

Standards Manual

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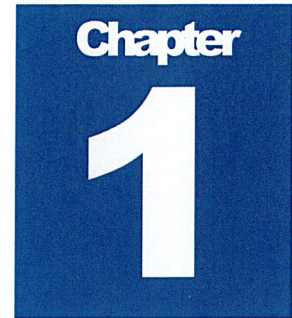
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STANDARDS FOR ORGANIZATION AND MANAGEMENT ROLE

Section 1

LAW ENFORCEMENT AND AUTHORITY

Law Enforcement Agency Role

1.1.1 – A written directive requiring all law enforcement personnel, prior to performing their sworn duties, to take and subsequently abide with an Oath of Office to support, obey, and defend the Constitution of the United States and the Pennsylvania Constitution and the laws of Pennsylvania and the governmental subdivision and that he/she will discharge the duties of the office with fidelity.

Newly hired law enforcement officers, in a manner prescribed by the agency, shall also acknowledge that they will uphold, obey and enforce the law without consideration to a person's race, color, sex, religious creed, sexual orientation, age, national origin, ancestry, handicap or disability.

Narrative: *The Oath of Office shall include, at a minimum, the language required by Article VI, Section 3 of the Constitution of the Commonwealth of Pennsylvania.*

It is essential that all law enforcement officers adhere to an ethical pledge to obey and enforce the law fairly and equally without any other consideration whatsoever. This is the moral obligation that the law enforcement officer makes to the public and for which the officer will be held accountable.

Section 2

LIMITS OF AUTHORITY

Limits of Authority

1.2.1 – Written directives identifying the following:

- a. statutory authorizations for the law enforcement agency as prescribed by the laws of the Commonwealth of Pennsylvania or other applicable statutes or ordinances; and
- b. statutory authorizations that provide for the legal authority for its law enforcement officers to perform their duties under the law. This should include a reference for the authorization for the law enforcement officers to carry and use weapons in the performance of their duties.

Narrative: *The legal authority of the law enforcement agency is established in state statute (city/township/borough codes) and in most cases local legislation. The legal authority of the agency's law enforcement officers may be found in this same legislation while authorization to carry weapons and the use of force may also be found in Federal statutes, the "Crimes Code" and/or department directives. Copies of applicable laws are adequate to satisfy this standard and do not have to be incorporated in a Department directive.*

1.2.2 – A written directive governing procedures for assuring compliance with all applicable constitutional requirements for **in-custody** situations, including, but not limited to:

- a. interrogations;
- b. access to counsel; and
- c. search and seizure

Narrative: *Interrogations include interviews, questioning, or any other term used to describe in-custody verbal examinations requiring constitutional rights. These constitutional requirements, federal and state, are vital to the role and function of law enforcement in a free society. By complying with these constitutional requirements, law enforcement officers and law enforcement agencies ensure fair, legal, and equitable treatment of all people.*

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

- a. search by consent;
- b. stop and frisk of an individual under circumstances where the officer has at least reasonable belief that **criminal activity is afoot and** the subject is armed and dangerous (as outlined in Terry v. Ohio); **(2023)**
- c. at the scene of a crime;
- d. exigent circumstances as permitted by statute and/or case law;

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- e. inventory searches of seized vehicles or other property; and
- f. other situations authorized or governed by United States and Pennsylvania Constitutional provisions, Pennsylvania statutes, or case law.

Narrative: *The issue of search and seizure without a warrant by law enforcement officers requires the law enforcement agency to address those legal requirements within the context of constitutional decisions at the Pennsylvania and Federal court levels and applicable case law findings. Exigent circumstances under statute and/or case law could include certain vehicle, officer safety, and public safety exceptions.*

The courts are constantly modifying the law and legal procedures and it is the responsibility of the agency to ensure that updated information is available to agency personnel.

Agencies and officers should be cognizant of the need for independent, reasonable belief that a subject is armed and dangerous before conducting a "Terry" frisk.

1.2.4 – A written directive specifying the legal requirements and procedures for any physical arrest completed:

- a. with a warrant;
- b. without a warrant; and
- c. in summary cases.

Narrative: *The authority of a law enforcement officer to arrest an individual, with or without a warrant, is governed by Title 234 (Pennsylvania Rules of Criminal Procedure); Pennsylvania statutes; and Pennsylvania and Federal court decisions.*

This area of the law is constantly changing. It is the responsibility of the agency and its personnel to stay informed by having current information available for review. Section 8902 of the Judicial Code requires that the governmental body promulgate guidelines to be followed by a police officer when making a warrantless arrest for certain summary offenses.

1.2.5 – A written directive that governs procedures for strip and body cavity searches that include:

- a. authority for conducting such searches with and without a search warrant;
- b. privacy provisions with search by same gender officers;
- c. privacy provisions regarding video recordings during search; and
- d. any required reporting procedures when such searches are conducted.

Narrative: *Strip searches and body cavity searches by law enforcement personnel, even when legally permissible, are controversial. They should be done out of public view, with appropriate regard for the dignity of the suspect, and shall be considered legally necessary and reasonable. When possible all such searches should be witnessed. With the exception of oral swabs,*

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body cavity searches should be conducted in a hygienic setting and by qualified medical personnel.

Section 3

USE OF FORCE

Use of Force

1.3.1 – A written directive stating that agency personnel shall only utilize reasonable force to effect lawful objectives in conformance to the provisions of the Pennsylvania Crimes Code, other Pennsylvania statutory provisions, and applicable Pennsylvania and Federal Court Decisions. The directive shall refer to authorized use of force options and their appropriate application.

Narrative: *The law enforcement agency should have a clearly defined policy on the use of force, including deadly force, which complies with the provisions of Chapter 5 of the Pennsylvania Crimes Code (18 Pa. C.S.A. § 501, et seq.), state and federal court decisions, and other statutory provisions.*

1.3.2 – A written directive stating that a “peace officer” (law enforcement officer) as defined in Chapter 5 of the Pennsylvania Crimes Code (18 Pa. C.S.A. §501):

- a. shall only utilize deadly force when reasonable and justified to effect lawful objectives in conformance to the provisions of the Pennsylvania Crimes Code, other Pennsylvania statutory provisions, and Pennsylvania and Federal Court decisions;
- b. the use of airway-restraints, carotid artery restraints or similar control techniques are prohibited except in situations where it is a weapon of last resort if such provisions are part of an agency’s policy; and
- c. where feasible, the officer shall identify himself or herself as a law enforcement officer and warn of his or her intent to use deadly force.

Narrative: *Section 508, Subsection (a) of the Pennsylvania Crimes Code (18 Pa.C.S.A.), provides provisions for the lawful and justified use of deadly force by a "peace officer". The use of force and deadly force may also be justified under the provisions of Section 505, "Use of force in self-protection" and Section 506, "Use of force for the protection of other persons" of the Pennsylvania Crimes Code.*

The issue of the utilization of force and deadly force by law enforcement officers is continually being addressed in Pennsylvania and Federal court decisions. It is vitally important that every law enforcement agency have a clearly defined and easily understood policy, which complies with the law, regarding the use of deadly force by its law enforcement officers.

1.3.3 – A written directive regarding the use by agency personnel of:

- a. warning shots;
- b. shooting at a moving vehicle; and

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- c. shooting from a moving vehicle.

Narrative: *If firearm "warning shots" are permitted by the agency, then it is necessary for the agency to define under what circumstances. Otherwise the directive should prohibit the discharge of "warning shots" by agency personnel.*

- 1.3.4** – A written directive governing the circumstances when law enforcement personnel are justified to use agency authorized less lethal weapons.

Narrative: *In addition to the required information specified in this Standard, the directive should identify and include information regarding **all** less lethal weapons that the agency authorizes its personnel to carry and utilize. This directive should also specify when the officer may possess and under what circumstances the less lethal weapons may be utilized.*

- 1.3.5** – A written directive specifying the necessity for providing appropriate medical aid after the use of force by agency personnel when an injury is known, an injury is suspected, or an injury is alleged.

Narrative: *This Standard should reduce the severity of injury resulting from law enforcement action by requiring appropriate medical aid and attention for an injured individual. Appropriate medical attention may be as basic as keeping the person under observation to immediately having the person treated by medical professionals.*

- 1.3.6** – A written directive requiring a use of force investigative report, adopted by the agency, to be submitted to and reviewed by the agency Chief Executive Officer or designee whenever any agency personnel:

- a. discharges a firearm, other than for routine training, recreational purposes, or animal disposal;
- b. takes any action that results in, or is alleged to have resulted in, any injury to another person;
or
- c. uses physical force, or is alleged to have used physical force, upon another person.

Narrative: *This Standard requires an agency reporting system for incidents that involve the use of force by agency personnel. It will provide a review and evaluation report for those types of incidents for the agency and for other relevant needs.*

The agency must establish a policy about when to complete the report based on all circumstances of the incident. A report should be filed for all alleged or real incidents involving the use of force and the reports will be retained in a separate file within the agency.

The agency must indicate who should initiate the report when several members of the agency are involved in the incident or when officers from more than one agency are involved.

- 1.3.7** – A written directive describing the agency policy regarding the assignment/ reassignment of agency personnel whose actions resulted in a death or serious bodily injury to another person, pending investigation and any possible administrative adjudication.

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Narrative: *This requirement allows the agency to provide assistance to personnel who were involved in a serious use of force incident until the matter is resolved by the agency and/or other authorities.*

It may be appropriate for the agency to offer or provide incident debriefing assistance and/or confidential counseling for the personnel involved in such an incident. A member assistance or peer contact program involving other law enforcement officers is often helpful in these situations.

1.3.8 – A written directive requiring that only weapons and ammunition approved and authorized by the agency shall be carried and/or used by its sworn personnel. This directive shall apply to both on and off duty weapons, as well as ammunition, and it shall address:

- a. the types and specifications of **all** lethal and less lethal weapons authorized for use;
- b. the types and specifications of **all** ammunition and munitions authorized for use;
- c. the procedure for inspection and prior approval of all weapons intended for use. The inspection and approval must be conducted by a certified weapons instructor or agency armorer before authorization is granted; and
- d. a process for maintaining a record by the department on each weapon authorized by the agency for official use and the procedure for updating and expunging the written record.

Narrative: *The law enforcement agency needs to have stringent guidelines about the type of weapons, firearms, munitions and ammunition that the officers are permitted to utilize both on and off duty. Exact standards and requirements must be established by the agency.*

The agency should maintain a record of all approved weapons and it should list the agency official providing the approval for each item. Those approvals must be conditional with necessary proofs of proficiency and competency required. Those records should be maintained in an agency file.

