime of violence. However, some situations are of such a critical nature or are of such a 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. Standards in this section address the most critical of these situations.

7.01 Emergency Operations Plan

The Agency has a written Emergency Operations Plan or is included in a city/county Emergency Operations Plan. The plan is accessible to all personnel. The department trains appropriate personnel in the plan.

The Plan or written directive also includes provisions covering:

- A. Civil disturbances;
- B. Bomb threats;
- C. Response to natural and manmade disasters;
- D. Negotiation;
- E. Mass arrests;
- F. Other incidents or events; and
- G. Annual review of the Emergency Operations Plan

Clarifying Comment: Most County Emergency Operations Plans provide for law enforcement response to natural and manmade disasters. However, many do not have a comprehensive plan covering the entire standard. Agencies who wish to use the County Plan as their Emergency Response Plan should add sections of the standard are covered in the policies and procedures.

Agencies should ensure that all personnel have been briefed on and have access to the plan and that communications/dispatch personnel have a copy.

Suggested Proof of Compliance:

- Copy of plan covering all listed bullets
- Observation that plan is accessible by all command level personnel and communications personnel (On-Site)
- Documentation of annual review of the EOP

7.02 Incident Command

The agency specifies an incident command system that includes:

- A. Activation of command and setting up a command post;
- B. Requesting additional personnel or assistance from other agencies;
- C. Set up a staging area; and
- D. Handling media and public information requests

Suggested Proof of Compliance:

- Copy of plan covering all listed bullets
- Observation that plan is accessible by all command level personnel and communications personnel (On-Site)

7.03 After Action Report

The Agency has a written directive that requires an after action report for any natural or man-made disaster, any unusual occurrence as defined by the Agency, and any ERT/SWAT deployment.

Clarifying Comment: After action reports are usually completed by the supervisor present at the incident. The report should cover a description of the event, the plans made, the staffing level and how assignments were made, traffic problems, and any issues that occurred.

Make sure the After Action Report details what went well and what needs improvement in future occurrences. Any recommendations for policy changes should be addressed, and any staffing and equipment, training, and planning issues.

Agencies should list in their policy all the types of events where the department wants an After Action Report completed such as all natural and manmade disasters, barricaded person or hostage incidents, anytime ERT responds to an incident, any officer-involved shooting, and any recurring special event.

Suggested Proof of Compliance:

- Copy of After Action reports

7.04 Tactical Team

If the Agency has a Tactical Team or has an agency member on a team, a written directive must establish:

- A. Established criteria for selection of members;
- B. Situations/Circumstances to which the team may be deployed;
- C. Requirements for certifications to be maintained by members and continued training of all team members;
- D. Requirement for deployment of less lethal options specific to the team;
- E. Requirement that protective vests be worn by personnel;
- F. Documented annual inspection of equipment;

- G. Provisions for medical and/or fire assistance on standby; and
- H. Requires an After Action Report of Tactical Team Events related to all Tactical Teams

Clarifying Comment: Any special use equipment covered in 6.17 will still require the quarterly inspection, even it is assigned to individual officers, carried in their squad car, or stored in a department facility. All Tactical Team equipment, protective vests and specialized weapons, should be inspected by the Agency CEO or designee.

The minimum provisions for medical care equipment required consists of a compression bandage, a piece of plastic for sealing a pneumothorax, a tactical tourniquet, and carrying pouch to allow carrying on the person. A member shall have completed a Tactical Medic course, EMT course, or equivalent. If no member has completed such course, then there should be medical assistance standing by and available at the scene.

Suggested Proof of Compliance:

- Request or email to agency members about open positions on a tactical team
- Selection of members and criteria met in selection
- Observation and/or picture of equipment designated by the agency
- Copy of quarterly/annual documented inspections
- Copy of Team members' certifications
- Copy of Team members' training record or roster from team continued training

7.05 Hazardous Materials

The Agency has a written directive instructing employees who to contact for immediate response to large scale Hazardous Materials and Bio Hazard situations.

Clarifying Comment: This standard is intended to address only those large-scale events where some decontamination processes are required. The agency is only required to have a written directive informing employees who to contact to respond.

Suggested Proof of Compliance:

- Contact or email for immediate response
- Copy of report, if any

CHAPTER 8 COMMUNICATIONS

Basic communications operations are necessary to provide fast, efficient, and reliable service to the citizens of a community. It is also necessary to ensure the safety of the responding officers and employees. Reliability and access to state and national databases are required to provide officers with the information necessary to do their job and protect them from harm. For the purpose of this chapter, a communications center is defined as any location where the primary function is to receive and or dispatch calls for service.

8.01 Communication Centers (24-hour access)

If the Agency has 24-hour emergency response responsibility, the Agency has a communications center or uses a communications center that is staffed 24 hours a day, 7 days a week for contact by the public.

Clarifying Comment: Providing a work schedule for personnel in communications can prove compliance with this standard.

Suggested Proof of Compliance:

- Observation and tour of the Communication Center
- Copy of staffing schedule
- Interview with staff
- Posting of 24-hour contact or recording

8.02 Facility Security

If the Agency operates a communication center, the Communications area is secured from the general public and allows only those persons designated to be in the communications area.

Clarifying Comment: The agency should indicate in their written directive who has authorized entry.

Proof of Compliance:

- Observation and tour of the Communication Center
- Interview staff regarding security procedures
- Photographs of security measures

8.03 Playback System

The communications center has a playback system for telephones and radios to allow for information to be retrieved when necessary.

Clarifying Comment: Radios and all incoming telephone lines where calls are received from citizens are required to be recorded. Immediate playback systems for radio transmissions are encouraged but not required if a regular backup is accessible by on-duty dispatchers if needed.

Suggested Proof of Compliance:

- Demonstration of the playback system is functioning properly
- Interview communications personnel about training and proper operation

8.04 Back-Up Power Source

The Agency has access to a backup power source, or other alternate means of communications, in order to maintain the operation of radios and telephones during a power failure. The backup power source or alternate means of communication has security measures to prevent unauthorized access or tampering. Minimum of quarterly documented testing of the back-up system is required.

Clarifying Comment: If the back-up power source is a generator, then the generator “has security measures to prevent unauthorized access or tampering.” This can be achieved by any number of means including fencing with locked or secured gates; locking all access panels and fuel fill caps in some manner to prevent or clearly show evidence of tampering should it occur, or having the generator inside a secured area.

The Agency needs to have documentation that shows the generator or UPS system has been tested quarterly as per departmental policy. This standard applies to any communications center utilized by the agency.

Suggested Proof of Compliance:

- Observation of the back-up power system during a tour
- Observation of security measures to protect back –up power during the tour
- Documentation of periodic testing

8.05 24-Hour Two Way Radio Capability

The Agency has 24-hour two-way radio capability between the Communication Center and officers on duty in the field.

Suggested Proof of Compliance:

- Observe radio communication has the 24-hour capability

8.06 Access to Criminal Justice Information Systems

The Agency has access to state NC AWARE and/or DCIN information systems.

Suggested Proof of Compliance:

- Observe access to systems in a communication center or through another agency

CHAPTER 9 PROCESSING AND TRANSPORTATION

Individuals taken into 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 officers and detentions personnel. Applicability of these standards depends on the type of holding facility an agency employs.

If an agency operates a holding facility where individuals are booked in, locked in a cell or holding room, the agency must comply with all standards in this chapter. An interrogation room where an officer is always present would not be considered a holding facility.

9.01 Searching and Transport

The Agency has a written directive addressing searching and transporting a detainee before being transported. The written directive includes at a minimum:

- A. All detainees must be searched before any transport;
- B. The approved methods of how to safely transport detainees;
- C. Methods or actions for transporting sick, injured, or disabled detainees;
- D. Search of the transporting vehicle before and after the transport;
- E. The proper use of any restraining devices;
- F. Monitoring of the detainee to avoid medical difficulties; and
- G. The reporting process or procedures following an escape of a detainee while being transported

Clarifying Comment: Policy must require a search of transport vehicle before and after transport even if the vehicle is searched at the beginning of a shift or after last transportation. The policy must require constant monitoring of detainee for medical difficulties.

Suggested Proof of Compliance:

- Documentation of training
- Report stating vehicle searched
- Report stating detainee searched before transport

9.02 Approval of Juvenile Holding Area

The Agency has written directive requiring timely notification of the Juvenile Community Corrections Officer of all juvenile detainees in accordance with North Carolina Law.

Suggested Proof of Compliance:

- Copy of written directive or North Carolina Law
- Proof of notification

9.03 Separation of Detainees

The Agency provides for the cell separation of male and female detainees. The Agency also provides sight and sound separation between adults and juveniles detainees.

Clarifying Comment: Sounds consist of normal conversations and do not including possible yelling or screaming.

Suggested Proof of Compliance:

- Observe location for holding demonstrating sight and sound separation for between adult and juvenile detainees.

9.04 Medical Assistance for Detainees

The Agency has written directive instructing personnel on how to obtain medical assistance for ill or injured detainees.

Clarifying Comment: The agency must still have a directive outlining how to obtain medical attention for a detainee prior to delivery to the holding agency.