1.3.9 – RESERVED

1.3.10 – A written directive requiring:

- a. all agency personnel authorized to carry weapons to receive annual in-service training on the following agency policies: use-of-force, deadly force, de-escalation, and duty to intervene;
- b. to annually demonstrate qualification with all approved lethal weapons that the employee is authorized to use;
- c. in-service training for all authorized less lethal weapons and empty hand control, arrests, post-arrest positioning and defensive techniques shall occur at least annually;
- d. skill and qualification training for each authorized weapon to be evaluated by a certified instructor;
- e. training and qualification shall be documented for each authorized weapon;
- f. the agency shall have procedures for remedial training for an employee unable to exhibit proficiency/qualification with any authorized weapon;

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- g. all newly hired personnel shall demonstrate satisfactory skill and proficiency and/or qualification, as applicable on all agency authorized lethal and less lethal weapons and/or weapon systems before approval is granted to carry and/or use such weapon and/or weapon system(s) on duty and if applicable off duty; and
- h. all personnel shall demonstrate satisfactory skill and proficiency as applicable on any newly implemented weapon or weapon system before approval is granted to carry and/or such weapon or weapon system on duty and if applicable off duty.

Narrative: *This requires that all agency employees who are authorized to carry weapons receive in-service training on the use-of-force and deadly force policies annually.*

It also requires that all authorized agency personnel demonstrate proficiency and/or qualification with all weapons that they are authorized to use. Annual in-service training is required for agency personnel who are authorized to carry and use less lethal weapons.

A continuum for use of force training referring to various levels of force appropriate to the resistance received based on the total circumstances of the arrest consisting of visual aids, including wheels, pie charts, or diagrams, may be used to illustrate the range of options available.

These requirements recognize the need for weapons training for all agency personnel who are authorized to carry weapons during the course of the duties.

1.3.11 – A written directive stating that de-escalation strategies will be applied to reduce the need for the utilization of force, when tactically feasible, and providing guidance on those strategies.

Narrative: *Organizational values should reflect preservation of life as a core component. De-escalation policy should be an extension of those values. Policy and training should include concepts such as: Proportionality, recognition of persons in crisis, effective communication skills, and using time and distance to reduce the immediate need for use of force when no immediate threat is imminent. In situations where force could be used, but there is no immediate threat, agencies should encourage the use of other options, as feasible. Where use of force is already in progress, training and policy should address scaling back that use of force as the tactical situation stabilizes, as the resistance of the subject subsides, or as the achievement of positive control of the subject permits.*

Section 4

DIRECTION

Direction

1.4.1 – A written directive establishing the command protocol and procedures, at a minimum, for the following situations:

- a. absence of the Chief Executive Officer;
- b. situations involving personnel of different functions engaged in a single pre-planned operation; and
- c. routine day-to-day operations.

Narrative: *There is always a need to have a member of the agency designated as being responsible for the operation of the agency. This process provides continuity of command and it allows agency personnel to know who has been designated to manage, lead, and administer the agency.*

1.4.2 – A written directive providing procedures to be followed by an employee who receives a conflicting and/or unlawful order.

Narrative: *All agency personnel must know the importance of following a lawful order because of the critical nature and responsibilities inherent in law enforcement. The agency also needs a policy to address conflicting and/or unlawful orders for the guidance of personnel.*

Adherence to lawful orders in a law enforcement agency, as in military service, may be a matter of life or death. Even in less critical situations, it is necessary for procedures to be known and understood regarding following lawful orders.

Written Directives

1.4.3 – The agency has a written directives system that, at a minimum, includes the following:

- a. agency mission and values statement available to the public;
- b. agency policy statement that identifies the chief executive officer of the agency with the authority and responsibility to issue, modify, or approve agency written directives;
- c. identifies, in addition to the chief executive officer, the person(s) or position(s), if any, authorized to issue appropriate written directives when deemed necessary;
- d. processes for indexing, purging, updating, and revising agency directives; and
- e. methods for the review of proposed policies, procedures, rules and regulations prior to their issuance.

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Narrative: *The agency must have a written directive system that provides command direction to the agency and its personnel relating to their duties and responsibilities. That system should allow for quick access and retrieval of agency policies, procedures, rules, and regulations.*

1.4.4 – The agency has written procedures for the release and for the storage of agency written directives, which includes the following minimal requirements:

- a. methods for the dissemination of directives to affected personnel;
- b. procedures for reasonable access to the directives; and
- c. process to acknowledge receipt and review of directives distributed to affected personnel to include training deemed necessary by the agency.

Narrative: *The distribution of pertinent agency directives and information to affected agency personnel is vital to the operation of the department. Up-to-date information is critical to a law enforcement agency and its personnel. A viable written directives system will ensure that appropriate personnel are informed on agency policies and procedures.*

SECTION 5

ALLOCATION AND DISTRIBUTION OF PERSONNEL AND PERSONNEL ALTERNATIVES

Law Enforcement Officers

- 1.5.1 – To ensure the qualification and physical, emotional, and mental health of each candidate for a sworn position, prior to appointment, the agency has a written directive that:
- documents standards and hiring criteria for both full-time and, if the agency employs them, part-time, sworn law enforcement officers;
 - requires a background check for each candidate that includes verification of qualifying credentials, review of any criminal and non-criminal record, and verification from at least three personal references;
 - requires a medical examination, performed by a Pennsylvania-licensed physician, physician's assistant, or certified nurse practitioner, and a drug screen be conducted prior to appointment; and
 - requires that a psychological fitness and emotional stability examination is conducted by a Pennsylvania-licensed psychologist, prior to appointment.

Narrative: *Law enforcement officers are expected to deliver critical services to citizens who they serve and they are expected to do their duty in a professional manner, regardless of their status as part-time or full-time officers.. It is necessary that the law enforcement agency have a written selection and hiring policy, with specified criteria, for employing its officers. Having a thorough background check that verifies that a candidate meets these hiring criteria is a critical step in the hiring process. Once a candidate is selected, it is necessary to ensure the physical, mental, and emotional health of the candidate prior to appointment as a sworn law enforcement officer. The Pennsylvania Municipal Police Officers' Education and Training Commission psychological and physical (with drug screen) testing requirements for training and certification will satisfy the applicable bullets of this accreditation standard.*

1.5.2 – RESERVED

1.5.3 – RESERVED

1.5.4 – RESERVED

Training for Non-Sworn Personnel

1.5.5 – RESERVED

Section 6

FISCAL MANAGEMENT AND AGENCY OWNED PROPERTY

Accounting

- 1.6.1 – A written directive governing the maintenance of all funds or accounts utilized in the course of agency business where agency personnel are permitted to receive, maintain, or disburse funds and includes, at a minimum:
- a. a balance sheet, ledger, or other system that identifies initial balance, income received, debits (funds disbursed), and the balance on hand;
 - b. receipts or documentation for funds received and disbursed;
 - c. CEO authorization for expenses in excess of a stated amount;
 - d. persons or positions authorized to disburse or accept funds; and
 - e. quarterly accounting (balancing) of agency fund activities.

Narrative: *This Standard describes situations where funds are maintained at the agency or where funds are disbursed. This requires that all transactions be handled in an appropriate manner in accordance with accepted business practices.*

Section 7

COMPENSATION, BENEFITS AND CONDITIONS OF WORK

Conditions of Work

- 1.7.1 – If the agency permits sworn personnel to engage in extra duty employment where the actual or likely use of police powers is possible or expected, a written directive addressing:
- a. the requirement that sworn personnel must receive agency permission to engage in extra duty employment;
 - b. policies that address the behavior and activities of officers during extra duty employment;
 - c. approval, review, and revocation processes pertaining to extra duty employment;
 - d. oversight of adherence to the aforementioned policies, processes, and other matters deemed necessary or appropriate by the agency.

Narrative: *Extra duty employment does not include those assignments that are paid through the agency payroll, covered by the agency's liability insurance, and assigned through the agency or its designate. If such employment is allowed by the agency, it is important to the law enforcement agency that procedures are developed to manage and regulate the secondary employment of agency law enforcement officers.*

Some secondary job assignments may require certification under the provisions of the Pennsylvania Lethal Weapons Training Act (22 P.S. § 41 et seq.). That would apply if the officer being employed would be armed with a lethal weapon and is considered to be a "privately employed agent" under the definition of that Act.

The development of this policy should be examined in regard to labor contract issues and past policy considerations.

Section 8

DISCIPLINARY PROCEDURES

Disciplinary Procedures

1.8.1 – Directives specifying guidelines for all agency personnel, to include:

- a. Code of Conduct; and
- b. personal appearance. (O)

Narrative: *The important responsibilities of the law enforcement profession require that every law enforcement agency should establish a Code of Conduct for the agency and its personnel. It is necessary for the efficient and effective professional operation of the agency.*

The Code of Conduct should be specific in order to describe acceptable conduct and to maintain discipline within the agency. It must be unambiguous in its wording and its intent.

A copy of the Code of Conduct should be issued to all employees and copies shall be readily available to all agency personnel. It will require periodic updating in order to stay current with the profession.

1.8.2 – A written which includes:

- a. prohibiting harassment in the workplace;
- b. prohibiting discrimination in the workplace; and
- c. guidelines for reporting improper conduct which includes reporting improper conduct by a superior.

Narrative: *Illegal or improper harassment or discrimination in the workplace is unacceptable and it must be handled immediately when it is discovered or identified. This is particularly important in a law enforcement agency where professional standards of conduct are expected and required. No matter what the nature of the improper conduct, it is the responsibility of the managers of the agency to stop the activity and to take appropriate disciplinary action in order to prevent and stop any future incidents. (04/14)*

1.8.3 – A written directive governing bias-based policing that includes, at minimum, the following:

- a. prohibition against all forms of bias-based policing;
- b. initial and in-house refresher training on agency policy and bias-based policing issues provided at least once every 3 years for sworn personnel in a format determined by agency;
- c. corrective measures if bias-based policing occurs; and
- d. annual administrative review of data related to agency compliance to its bias-based policing directives and any citizen concerns or complaints that have been received.

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Narrative: *Bias Based Policing: Also known as “racial profiling or bias based profiling,” is any traffic stop, field contact, vehicle search, asset seizure/forfeiture, or enforcement action based solely on a common trait of a group. Common traits include, but are not limited to, race, ethnic background, gender, sexual orientation, religion, economic status, age, or cultural group. It must be made clear that under no circumstances will bias based policing be condoned.*

The review conducted under bullet (d) should reflect what data was reviewed and should present a conclusion based on that data.

1.8.4 – A written directive that requires every employee to have the duty to intervene when the intervening employee reasonably believes that force, action or inaction occurring is inconsistent with agency policies, procedures or training; that criminal conduct is occurring; or when unconstitutional behavior is occurring. The intervening employee shall then submit a written report to his/her supervisor which documents the observed use of force, action or inaction inconsistent with the agency’s policies, procedures or training that constituted criminal conduct or resulted in Constitutional violation(s).

Narrative: *Public trust is eroded when actions of employees result in excessive force, criminal conduct or unconstitutional activities. That erosion is compounded when agency employees do nothing to stop or prevent such activities. As such, the duty to intervene and report such misconduct is paramount to maintain the public trust and the integrity of the agency.*

Intervention in excessive use of force situations may take on a physical component to stop the action. If an employee sees a situation escalating to a potential excessive force situation, wisdom may dictate removing the employee from the situation before it devolves to that level. Similarly, unlawful arrest or detention may also require physical intervention. In other cases, particularly where there is no risk of death or bodily injury to the potentially aggrieved citizen, the most appropriate intervention may be identifying the behavior, advising the employee of the behavior that is being seen, and reporting it up the chain of command.

This standard is intended to protect the Constitutional rights of citizens, prevent employees from taking action that would discredit the agency, and prevent employees from making further mistakes or furthering actions that would adversely impact their careers.

Section 9

SELECTION

Administrative Practices and Procedures

1.9.1 – RESERVED

1.9.2 – RESERVED

1.9.3 – RESERVED

Section 10

TRAINING AND CAREER DEVELOPMENT

Administration of Training

1.10.1 – A written directive requiring the agency maintains and updates the training records of all employees.

Narrative: *It is important to the law enforcement agency and to its employees to record all training programs and courses that agency personnel attend. The information should be recorded for each employee and it should include the type of training, the date(s) of the training, any certificates received, and any available test scores.*

The information is particularly important for job related training. It provides the law enforcement agency with information about certifications and the level and types of training that agency personnel have completed. This may be important in the event of civil litigation or complaints about a lack of appropriate training of agency personnel.

1.10.2 – A written directive requiring the agency, at a minimum, to maintain certain records of each training class it conducts, to include:

- a. course content (lesson plans);
- b. name of all attendees; and
- c. performance of individual attendees and the measuring instruments/tests used, if applicable.

Narrative: *This deals with training programs that the law enforcement agency conducts. In addition to the listed minimum requirements, the law enforcement agency may consider additional information for personnel consideration and possible legal needs in the future.*

Recruit Training

1.10.3 – RESERVED

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

- a. field training of at least 160 hours after the required classroom training;
- b. a selection process for field training officers;
- c. supervision of field training officers;
- d. liaison with academy staff, if applicable;

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- e. initial training and refresher training of field training officers at least once per accreditation cycle;
- f. rotation of recruit field assignments;
- g. guidelines for the evaluation of recruits by field training officers; and
- h. reporting responsibilities of field training officers.

Narrative: *A well-designed field-training program must be planned, managed, and assessed in a careful manner. This program provides the new law enforcement officer with a structured initial exposure to the role and functions of the law enforcement occupation. It is also important because it incorporates the basic training program with the practical application of that training in actual law enforcement situations.*

The careful selection of qualified and experienced field training officers is vital to the success of this important program.

A structured evaluation process is important to assess the progress of the new officer during this program. An assessment process will provide the agency and the new officer with an appraisal of the officer's skills, knowledge, and abilities.

In-Service Training

1.10.5 – A written directive requiring that all non-sworn personnel receive training appropriate for their duties or anticipated duties. (2023)

Specialized In-Service Training

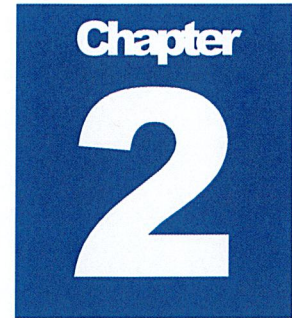
1.10.6 – A written directive requiring that if the agency has a tactical team or members are assigned to and part of a multi-jurisdictional tactical team, negotiators, animal teams, or specialized vehicles, all personnel assigned to those functions:

- a. participate in entry level basic training prior to assuming those duties;
- b. tactical teams, including assigned negotiators, and canine or mounted teams must train, at a minimum, quarterly; and
- c. in-service training, in a manner determined by the agency, is conducted at least once during the accreditation period for all other personnel assigned to specialized vehicles.

Narrative: *Animals include dogs, horses, etc., and specialized vehicles include, but are not limited to bicycles, motorcycles, boats, mobile command units, etc. in which the use requires additional training beyond that of other police officers or incurs additional liability.*

It is necessary that specialized training is held at regular intervals and that the training is always documented. Those training records should be retained by the agency due to potential liability that may occur as a result of the actions taken by the team or its members.

If the agency has a tactical team that regularly participates with another tactical team, inter-agency training is encouraged.



STANDARDS FOR LAW ENFORCEMENT FUNCTIONS

Section 1

PATROL

Patrol Operations

2.1.1 – A written directive shall be prepared to establish appropriate procedures for responding to calls for service. It shall also include guidelines for the use of authorized emergency equipment that conforms with the provisions of the Pennsylvania Vehicle Code (Title 75) and Pennsylvania Department of Transportation Rules and Regulations, to include:

- a. emergency; and
- b. non-emergency.

Narrative: *It is necessary and important that law enforcement agencies classify responses for service according to the seriousness of the call. This will provide guidelines as to when emergency lights and siren should be used and the method of response to an incident.*

The Standard also requires information about the responsibilities and duties of the law enforcement officer, the law enforcement supervisor, and the dispatcher during such incidents.

Attention must be given to the applicable provisions of the Pennsylvania Vehicle Code (Title 75) and the regulations of the Pennsylvania Department of Transportation. Consideration must also be given to Chapter 5 of the Pennsylvania Crimes Code (Title 18) in regard to the use of force and deadly force due to recent court decisions involving high-speed police vehicle emergency responses to incidents.

Audio and Video Recordings

2.1.2 – The agency must have a directive addressing the requirements in (18 PA. C.S) and Judicial Code (42 PA. C.S.) Chapter 57 as amended in Act 22 (P.L. 304) Section 67A07 regarding the audio or video recording policies, which establishes the following:

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- a. training of law enforcement officers authorized to make audio recordings or video recordings;
- b. time periods when an electronic, mechanical or other device shall be in operation to make audio recordings or video recordings;
- c. storage of the electronic, mechanical, or other device to make audio recordings or video recordings;
- d. maintenance of the electronic, mechanical, or other device to make audio recordings or video recordings;
- e. equipment inspections;
- f. auditing of recorded material;
- g. procedures to address malfunctioning equipment;
- h. storage of information collected from audio recordings or video recordings;
- i. access and retrieval of recordings;
- j. electronic records retention;
- k. use of facial recognition software or programs;
- l. statement that a violation of the agency's policy subjects the violator to the agency's disciplinary policy; and
- m. supervisory responsibilities.

Narrative: *Agencies who use audio and/or video recording systems must provide guidelines to personnel for the use of these systems in accordance with Act 22 (2017). The potential evidentiary value of these recordings necessitates stringent guidelines in the handling and preservation of all recorded media acquired via mobile and/or body worn audio and video recording.*

EQUIPMENT

- 2.1.3** – A written directive requiring the agency make available protective soft body armor for all sworn personnel and establishing guidelines for the wearing and availability of those vests during:
- a. assigned uniform field/patrol duty; and **(O)**
 - b. pre-planned, high-risk incidents.

Narrative: *The law enforcement agency is responsible for ensuring that soft body armor or bullet resistant vests are available for all law enforcement officers. It is potentially as important as the officers' sidearm.*

Such equipment is a necessary item of law enforcement safety equipment. It provides protection from some gunfire and some added protection in motor vehicle crashes.

This requires law enforcement officers to wear protective bullet resistant vests during high-risk, pre-planned incidents. Due to the nature of these dangerous incidents being known to the agency and its law enforcement officers before a plan is implemented, safety precautions shall be taken.

2.1.4 – RESERVED

Section 2

UNUSUAL OCCURRENCES AND SPECIAL OPERATIONS

Unusual Occurrences

2.2.1 – The agency has written contingency plans that include an incident command component and direction on how to access resources for responding to natural and manmade disasters, civil disturbances, and other unusual occurrences as determined by the law enforcement agency.

Narrative: It is important that a law enforcement agency have written plans for possible response to a variety of unusual incidents that may occur within the jurisdiction of the agency. There are many possibilities, but the agency will best respond to an incident if there has been some advance thought and planning for the situation. The planning may be as simple as identifying possible locations for problems or as complex as completing detailed contingency plans for every possible problem.

2.2.2 – A directive that details how to access a tactical team.

Narrative: Agencies that do not have an in-house tactical team must have a directive detailing who to contact (State Police, nearby agency, etc.) if a team's assistance is required. This standard also applies to agencies whose personnel participate in multi-jurisdictional teams.

2.2.3 – A written directive prescribing space arrangements and procedures to follow in the event of group or mass arrest situation.

Narrative: It is necessary for the agency to develop a contingency plan in the event that the cell(s) is not sufficient to house detainees in cases of mass arrests. When such group arrests occur, it becomes necessary to find alternative detention facilities.

2.2.4 – A written directive for pre-planning of events/incidents **with an increased risk to public safety or officer safety** which includes: (2023).

- a. risk assessment tool;
- b. written pre-plan;
- c. briefing for all involved;
- d. wearing of ballistic vests; and
- e. debriefing after the event.

Narrative: It is imperative that when time permits putting a plan together for an unusual event that an agency has a policy in place that outlines the minimum requirements for the planning and after-action review.

Section 3

INTERNAL AFFAIRS

Internal Affairs Administration and Operations

2.3.1 – A written directive requiring all complaints against the agency or its employees to be investigated and specifying:

- a. complaints that require investigation by supervisory personnel;
- b. complaints that require investigation by the Chief Executive Officer, or designee;
- c. all complaint investigations shall be reviewed by the Chief Executive Officer, or designee; and
- d. an equitable adjudication process determined by the agency.

Narrative: *It is necessary that the law enforcement agency investigate all complaints against agency personnel. This is important to maintain the credibility of the agency with the community.*

The establishment of formal policies and procedures for internal investigations will ensure that a fair examination of the facts takes place and that a just adjudication occurs based on the finding of the internal inquiry.

The internal investigation and the resulting adjudication may result in review by the courts or other agencies.

2.3.2 – A written directive requiring that personnel conducting internal affairs investigations have received training in doing so in a manner prescribed by the agency.