Suggested Proof of Compliance:

- Copy of report calling for medical assistance for detainee
- Interview staff regarding how to summon aid

9.05 Strip Searches and Body Cavity Searches

The agency has a written directive is required regarding the agency's policy on strip searches and body cavity searches and shall include:

- A. Authority for conducting strip and body cavity searches with or without a warrant;
- B. Provisions for privacy and search by gender or gender identity/expression;
- C. Provisions for dealing with juveniles in this circumstance; and
- D. Reporting requirements for strip and body cavity searches

Clarifying Comment: The agency should have a written directive either prohibiting agency personnel from conducting a strip search and/or body cavity search or if allowed, provide the proper policy and training on conducting these types of searches prior to delivery of the subject to the holding facility. Strip searches should never be conducted in the field but only in a controlled environment, with supervisory approval of each search, and conducted by persons of the same sex. A search warrant or consent of the individual should be obtained unless there are clear exigent circumstances.

Body cavity searches are highly invasive requiring probable cause and should only be conducted by trained medical personnel with departmental approval.

Suggested Proof of Compliance:

- Copy of any supervisory approved searches
- Interview personnel on approved Strip or Body Cavity Searches procedures

9.06 Weapons in the Holding /Processing areas

The Agency has a written directive on weapons, including less than lethal, in the holding cell and processing areas of the Agency.

Suggested Proof of Compliance:

- Observe approved weapon storage lockers
- Any exceptions of lethal weapons are authorized in writing

9.07 Consular Notifications

The Agency has a written directive for appropriate assurance of all consular notification compliance for any foreign nationals in accordance with international treaties.

Clarifying Comment: Consular notification is required by the United States Treaty. If the agency relies on another receiving agency to handle the notification, the agency must have proof that the receiving agency has a policy and complies.

Suggested Proof of Compliance:

- Copy of notification actual completed and advised right of consular contact

CHAPTER 10 COURT SECURITY

Those agencies that provide security for the courts within our judicial system must ensure they are safe to protect the integrity of the criminal justice system. Security systems should be designed to protect not only the physical facilities but also all participants in the court proceedings.

10.01 Courthouse/Courtroom Security

If the Agency provides security for a courthouse/courtroom, the Agency has a written directive and trains appropriate personnel on conducting searches of persons entering, security measures, including the carrying of weapons in a courthouse/courtroom, and the use of restraints.

Suggested Proof of Compliance:

- Documentation of training for personnel
- Copy of written directive regarding courtroom security
- Copy of written directive regarding searches of persons entering
- Observations of security measures in courtroom/courthouse
- Observe secured weapon storage area (if required)
- Observe any special equipment available

10.02 External Communications

If the Agency provides security for a courthouse/courtroom, at least one means of external communication is available to a member of the court staff for emergency situations.

Suggested Proof of Compliance:

- Observation and testing of at least one means of external communications (On-Site)

10.03 Emergency Response and Evacuation Plans

If the Agency provides security for a courthouse/courtroom, the Agency shall have emergency response protocols and evacuation plans for the courthouse/courtroom that is reviewed with Court employees at least annually.

Suggested Proof of Compliance:

- Observe copy of plans
- Observe that the plan is reviewed annually with Court staff
- Copy of documented review for Court employees of Emergency Response and Evacuation Plans

CHAPTER 11 PROPERTY AND EVIDENCE MANAGEMENT

The proper collection and preservation of evidence is crucial to the accomplishment of any law enforcement mission. Presentation of reliable evidence in court is required for the successful prosecution of criminal defendants. The property control function of a department must be beyond reproach, and frequent audits, inspections, and inventories are necessary to ensure these high standards are met.

11.01 Property and Evidence – Chain of Custody

The Agency has a written directive for taking property/evidence into custody, including assets seized for forfeiture, to ensure proper inventory, storage, and chain of custody.

Clarifying Comment: This written directive should cover the entire Property and Evidence process. It needs to include clear definitions of the types of property and evidence and how it is taken into custody. The directive should also cover the security of the actual property room, marking property for identification, the submission process, chain of custody process, intake process by the custodian, packaging and storage procedures, property sign-out procedures for court or laboratory exams, disposal guidelines as well as required inspections and inventories. If asset forfeiture property or evidence is handled differently in the property room than other items, the procedures for that process should be detailed in the directive.

Suggested Proof of Compliance:

- System used to track evidence screenshots
- Observation of property and evidence is properly stored
- Observation of a proper chain of custody for evidence

11.02 Access to Crime Scene Personnel

The Agency has on staff, or has access to, trained crime scene personnel to assist with major crime investigations when necessary.