Narrative: *Because special knowledge of the legal parameters within which internal affairs investigations are conducted is a necessity, personnel assigned to conduct these investigations must be trained in such matters.*

2.3.3 – A written directive describes the position assigned to the storage of internal affairs files and the method by which they are secured. (O)

Narrative: *Because of the sensitive nature of internal affairs investigations, it is incumbent upon agencies to ensure that those files are stored securely and the individual(s) responsible for the security of those file is clearly identified.*

Section 4

TRAFFIC

Traffic Enforcement

2.4.1 – A written directive establishing consistent procedures for taking vehicle enforcement action in relation to traffic law violations, to include:

- a. physical arrests;
- b. traffic citations;
- c. traffic ordinance violations;
- d. parking violations; and
- e. written or verbal warnings.

Narrative: *The law enforcement agency needs to define its role for traffic law enforcement. The agency should provide guidance to its officers and advise the public of its commitment to traffic safety.*

Fair and impartial enforcement of the Pennsylvania Vehicle Code (Title 75) and local traffic ordinances is a function of law enforcement agencies.

Uniform and consistent traffic law enforcement may lessen citizen allegations that a motorist was stopped for a reason other than for a motor vehicle violation. This Standard provides direction and accountability for the enforcement of all motor vehicle law violations.

2.4.2 – RESERVED

Section 5

PRISONER TRANSPORTATION

Transport Operations

2.5.1 – A written directive that requires the transporting officer to thoroughly search the prisoner prior to transport.

Narrative: *The transporting officer is responsible for conducting a thorough search of the prisoner and all possessions of the prisoner before placing the person in the officer's vehicle.*

An additional search of the prisoner should always be conducted whenever the person is returned to the custody of the transporting officer. The officer should never assume that the prisoner has not had an opportunity to obtain a weapon or an implement of escape.

It is the responsibility of the officer and the law enforcement agency to ensure the safety of the prisoner being transported, the safety of the officer, and the prevention of an escape.

2.5.2 – A written directive requiring a thorough search at the beginning of each shift of all vehicles used for transporting prisoners and the search of any transport vehicles prior to and after transporting prisoners.

Narrative: *At the beginning of each shift, any vehicle used for prisoner transportation should be thoroughly searched for contraband, weapons, or implements of escape. This should also be done before and after each prisoner transport.*

2.5.3 – A written directive prescribing necessary actions at the destination by officer(s) transporting prisoner(s) to any facility other than the agency's, to include at a minimum:

- a. securing firearms for safekeeping;
- b. removing restraining devices at the time of transfer of custody;
- c. delivering documentation to the receiving officer;
- d. documenting the transfer in a report and/or obtaining a signed receipt for the prisoner, attached to the report; and
- e. advising the receiving personnel of any potential medical or security concerns or hazards posed by the prisoner.

Narrative: *Upon arrival at the destination of the transport, certain actions are necessary and important for public safety, officer safety, and the safety and security of the prisoner. The listed procedures are the responsibility of the law enforcement agency and the completion of them is requirement of the transporting law enforcement officer(s). Necessary exceptions, if desired, to the removal of restraining devices should be provided in the directive.*

STANDARDS FOR LAW ENFORCEMENT FUNCTIONS

2.5.4 – A written directive describing the procedures to be taken by the transporting officer(s) in the event of an escape of a prisoner in transit, the officer(s) shall be aware of:

- a. persons to be notified;
- b. reports to be prepared; and
- c. any further required actions to be taken.

Narrative: *A written procedure is necessary for the information of all agency personnel in the event of an escape of a prisoner being transported. The law enforcement officer(s) shall make an immediate notification to the agency regarding the escape.*

2.5.5 – A written directive requiring that agency personnel notify the appropriate agency or court officials when a prisoner is to be transported to another agency or court and is considered an unusual security risk.

Narrative: *It is a professional responsibility for law enforcement agency personnel to make appropriate notifications to other authorities of a prisoner who may be a danger or an escape risk.*

Restraining Devices

2.5.6 – A written directive regarding restraining devices (to include seat belts) and the methods to be used during prisoner transports with necessary exceptions noted.

Narrative: *All law enforcement officers need to be familiar with the proper use of restraining devices for officer safety and for maintaining the safe custody of the prisoner. It is necessary that the agency develop a policy on the appropriate use of restraining devices and restraining techniques.*

The policy should include the types of devices and techniques approved for use by agency personnel, the required training, the circumstances when they should be used, and any other factors deemed necessary by the agency.

Special Transportation Situations

2.5.7 – A written directive prescribing the procedures for transporting sick, injured or disabled prisoners.

Narrative: *The law enforcement agency policy for these transports should outline the procedures necessary for the safe and humane transportation of disabled prisoners. These transports will create additional demands for the transport officers.*

Safety and security are still concerns during these transports. A prisoner may attempt to take advantage of the situation to overpower the officer or to attempt an escape from custody.

2.5.8 – A written directive establishing procedures for the security and control of prisoners transported to medical care facilities or hospitals for treatment, examination, or admission.

STANDARDS FOR LAW ENFORCEMENT FUNCTIONS

Narrative: *The transportation of a prisoner to a medical facility creates additional concerns. While the prisoner is at a hospital, the opportunities for an escape are greater due to procedures that may require the removal of restraining devices from the prisoner or examinations of the prisoner that may be conducted without allowing the officer to be present.*

Section 6

COURT SECURITY

Administration

2.6.1 – If the agency has a court security function, directives shall include:

- a. clear description of the agency’s role and authority for court security;
- b. clearly defined policy and procedure on court security for agency personnel assigned to the function; and
- c. identification of a position in the agency responsible for the security function.

Narrative: *If these functions are contracted to another entity, the agency is still required to prove that the requirements of this standard are met. If part of an agency’s obligation is to provide security for a court as a part of its legally mandated responsibility, this standard shall apply.*

There may, at times, be shared court security with two or more agencies. If this is the case, a memorandum of agreement should identify each agency’s responsibilities.

It is understood that this security is a cooperative effort between the agency and the court. However, once established, the agency should maintain full control over its function. Written policy and procedures should be established. These should be clear and concise as to the court security function.

Operations

2.6.2 – A written directive stating a court security function is developed to meet the court’s needs, and addresses at a minimum:

- a. facilities;
- b. equipment; and
- c. plans/procedures based on a documented survey conducted every three years.

Narrative: *There are a variety of situations that may occur in the court. In this standard the following terms need to be defined:*

“Facilities” refer to interior and exterior doors, windows and lighting. Emergency power, fire/smoke detection and suppression equipment and all types of alarms. Key control, secure areas, circulation patterns, communications, restricted areas and ADA accessibility.

“Equipment” refers to magnetometers, alarms, medical supplies, fire suppression, restraining devices, weapons and communications.

“Plans/procedures” refer to emergency plans/procedures to deal with emergencies (fire, medical, hostage, bomb or disaster). High-risk trials, weapons, use of restraining devices, detainee movement and circulation patterns.

STANDARDS FOR LAW ENFORCEMENT FUNCTIONS

Security Policy and Procedures

2.6.3 – A written directive stating if there is a prohibition against weapons in certain areas of the court, lockboxes will be made available.

Narrative: *If there is a prohibition on the carrying of weapons in parts of the court facility, lockboxes should be available, secure and convenient for law enforcement officers. This standard will be in accordance with PA law or appropriate court order.*

2.6.4 – A written directive that governs use of restraints on persons in custody while in the courtroom.

Narrative: *There is, at times, a need to use restraining devices in the court. The persons restrained may be defendants, prisoners or persons ordered restrained by the court. This policy should clearly set forth, as applicable to the aforementioned persons, whether they are male, female, juvenile, handicapped or if there are exceptions. The policy must be uniform and consistent. A variety of restraining devices should be securely stored in or near the courtroom.*

Equipment

2.6.5 – A written directive stating that equipment used for the court security function shall be specifically identified, available for immediate use and maintained in a state of readiness. **(O) (04/19)**

Narrative: *It is important that court security officers know what equipment they have available for them to work with and its location. A list should be maintained to identify all equipment and any expiration dates that are applicable for it and acquisition dates. An example of items recorded would be weapons, chemical agents, electronic gear, radios, and photographic equipment.*

Inspections are to be completed at regular intervals, and any factory recommended certifications or tests shall be performed at the prescribed times and recorded.

2.6.6 – A written directive stating that all courtrooms shall be equipped with at least one means of external voice communication. **(O)**

Narrative: *It is recognized that oral communication with people outside the courtroom in time of an emergency may be required. A telephone, 2-way radio, or an intercom system is an acceptable means of communications for this standard.*

2.6.7 – A written directive stating that all courtrooms shall be equipped with duress alarms. **(O)**

Narrative: *A switch at the Judge's bench usually operates these alarms. It is also advisable to have switches at the clerk and bailiff's locations. These alarms should terminate in an area from which rapid response can be made.*

Section 7

LEGAL PROCESS

Records

2.7.1 – A written directive that includes information regarding each item of legal process, civil and/or criminal, shall be recorded and include, at minimum, the following elements:

- a. date received;
- b. type of legal process, civil or criminal;
- c. nature of document;
- d. source of document;
- e. name of plaintiff/complainant or name of defendant/respondent;
- f. officer assigned for service;
- g. date of assignment;
- h. court docket number, warrant number, or other identifying number; and
- i. date service is due or date of service.

Narrative: *This system of records should allow entries to be retrieved by docket number, name or unique number assigned to allow cross-reference.*

2.7.2 – A written directive that provides procedures for and documenting of a record of the execution or attempted service of legal process documents shall be maintained and include at minimum, the following elements:

- a. date and time service was executed/attempted;
- b. name of sworn law enforcement officer(s) executing/attempting service;
- c. name of person on whom legal process was served/executed;
- d. method of service/reason for non-service;
- e. address of service/attempt; and
- f. execution of criminal arrest warrants, civil arrest warrants, or writs requiring the seizure of real or personal property are to be performed by a sworn law enforcement officer.

Narrative: *Basic information must be maintained for each execution or attempted execution of legal process documents.*

Civil Process

2.7.3 – RESERVED

STANDARDS FOR LAW ENFORCEMENT FUNCTIONS

2.7.4 – RESERVED

Criminal Process

2.7.5 – RESERVED

2.7.6 – RESERVED

Property

2.7.7 – A written directive requiring that all property acquired through the civil process function is accounted for in agency records and is disposed of by the agency pursuant to legal authority.

Narrative: Property that is acquired through asset forfeiture proceedings through civil processes is covered by this standard.

Mental Health

2.7.8 - A written directive which:

- a. establishes the process for providing involuntary examinations to suspected mentally ill persons;
- b. ensures initial training is provided to recognize and respond to suspected mentally ill persons;
- c. annual update training in a manner determined by the agency and to include training provided through the course of legal mandate and/or MPOETC regulation, if available; and
- d. if applicable, training on mental health statutes or Department policy changes must be provided within 90 days or as required by statute.

Narrative: The increasing litigation resulting from encounters by law enforcement with the mentally ill requires agencies to ensure policies, procedures, and training is compliant with current statutes.

Section 8

UNIVERSITY/COLLEGE PROCEDURES

University/College Procedures

2.8.1 – If the agency has a civilian security guard and/or civilian escort program, a written directive documents:

- a. job duties;
- b. qualifications;
- c. selection process including background checks;
- d. required training including any weapons issued; and
- e. uniforms, if any, distinct from sworn personnel.

2.8.2 – If the agency has a civilian security guard and/or civilian escort program, personnel are provided with a method of immediate communication.

***Narrative:** Agencies may provide radios, cell phones, or other mobile communication which will provide access to a central communications coordination point.*

2.8.3 – On-campus emergency numbers, if available, are publicized. **(O)**

2.8.4 – A written directive should describe the agency's role on the Behavioral Intervention Team, and options for intervention if the agency is included on the institution's Behavioral Intervention Team.

***Narrative:** Behavioral threat assessment is an essential tool for reducing risks of violence within campus communities. The creation and institutionalization of processes that support the early identification of individuals who might pose a threat to themselves or others can mitigate potential danger.*

2.8.5 – The agency complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, (20 USC 1092 (f)), including:

- a. publishing an annual report by October 1st with 3 years required crime statistical data and required security policy statements (i.e., sexual assault policies assuring basic victims' rights, law enforcement authority of University and College Police, and locations to report crimes, etc.);
- b. notification made to all current students and employees. Schools can comply using the Internet so long as the required recipients are notified and provided the exact Internet address where the report can be found and paper copies are available upon request;

STANDARDS FOR LAW ENFORCEMENT FUNCTIONS

- c. prospective students and employees made aware of where to locate the ASR & methods to request a paper copy of the annual report;
- d. a copy of statistics provided to U.S. Department of Education; and
- e. schools show compliance with the Drug-Free & Community Act (as required by Clery). *Compliance requires annual notification of the biennial Drug-Free Schools & Communities ACT report to all current students, faculty, & staff.*

Narrative: *Report should disclose crime statistics, broken down geographically, for the campus, unobstructed public areas immediately adjacent to or running through the campus, and certain non-campus facilities including Greek housing and remote classrooms gathered from University and College Police or security, local law enforcement, and other school officials with "significant responsibility for student and campus activities". Reported categories are: 1.) Criminal Homicide broken down by a.) Murder and Nonnegligent Manslaughter and b.) Negligent manslaughter; 2.) Sex Offenses broken down by a.) Forcible Sex Offenses (includes rape) and b.) Nonforcible Sex Offenses; 3.) Robbery; 4.) Aggravated Assault; 5.) Burglary; 6.) Motor Vehicle Theft; and 7.) Arson. Additionally, 1.) Liquor Law Violations; 2.) Drug Law Violations; and 3.) Illegal Weapons Possession are reported if resulting in either an arrest or disciplinary referral. The report must indicate if any of the required crimes or any other involving bodily injury was a hate crime.*

Timely warnings include reports other than those in the crime log (other agencies and credible sources), but are limited to the above categories.

- 2.8.6** – A written directive defines the agency's role in participating in a testing of campus emergency response and evacuation procedures to include:
- a. at least one test year;
 - b. maintaining documentation describing each test (exercise) to include a description, date, time and whether the test was announced or unannounced; and
 - c. annual distribution of Campus Emergency Procedure Guidelines.

Narrative: *Test is defined as regularly scheduled exercises and appropriate follow-through activities, designed for assessment and evaluation of emergency plans and capabilities. Exercise is defined as a test involving coordination of efforts. Distribution of the community notice cannot be accomplished only by placing it on a website.*

- 2.8.7** – A written directive describes the agency's procedures for responding to and reporting sexual assault and sexual harassment complaints.

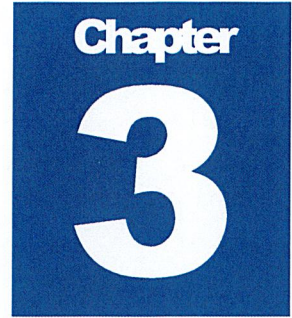
Section 9

INVESTIGATIVE PROCEDURES

Eyewitness Identification

- 2.9.1 – A written directive describes the procedures for using show-ups, photographic arrays and physical line-ups in eyewitness identification to include the following:
- a. compelling reasons under which a show-up may occur;
 - b. manner of transportation to the show-up;
 - c. procedure at show-up;
 - d. composition of photo array or line-up;
 - e. using video and/or audio recording when appropriate;
 - f. situations where more than one eyewitness is available;
 - g. instructing witnesses prior to identification procedures;
 - h. identifying the level of confidence expressed by the witness;
 - i. ensuring neutrality by the administrator or a “blind” administrator; and
 - j. documenting identification results.

NARRATIVE: *The intent of this standard is to establish reliable identification testimony by a witness. It should be noted that a show-up may carry a degree of suggestiveness and should be used only in limited circumstances. The use of show-up procedures needs to be evaluated in terms of the following factors that the courts have found to be relevant in identification testimony, namely: (1) the witness' opportunity to view the criminal during the crime; (2) the length of time between the crime and subsequent identification; (3) the level of certainty demonstrated by the witness at the identification; (4) the accuracy of the witness' prior description of the suspect; and (5) the witness' degree of attention during the crime. In addition, the confidence level of the witness should be evaluated in terms of the witness' statement, conduct or other relevant observations. Where a show-up is not appropriate, the investigator should consider the use of a photo array or physical line-up. The correct procedures for photo arrays and line-ups are discussed herein.*



STANDARDS FOR STAFF SUPPORT RESPONSIBILITIES

Section 1

CELL AREAS

ORGANIZATION, ADMINISTRATION, AND MANAGEMENT OF CELLS AND CELL AREAS

3.1.1 – A written directive requiring that, at a minimum, affected agency personnel with responsibilities for the cell area receive initial training and then refresher training at least once per accreditation cycle on the operations of the cell area, to include the use of fire suppression and other emergency equipment provided by the agency.

Narrative: It is the responsibility of the law enforcement agency to ensure that the cell area is operated in a safe and appropriate manner.

Agency personnel assigned to the cell area must be trained on the proper procedures and agency policies relating to the facility. That training must include fire, safety, first aid, and emergency responses to incidents that may occur within the facility.

Appropriate procedures are necessary because of the possibility of incidents occurring in the cell area that may result in illness, injury, or death. Adequately trained and supervised personnel assigned to the facility should lessen agency exposure to allegations of wrongdoing and lawsuits.

PHYSICAL PLANT

3.1.2 – A written directive that cells provide the listed minimum conditions for detainees:

- a. adequate lighting; (O)
- b. circulation of fresh or purified air; (O)
- c. availability of a flush toilet; (O)

STANDARDS FOR STAFF SUPPORT RESPONSIBILITIES

- d. source of potable drinking water; (O)
- e. access to wash basin or shower for a detainee held in excess of eight hours; and (O)
- f. bed and bedding for each detainee held in excess or eight hours.
- g. **RESERVED**

Narrative: *This standard identifies the required minimum physical conditions that are necessary in order for a law enforcement agency to operate cells.*

SAFETY AND SANITATION

3.1.3 – A written directive requiring the cell area to have an automatic fire alarm, smoke detection system, firefighting equipment approved by local fire officials, and a written plan prescribing fire prevention practices and procedures to include:

- a. a daily visual inspection of the automatic fire detection devices and alarm systems;
- b. a weekly documented visual inspection of the firefighting equipment;
- c. an annual documented testing of firefighting equipment; and
- d. required documented testing of the automatic fire detection devices and alarm systems, annually, or in accordance with the law and local fire code regulations.

Narrative: *The cell area must have an automatic fire and smoke detection system. Appropriate fire suppression equipment must also be available in the cell area in case of fire.*

A written plan is required which prescribes necessary emergency procedures and fire prevention practices.

All fire prevention and fire suppression equipment needs to be inspected as required by local and state fire regulations. Drills should also be conducted to ensure that the procedures are adequate and that agency personnel are prepared to respond and handle any fire emergency that may occur in the cell area.

3.1.4 – A written directive requiring a posted emergency evacuation plan with observable exit diagram in the cell area designating an emergency exit and directing evacuation of persons to a hazard-free area. (O)

Narrative: *For the safety of the inmates and the staff, an emergency evacuation plan needs to be prepared for the cell area. An observable exit diagram should be posted for the information of all people who are in the facility. Emergency exits need to be known and posted so that any necessary emergency evacuation could be accomplished with a minimum of confusion.*

Security and Control

3.1.5 – A written directive requiring the agency to have a specific policy regarding weapon handling and weapon security in the cell area.

STANDARDS FOR STAFF SUPPORT RESPONSIBILITIES

Narrative: *The law enforcement agency must develop this policy which best meets the needs of the agency. The policy, once developed, must be enforced.*

3.1.6 – A written directive requiring a security check, including a thorough search for weapons and contraband, prior to each use of an unoccupied cell.

Narrative: *It is necessary that the cell be thoroughly searched for any type of contraband after the departure of a detainee, but before another person is detained in the cell. Procedures for these searches will be outlined in the directive.*

3.1.7 – A written directive that requires supervised monitoring of the following equipment in the cell:
a. culinary devices; and
b. tools.

Narrative: *Agency controls and inventory of tools and culinary items in the cell is necessary. Without a strict accountability system, those items pose a serious security and safety concern.*

3.1.8 – A written directive requiring the agency to have a system in the cell area to alert the designated control center of an emergency which includes a method of access for responders. **(12/08)**

Narrative: *A distress or panic system needs to be available to personnel within the cell area to alert agency personnel of an emergency. The system will allow agency personnel and detainees to notify the control center if there is a need for assistance.*

DETAINEE PROCESSING

3.1.9 – A written directive establishing procedures for a search of the detainee in the cell area to include:
a. a complete inventory search of the detainee at the time of booking prior to entry into the cell;
b. an itemized inventory of all property taken from the detainee;
c. a written directive requiring the secure storage of any items taken from cell detainees; and **(O)**
d. a directive requiring that when a detainee's property is returned upon release or transfer from the cell that the return of the property shall be documented on an agency form.

Narrative: *This policy requires all detainees to be thoroughly searched as they enter the cell. It also requires that a written inventory shall be completed for any property taken from the person at the time of the search.*

An accurate inventory of detainee items taken needs to be recorded. A formalized process will eliminate most allegations of theft made by detainees.

The personal property of a person being detained shall be returned or accounted for upon the release or transfer of the detainee from the cell. This return of property will be documented and should be signed for by the detainee.