Suggested Proof of Compliance:

- Training records of investigators, and
- Copy of on-call list from dispatch for crime scene staff or agencies to call
- Copy of offense report where technicians were called out

11.03 Property/Evidence Submission

The Agency has a written directive that requires all property/evidence seized by agency personnel to be submitted to the property/evidence technician or placed in the

property/evidence area by the end of their tour of duty. Employees shall not personally retain property or evidence, except as part of an authorized chain of custody.

Suggested Proof of Compliance:

- Proof of submitted evidence submitted

11.04 Property/Evidence Storage Area Security

The Agency authorizes by a written directive, personnel who can enter the Property/Evidence storage area. The Property and Evidence storage area will be secure, and access will be restricted for any unauthorized personnel unless they are escorted and sign in and out on an access log or another type of tracking system. Property requiring additional security such as Guns, Drugs, and Money will be separate from other property in locked storage areas inside the Property Room.

Clarifying Comment: Access to the property room must be restricted to property personnel only. All other personnel should sign in and out on a log or other tracking system.

Other things to improve property room security include alarm systems and video monitoring.

The directive should include that the area is restricted for unauthorized personnel unless escorted by authorized personnel and must sign in and out on an access log or another tracking system.

Suggested Proof of Compliance:

- Copy of logs or tracking system
- Observation of security of the storage area

11.05 Disposal of Property/Evidence

The Agency has a written directive for the documentation of the disposal of property/evidence stored in the Agency property/evidence storage area.

Clarifying Comment: No specific disposal schedule is required. However, documentation of the process used for all disposals, and records of disposed of items is required if done.

Suggested Proof of Compliance:

- Interview staff on the disposal process
- Review documentation of disposals

11.06 Release of Property/Evidence

The Agency has a written directive for the release of property or evidence. The policy should detail the difference between property and evidence and when and how items may be released

to the complainant or owner. All releases will be documented and signed for on a property/evidence release form.

Clarifying Comment: The Property Release Form is a document that is retained as proof that the officer released the property. The form can be a multi-purpose form, combining a property release form, a property intake form, and a chain of custody form.

Suggested Proof of Compliance:

- Copies of Releases documented on an appropriate form

11.07 Annual Unannounced Inspection of Property/Evidence

The agency has a system in place for a documented “Unannounced Inspection” of the Property/Evidence function and procedures at least annually. An inspection should concentrate on how the policies, procedures, and practices are followed and have minimal individual inspections of items to verify procedures.

Clarifying Comment: Unannounced Inspections should be done by a supervisor or other personnel designated by the CEO not involved in the operation of the Property Room.

The inspection must include review of department policies and procedures relating to Property and Evidence and verify that these procedures are being followed. Inspections should include inspecting the Property and Evidence room to ensure it is secure, that the sign-in log is being utilized, that the property is being submitted properly, that the property is being logged in and stored properly, that the property is being processed for disposal properly as well as whether the property room is clean and orderly. A small sample of items (3-5 items) should be identified and tracked to demonstrate the system and how they were properly entered and stored. This “Unannounced Inspection” report should be forwarded to the Agency CEO for review.

Suggested Proof of Compliance:

- Copy of documentation of inspections

11.08 Annual Audit of Property/Evidence

The Agency has a system in place for a documented Audit of the Property/Evidence function and procedures at least annually. An audit should concentrate on how the policies, procedures, and practices are followed and must meet one of the two sampling models outlined in Appendix.

Clarifying Comment: The Property and Evidence Custodian should not “audit” their own operation. Audits should be done by a supervisor or other personnel not involved in the operation of the Property Room. The Property and Evidence Custodian should assist and be present during the audit.

A final audit report should be forwarded to the Agency CEO for review. Any discrepancies should be investigated and resolved. Should significant discrepancies be discovered, the CEO may require a complete inventory.

Suggested Proof of Compliance:

- Copy of documentation of audit
- Email or memo regarding researching or investigating a discrepancy in the audit

11.09 Change of Assignment Inventory of Property/Evidence

The Agency has a written directive requiring a complete inventory of all property/evidence when a new person is assigned as the property and evidence custodian or when a new CEO is assigned to the agency.

Clarifying Comment: The inventory should be conducted by the CEO (if applicable) or designee, accompanied by the newly assigned evidence custodian, not routinely assigned in the unit but familiar with its operation. A formal report of the findings should be forwarded to the CEO. An investigation should be conducted to resolve any discrepancies.

When conducting an inventory, in addition to examining that items are properly accounted for, the agency should examine items for tampering, and any discrepancy should be reported.

The Agency CEO should sign and date the Inventory to show proof of receipt and review.

Suggested Proof of Compliance:

- Copy of written directive
- Copy of inventories within the past year if warranted
- Conduct a review of a small sample of items to determine items are stored properly, and paperwork for those items has been properly filed