STANDARDS FOR STAFF SUPPORT RESPONSIBILITIES

3.1.10 – RESERVED

3.1.11 – A written directive requiring that an intake form, developed by the agency, shall be completed for every person booked into the cell and that it contains at least the following information:

- a. personal identification information;
- b. arrest information;
- c. property inventory and disposition;
- d. current health of the detainee;
- e. medications taken by the detainee;
- f. behavior, involving state of consciousness and mental status; and
- g. anybody deformities, trauma markings, bruises, etc.

Narrative: *A formal intake process is necessary in order to manage a cell. An intake form must be completed for each person detained in the facility. Certain information must be documented as determined by the agency.*

3.1.12 - A written directive specifying the procedures required for the detention and separation of males and females within the cell(s).

Narrative: *The detention of prisoners by age and gender in the cell(s) shall be segregated by sight and with provisions made to assure normal sound from any segregated area is not audible where others are held.*

3.1.13 – A written directive prescribing methods for holding, detaining, and segregating persons in the cell(s) who are visibly under the influence of alcohol, drugs, or who are violent or self-destructive. These detainees must be observed more frequently, at irregular intervals not to exceed 10 minutes. The observation may be done by physical or electronic observation.

3.1.14 – RESERVED

3.1.15 – A written directive requiring the identity of any detainee released from the cell be verified prior to release.

Narrative: *It is a necessary precaution that all detainees being released or transferred from the cell, for whatever reason, be identified. It is also important and necessary to identify and verify the authority of the official taking custody of a detainee.*

3.1.16 – RESERVED

MEDICAL AND HEALTH CARE SERVICES FOR DETAINEES

STANDARDS FOR STAFF SUPPORT RESPONSIBILITIES

3.1.17 – A written directive identifying the policies and procedures to be followed when a detainee is in need of medical assistance.

Narrative: *It is the responsibility of the law enforcement agency to ensure the medical health and welfare of detainees.*

It is probable that some detainees will require medical attention at some time. As a result, this policy may be developed in consultation with a medical professional.

3.1.18 – A written directive requiring first aid kits are readily available for the cell area and are inspected weekly and replenished when necessary.

Narrative: *First aid kits are necessary for the initial treatment of detainees or staff members who may be injured. This is necessary for the welfare of all people in the cell area.*

3.1.19 – RESERVED

3.1.20 – A written directive controlling the distribution, and requiring documentation, of all pharmaceuticals within the cell, to include all medically approved medications belonging to or in the possession of the detainee.

Narrative: *The control of all drugs and pharmaceuticals within a cell is a necessity. They must be regulated, whether they are prescribed or over the counter drugs.*

Appropriate medical professionals should assist in the development of this protocol to ensure proper procedures for the handling and distribution of the drugs. This is vital to the welfare of the detainee and the safe management of the facility.

SUPERVISION OF DETAINEES

3.1.21 – A written directive requiring supervision of detainees by agency staff, including establishment of procedures to ensure that:

- a. observation, whether by physical or electronic (video and audio) means, occurs at least every thirty minutes;
- b. observation provides reasonable assurance that the safety and welfare of the detainee is adequately addressed;
- c. observation is accomplished by persons in the same structure;
- d. there is an immediate response, including a maximum time limit until arrival with a back-up system in case of non-availability; and
- e. non-sworn respondents are trained to recognize potential medical emergencies, provide medical assistance and have been adequately trained in self-defense to protect themselves in cases of assault or subterfuge.

STANDARDS FOR STAFF SUPPORT RESPONSIBILITIES

Narrative: *Close supervision of all detainees by agency personnel, on a 24-hour basis, is necessary for the proper and safe management of the facility. This is essential from a safety and liability standpoint.*

3.1.22 – A written directive that states if audio and/or electronic surveillance equipment is used for detainee supervision in the cell, that the equipment will be regulated to allow the detainees to have a reasonable expectation of privacy. **(O)**

Narrative: *Control of the use of audio/visual surveillance equipment to regulate detainees must be established by the agency to reduce the likelihood of litigation. The use of such monitoring methods should be utilized in a manner consistent with safety and security concerns.*

3.1.23 – If the agency permits visitors, a written directive governing the procedures for visits to detainees in the cell area shall be prepared.

Narrative: *A cell area is a temporary detention location within a law enforcement agency. Visits to detainees create security concerns and most visits should be deterred until the person is released or incarcerated in a correctional facility.*

Most cell areas are not designed or equipped to accommodate visits. If visits are allowed, security considerations are of primary concern and must be addressed in the directive.

Section 2

TEMPORARY HOLDING AREA

Temporary Detention

3.2.1 – A written directive describing the use of temporary holding areas, which identifies the following procedures:

- a. authorization of all temporary holding areas;
- b. supervision and accountability for temporary detainees;
- c. temporary restraint of detainees by securing them to fixed objects; and
- d. separation of adults and juveniles in accordance with the laws and administrative regulations of Pennsylvania.

Narrative: *Most law enforcement agencies have an area within the agency for the temporary control or temporary detention of individuals. Those areas are primarily used for the temporary custody of people being questioned, processed, or tested by a law enforcement officer.*

Due to the use of temporary holding areas within the agency, it is necessary that regulations and procedures are developed to provide for their use.

3.2.2 – A written directive establishing the minimum physical conditions for the temporary holding area and requiring access to potable water and a toilet; in addition to sufficient privacy if visually monitored. **(O)**

Narrative: *These are the minimum physical conditions necessary for a temporary holding area within a law enforcement agency.*

3.2.3 – If a detainee is to be secured to an immovable object, a written directive shall be prepared that identifies which objects were designed and intended for such use within the temporary holding area. **(O)**

Narrative: *If it is necessary to secure the person being detained to an immovable object in the temporary holding area, the object should be designed or fabricated for that purpose. The use of such immovable objects may be appropriate for the temporary detention if no other accommodation is available.*

3.2.4 – A written directive requiring a plan for fire prevention, fire evacuation and fire suppression for the temporary holding area, including an observable, posted evacuation diagram. **(O)**

Narrative: *As with a holding cell area, a temporary holding area requires that fire suppression and fire alarms are available in case of an emergency.*

STANDARDS FOR STAFF SUPPORT RESPONSIBILITIES

3.2.5 – A written directive addressing the following security concerns in the temporary holding area:

- a. weapons control;
- b. panic or duress alarms;
- c. method of access to area and prisoner for alarm responders;
- d. escape prevention;
- e. search of detainee;
- f. security inspection;
- g. detainee shall be physically attended; however
- h. the detainee may be left unsupervised for a period of no longer than 10 minutes when secured.

Narrative: *These are safety and security concerns for the agency when a temporary holding area is used.*

3.2.6 – A written directive requiring training for all agency personnel who will have any responsibility for detainees in temporary custody within the temporary holding area. Initial training and in-service training at least once during the accreditation period will be conducted for all applicable personnel.

Narrative: *This requirement will ensure agency personnel will know and understand the operation and security of the temporary holding area. This is important in regard to the safety and welfare of the detainees, but it will also provide the agency and its officers with protection from possible lawsuits.*

STANDARDS FOR STAFF SUPPORT RESPONSIBILITIES

Section 3

COMMUNICATION

Operations

3.3.1 – A written directive stating the agency has 24-hour, two-way radio capability providing continuous communication between a communications center and the officer(s) on duty.

Narrative: It is an essential element of law enforcement that officers are able to communicate with one another and with a communication center on a 24-hour basis. Two-way radio capability is a safety necessity for the officers, and it is a necessary management responsibility.

3.3.2 – A written directive stating if the agency operates a communication center and authorizes first aid/lifesaving instruction to be given over the telephone or by radio, agency employees shall be appropriately trained and have immediate access to approved emergency medical guidelines and materials.

Narrative: If this practice is permitted, then communications personnel of the agency should be appropriately trained.

Communications Facilities and Equipment

3.3.3 – A written directive stating the agency has the capability of immediate playback of recorded emergency telephone and radio communications while it maintains a continuous recording of radio transmissions and emergency telephone communications to and from the communications center and directives provide for:

- a. a requirement that recordings be retained for a minimum period of 30 days; **(O)**
- b. secure handling and storing for the recordings; **(O)**
- c. criteria and written procedures for reviewing recorded conversations; and **(O)**
- d. an alternate source of electrical power sufficient to ensure continued operation of emergency communication equipment in the event of the failure of the primary source with documentation of monthly inspections and testing at least monthly or in conformance with manufacturer recommendations. **(O)**

Narrative: The capability of having immediate playback for radio and emergency telephone communications is needed for public safety reasons by the agency. This requirement, while maintaining current recorded priority telephone and radio communications, allows agency personnel to instantly replay needed information of an emergency nature.

It is the responsibility of the law enforcement agency to set policies for the retention, security, and review of this communication information capability if the system is controlled by the agency. If this capability is administered by another agency, it is necessary for law enforcement agency administrators to establish a mutually agreeable protocol with the

STANDARDS FOR STAFF SUPPORT RESPONSIBILITIES

administrators of the communications center. Proof of compliance can be in the form of a memorandum from the communications center that details compliance with the requirements of this standard.

The critical nature of law enforcement requires that radio communications be maintained during a power emergency. During most emergencies law enforcement agencies become the primary point of contact for the public and for other agencies. If the agency receives communication services from another agency, proof of compliance can be in the form of a memorandum from the communications center that details compliance with the requirements of this standard.

3.3.4 – RESERVED

Section 4

RECORDS

Field Reporting and Management

3.4.1 – A written directive provides for a uniform field reporting system for the law enforcement agency to include:

- a. guidelines to indicate when reports must be completed;
- b. designated forms to be used in field reporting;
- c. data required to be included in field reports;
- d. procedures to be followed in completing field reports; and
- e. process for submitting completed field reports.

Narrative: *This Standard requires a uniform field reporting system for the law enforcement agency, if one does not exist. This will ensure that the agency has a consistent process to record law enforcement incidents and activities. A uniform and established field reporting system provides an essential management tool for the agency.*

Section 5

COLLECTION AND PRESERVATION OF EVIDENCE

Administration

3.5.1 – A written directive that requires qualified personnel to be available on a 24-hour basis to process crime scenes, traffic crash sites, and other investigation scenes.

Narrative: This requires that the law enforcement agency have the availability of qualified personnel to process crime scenes, vehicle crash scenes, or other investigation scenes on a 24-hour basis. Those individuals, whether from the law enforcement agency or from another law enforcement agency, will respond to the scene of those incidents to collect and preserve evidence for the agency and its personnel.

Evidence Handling

3.5.2 – A written directive shall be prepared by the agency regarding documentation for the custody of physical evidence. The directive will provide guidance to agency personnel about the necessity for keeping written or computer records of all transactions of physical evidence in the custody of the agency.

The record of any transaction and/or transfer involving physical evidence shall, at a minimum, include:

- a. name of person possessing the evidence collected for processing or storage;
- b. the date and time of every transaction/transfer;
- c. name of the person receiving the evidence;
- d. reason for the transaction/transfer;
- e. name and location of any laboratory and/or agency where the evidence was transferred; and
- f. type of examination(s) requested or the reason for the transfer of the evidence.

Narrative: These requirements will ensure that the chain-of-custody of the evidence will be ascertainable for court purposes and presentation. It provides a way to determine who had possession and the location of the evidence during any time that it was in the custody of the law enforcement agency or other authorized agency or individual.

Section 6

PROPERTY AND EVIDENCE CONTROL

Property and Evidence Control Administration and Operations

- 3.6.1 – A written directive that establishes procedures for receiving evidence and recovered property obtained by agency personnel for retention into agency custody and control, to include:
- a. requiring all evidence/property to be logged into agency records as soon as possible;
 - b. requiring all evidence/property to be placed under the control of the property and evidence control function before the end of the tour of duty of the officer/technician;
 - c. requiring a written report detailing the circumstances by which the evidence/property came into the agency's possession and describing each item of evidence/property obtained;
 - d. providing guidelines for packaging and labeling of evidence/property prior to storage;
 - e. establishing extra security measures for handling, at a minimum, drugs, guns and money or other exceptional items as identified by the agency;
 - f. requiring an effort to identify and notify the owner or custodian of recovered property in the custody of the agency;
 - g. establishing procedures for the final release of recovered property items from the control of the law enforcement agency; and
 - h. a record system be implemented to reflect the location and status for all evidence and recovered property held by the agency.

Narrative: *The possession and storage of all evidence or property that comes into the possession of the law enforcement agency must be controlled, documented, and secure. A defined policy with defined procedures will ensure the integrity of the evidence / property functions of the agency. Refrigeration for perishable items and off-site secure storage for dangerous evidence and property (explosives and chemicals), as determined necessary by the agency.*

- 3.6.2 – A written directive requiring evidence and recovered property to be stored within designated and secure areas and/or facilities that are under the direct control of the law enforcement agency.
(O)

Narrative: *All evidence and property in the possession and/or control of the law enforcement agency must be secure and safeguarded.*

Items held in the custody of the agency may have different requirements for storage. Each item of evidence/property must be evaluated for the best method for safe and secure retention by the agency. Direct control can, in exceptional circumstances, mean that the agency has taken reasonable steps to ensure that access is restricted to authorized personnel.

STANDARDS FOR STAFF SUPPORT RESPONSIBILITIES

3.6.3 – A written directive ensuring that secure facilities are available and used for the storage of evidence or recovered property during periods when the property room is closed. **(O)**

Narrative: *An alternative method of storage requires that a policy and procedures are developed and implemented to ensure the documented, safe, and secure storage of those items when the property room is closed or otherwise unavailable.*

3.6.4 – A written directive requiring that only authorized personnel have access to areas used by the agency for storage of in-custody or evidentiary property.

Narrative: *It is necessary that only personnel who are authorized by the agency have access to the property room where evidence and recovered property is stored. The storage area(s) is off-limits to all other personnel unless permission is given by the Chief Executive Officer of the agency.*

All property rooms, by the very nature of the function, must be secure and controlled from unauthorized personnel. This will ensure the integrity and evidentiary value of the evidence.

3.6.5 – RESERVED

3.6.6 – A written directive requiring the following documented inspections, inventory, and audits shall be completed:

- a. an inspection to determine adherence to procedures used for the control of evidence / recovered property is conducted annually by the person responsible for that function or designee;
- b. an inventory of property, **in accordance with the routine column of the audit/inventory table** occurs whenever the primary person responsible for the evidence/recovered property control function is assigned to and/or transferred from that position and is conducted jointly by the newly designated property custodian and a designee of the CEO to ensure that records are correct and properly documented; **(2023)**
- c. an audit in compliance with **the irregularity column of the audit/inventory table** when there is reason to believe that evidence has been tampered with, or if the evidence custodian has been removed for any irregularities; **(2023)**
- d. an annual audit of property held by the agency is conducted **in accordance with the routine column of the audit/inventory table** by a supervisor/commander not routinely or directly connected with control of evidence/property; and **(2023)**
- e. one or more annual unannounced inspections of evidence and property storage areas are conducted as directed by the agency's Chief Executive Officer.

Narrative: *Inspections, inventories and audits of the property room are necessary for a secure and reliable system for the evidence and property functions of the law enforcement agency. This provides a means of accountability for the system and ensures agency oversight of the process. Please refer to the following definitions:*

STANDARDS FOR STAFF SUPPORT RESPONSIBILITIES

Audit – Selected individual records adequate to ensure policy compliance. *In the case of irregularity in the evidence process, refer to the Evidence Irregularity Audit Table. In the case of routine audits, the appropriate column of this table shall be used;*

Inspection - Review of the physical condition and records of the property storage area/s; and

Inventory - Review of reasonable, representative groups of records, *in accordance with the routine column of the audit/inventory table to ensure standard compliance. (2023)*

The following table is to be used by agencies when determining the minimum appropriate sample size for conducting audits and inventories required by Standard 3.6.6. Sample size in the irregularity's column have been calculated based on a 95 percent confidence level and a confidence interval of +/- 3 percent.

Inventories and audits under 3.6.6 b and d are to be conducted under the routine column, with pieces of property being the total pieces of property in the agency's possession. If an irregularity is found, the inventory or audit will shift to the larger sample size of the irregularity column, at a minimum. If additional irregularities are found, a complete inventory is recommended.

Audits under 3.6.6 c will always be conducted under the irregularity's column. If additional irregularities are found, a complete inventory is recommended.

All inventories and audits are to focus on high-risk items such as money, drugs, weapons and jewelry, but should also include samples from other areas.

Pieces of Property	Sample Size (Irregularities)	Sample Size (Routine)
100	92	23
250	203	51
500	341	86
1,000	516	129
1,500	624	156
2,000	696	174
2,500	748	187
3,000	787	197
3,500	818	205
4,000	843	211
4,500	863	216
5,000	880	220
5,500	894	234
6,000	906	227
6,500	917	230
7,000	926	232
7,500	934	234
8,000	942	236
8,500	948	237
9,000	959	240
10,000	996	245
15,000	996	249

STANDARDS FOR STAFF SUPPORT RESPONSIBILITIES

20,000	1013	253
25,000	1023	256
50,000	1045	262
100,000	1056	264

Section 7

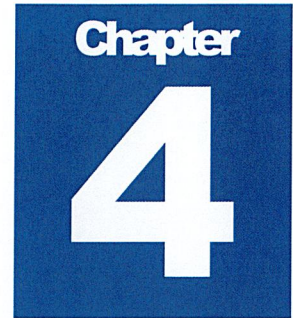
FITNESS AND WELLNESS PROGRAM

Physical Fitness and Wellness Program

3.7.1 – A written directive explaining and outlining the importance of a total wellness and physical fitness program for law enforcement agency personnel, which encourages their participation in both types of programs.

***Narrative:** A well-designed physical program and total wellness program for agency personnel should improve their overall level of physical and mental well-being. The program should facilitate positive changes from negative behaviors for an improved healthy lifestyle for agency personnel and law enforcement officers. However, any program within a law enforcement agency must be designed to be in conformance to the law, court decisions, and labor contracts.*

3.7.2 – RESERVED



PENNSYLVANIA LEGAL MANDATES

Section 1

TRAFFIC CRASHES

Reporting Requirements for Crashes and Crash Reports

- 4.1.1 – A written directive regarding the legal mandate that the law enforcement agency comply with Section 3741-3755 and 1956 (PSP only) of the Pennsylvania Vehicle Code (Title 75) in regard to the reporting requirements for "Crashes and Crash Reports" including:
- a. 3746(c) requiring investigation by a police officer within criteria of 3746 (a) (1 & 2).
 - b. 3751(a) initial reports forwarded to PennDOT within 15 days.
 - c. 3751(b) or 1956(b) (for PSP only) copies of reports, furnished at cost, as indicated. **(04/18)**
 - d. 3752(b) only approved forms use.

Section 2

PURSUIITS

Pursuit of Vehicles

- 4.2.1 – A written directive regarding the legal mandate that the law enforcement agency comply with Sections 6341-6345 of the Pennsylvania Vehicle Code (Title 75) in regard to the reporting and recording requirements for "Pursuit of Vehicles" including:
- a. 6342(c)(1) criteria or principles for initiation of pursuit;
 - b. 6342 (c)(2) initiating officer's responsibilities;
 - c. 6342 (c)(3) communications center responsibilities;
 - d. 6342 (c)(4) field supervisor's responsibilities;
 - e. 6342(c)(5) traffic regulations including use of emergency equipment, visual, and audio signals;
 - f. 6342 (c)(6) pursuit tactics including secondary units' responsibilities, roles and restrictions pertinent to marked, unmarked, or other types of police vehicle in pursuit, and use of stopping techniques;
 - g. 6342 (c)(7) roadblock use;
 - h. 6342 (c)(8) communications and coordination in interjurisdictional pursuits;
 - i. 6342 (c)(9) criteria or principles for termination of pursuit; and
 - j. 6343 submission of reports to PSP.

Narrative: *The law enforcement agency needs to have a clearly, understandable regulation governing motor vehicle pursuits. Guidelines are necessary for the law enforcement officers, supervisors, commanders, and dispatchers to follow during a motor vehicle pursuit by agency personnel. The regulation is necessary for all agency personnel because of the likelihood that the agency and its officers will become involved in such incidents with some frequency. This regulation should be provided to all agency personnel and the information should be discussed at roll call training and during in-service training programs.*

Motor vehicle pursuits by law enforcement officers have gained a great deal of attention and they have resulted in numerous motor vehicle crashes. It should be in conformance to currently recognized and accepted law enforcement practices.

***Refer to Standard 1.3.2 that also deals with motor vehicle pursuits.*

- 4.2.2 – A written directive describing the circumstances warranting the use of special stopping techniques which specifies the procedures for correct implementation:
- a. immobilization devices;
 - b. stopping techniques; and
 - c. initial training and in-house refresher training at least once every three years.

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Narrative: *All such methods should only be used with the utmost level of care and caution. Their use may constitute the use of deadly force in the apprehension of the violator based on recent court decisions.*

The law enforcement agency must develop comprehensive procedures about the use of such devices and techniques.

***Refer to Standards 1.3.2 and 4.2.1.*

4.2.3 – A written directive establishing;

- a. the procedures for reporting and for an in-house administrative review of the pursuit;
- b. policy training (review) by affected personnel at least once per accreditation cycle. (2023)

Section 3

MISSING CHILDREN

Missing Children

- 4.3.1 – A written directive regarding the legal mandate that the law enforcement agency comply with Section 2908 of the *Pennsylvania Crimes Code* (Title 18) in regard to the duties of law enforcement agencies with respect to missing children including:
- a. 2908(a)(1) investigating immediately regardless of age or circumstance.
 - b. 2908(a)(2) recording on reports all relevant information and circumstances.
 - c. 2908(a)(3) entering into the Missing Persons File of CLEAN.
 - d. 2908(a)(3.1) entering into the Unidentified Persons File of CLEAN upon:
 - (i) taking into custody an unidentified child.
 - (ii) discovering an unidentified deceased child.
 - e. 2908(a)(4) ensuring timely cancellation of a CLEAN entered child who is returned or located.
 - f. Compliance with Section 3701 (a) of the Federal Crime Control Act of 1990 (42 U.S.C. 5579 (a) by eliminating any waiting period before initiating an investigation of a missing person under the age of 21, and reporting that person to the National Crime Information Center (NCIC) of the Department of Justice.
 - g. 2908(a)(3.2) To deliver any of the missing child's DNA to the Pennsylvania State Police in accordance with 44 Pa. C.S. 2316.2 for submission to the National Missing and Unidentified Persons System. (2023)
 - h. 2908(a)(4.1) To collect DNA samples from the unidentified deceased child and submit the DNA samples to the Pennsylvania State Police in accordance with 44 Pa. C.S. 2316.4 for law enforcement identification purposes. (2023)

Narrative: *The intent of bullet (f) is to ensure that missing persons between the ages of 18 and 21 are dealt with in the appropriate manner (Suzanne's Law). Persons under the age of 18 are accounted for in bullets (a) – (e). Proofs must reflect this distinction.*

Section 4

FINGERPRINTING

Mandatory Fingerprinting

4.4.1 – A written directive requiring that all persons arrested for felony, misdemeanor, and escalating summary offenses shall be fingerprinted.

Narrative: Section 9112 of the Pennsylvania Crimes Code (Title 18). The importance of fingerprinting all persons arrested cannot be overstated. All persons shall be fingerprinted regardless of the disposition of the charge or status of the case. All prints shall be forwarded immediately to the PA State Police repository. A 100% compliance rate should be the target of all agencies.

Section 5

CRIME VICTIMS

Pennsylvania Crime Victims Act

- 4.5.1 – A written directive regarding the legal mandate that the law enforcement agency comply with the Pennsylvania Crime Victims Act (18 P.S. § 11.101 et seq.) in regard to responsibilities of state and local law enforcement agencies including:
- a. 11.212(a) all officers and employees are familiar with crime victims' compensation and information is included in trainees' curriculum.
 - b. **Notice**
 - (1). 11.212(b)(1) the law enforcement agency responding to or investigating an incident shall provide basic information on the rights and services available for crime victims and the availability of crime victims' compensation to the direct victim or, if appropriate, a member of the direct victim's family. The information shall be provided when the agency has first contact with the direct victim or, if appropriate, a member of the direct victim's family or as soon as reasonably possible. The information required under this subsection shall be in a written notice in a manner or form developed by the Office of Victims' Services. (2023)
 - (2) 11.212(b)(2) law enforcement agencies shall be responsible for ensuring that officers provide the notification required.(2023)
 - c. **Not applicable.(2023)**
 - d. **Deleted (2023)**
 - e. 11.212(e) the law enforcement agency responding to or investigating an incident shall indicate on the police report that the information required under subsection (b) was provided to the direct victim or, if appropriate, a member of the direct victim's family. (2023)
 - f. 11.212(f)(1) the agency making a reasonable effort to notify personal injury crime victims of suspect arrest, within 24 hours of arrest, filing or forwarding of complaint.
 - g. 11.212(f)(2) the agency notifies personal injury crime victims if suspect escapes from agency's custody.
 - h. 11.212(g) victim's property seized as evidence, returned, if prosecutor determines evidence no longer needed.

Section 6

CHILD SERVICES

Pennsylvania Child Protective Services Law

- 4.6.1 – A written directive regarding the legal mandate that the peace officers or law enforcement officials of the law enforcement agency comply with Section 6311 of the *Pennsylvania Child Protective Services Law* (23 Pa.C.S.A. §6301, et seq.) in regard to persons required to report suspected child abuse per section 6313(a), either (1) immediately via oral report to the Department of Human Services of the Commonwealth via the established Statewide, toll-free number (Childline), AND a written report, which may be submitted electronically, within 48 hours to the department or county agency assigned to the case **OR** (2) immediately via the electronic reporting procedure (Childline Portal) as established in accordance with section 6305 in satisfaction of all notification requirements.

Section 7

JUVENILE

Pennsylvania Juvenile Act

- 4.7.1** – A written directive regarding the legal mandate that the law enforcement agency comply with Section 6308 of the Pennsylvania Juvenile Act (42 Pa. C.S.A. § 6301, et seq.) in regard to law enforcement records including:
- a. 6308(a) juvenile records and files are kept separate from adult arrest files.
 - b. 6308(b) juvenile records and files are not released to the public unless the release is authorized by the exceptions listed in 6308(b).
 - c. 6308(c) conditions when photographs and fingerprints of a juvenile may be taken for felony and misdemeanor charges.

Narrative: *Section 3929 (f) of the Pennsylvania Crimes Code (Title 18), provides for the fingerprinting of juveniles 16 years of age or older accused of retail theft.*

- 4.7.2** – A written directive regarding the legal mandate that the law enforcement agency comply with section 6326 of the *Pennsylvania Juvenile Act* (42 Pa.C.S.A. §6321, et. seq.) in regard to temporary detention of child:
- a. 6326(b) detention in a lockup where adult prisoners are housed is generally prohibited.
 - b. 6326(c) a child in custody due to crime, summary offense, violation of probation or supervision following adjudication of delinquency may be held in secure custody in adult lockup when:
 - (1) held for identification, investigation, processing, releasing, or transferring to parent, guardian, other custodian, juvenile officials, or shelter.
 - (2) time limited to complete processing, but no more than six hours.
 - (3) separated by sight and sound from adults and under continuous observation.
 - c. 6326(d) non-secure custody of child in facility with adults is appropriate when:
 - (1) unlocked multipurpose area or area used only for processing purposes.
 - (2) not physically secured in any way.
 - (3) non-secure custody only long enough to accomplish purpose.
 - (4) continuous visual supervision occurs.
 - d. 6326(e) reports of children held per 6326(c) and (d) provided to PCCD as requested.

Section 8

MEGAN'S LAW

Pennsylvania Megan's Law Requirements

4.8.1 – A written directive regarding the legal mandate that the law enforcement agency comply with Sub-Sections 9799.27 and 9799.26 of the Pennsylvania Judicial Code (Title 42) in reference to written notifications made by the police department in the municipality where a sexually violent offender or sexually violent delinquent child lives as required by 42 Pa.C.S.A. §9799.11 including:

- a. 9799.27 (a) the Chief Law Enforcement Officer of the municipality where a sexual violent predator or sexually violent delinquent child lives, or the last known habitat of a sexually violent predator or sexually violent delinquent child failing to establish a residence and being transient, shall be responsible for providing written notice containing information required in (1) through (6) under this section:
 - (1) name of the individual;
 - (2) address(es) which the individual has a residence. If, the individual is a transient, written notice under this paragraph shall consist of the transient's temporary habitat or other temporary place of abode or dwelling, including, but not limited to, a homeless shelter or park, and a list of the places the transient eats, frequents and engages in leisure activities;
 - (3) offense convicted of, sentenced by a court, adjudicated delinquent or court martialled;
 - (4) a statement that the sexually violent offender has been determined to be a sexually violent predator or sexually violent delinquent child, which determination has or has not been terminated as of a date certain;
 - (5) photograph of the sexually violent predator or sexually violent delinquent child, if available; and
 - (6) the notice shall not include any information that might reveal the victim's name, identity and residence.
- b. 9799.27 (b) written notifications to persons designated in subsections (1) through (6):
 - (1) neighbors of the sexually violent predator or sexually violent delinquent child;
 - (2) director of county children and youth service agency in county where the sexually violent predator or sexually violent delinquent child has a residence or is transient;
 - (3) the Superintendent of each school district and the equivalent for each private and parochial school in the municipality where the sexually violent predator or sexually violent delinquent child resides or is transient;
 - (4) the Superintendent of each school district and the equivalent official for each private and parochial school within a one-mile radius where the sexually violent predator or sexually violent delinquent child resides or is transient;
 - (5) the licensee of each certified day-care center, licensed preschool program, and registered family day-care home in the municipality where the sexually violent predator or sexually violent delinquent child resides or is transient; and

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- (6) president of each college, university and community college located within 1,000 feet of a sexually violent predator or sexually violent delinquent child's residence or is transient.
- c. 9799.27 (c) notifications within time frames indicated in subsections (1) and (2):
 - (1) neighbors, within 5 days after information of the sexually violent predator or sexually violent delinquent child's release date and residence has been received by the chief law enforcement officer. Verbal notification may be used if written notification would delay meeting this time requirement; and
 - (2) persons specified in subsection 9799.27 (b) (2), (3), (4), and (5) shall be provided information within 7 days of notification of release date and residence.
- d. 9799.27 (d) all information indicated in 9799.27 (a) shall be available, upon request, to the general public. Information may be provided by electronic means.

Narrative: *“Residence” is defined in section 9799.12 as a location where an individual resides or is domiciled or intends to be domiciled for 30 consecutive days or more during a calendar year. The term includes a residence which is mobile, including a houseboat, mobile home, trailer or recreational vehicle. In the case of a sexually violent predator or sexually violent delinquent child failing to establish a residence and being a transient, written notification shall include residents in the area of the transient’s last known temporary habitat or other temporary place of abode or dwelling, including, but not limited to, a homeless shelter or park. When the sexually violent predator or sexually violent delinquent child lives in a common interest community, written notification shall include the unit owners’ association and residents of the common interest community.*

Section 9

MUNICIPAL POLICE OFFICERS' EDUCATION AND TRAINING COMMISSION

Pennsylvania MPOETC Requirements

- 4.9.1 – A written directive stating the agency does and will comply with the requirements of the *Pennsylvania Municipal Police Officers' Education and Training Act*, as amended, (53 Pa.C.S.A. §2161, et seq.) in regard to municipal police officer training and agency responsibilities including:
- a. 2164(8) physical fitness standards and educational prerequisites to employment.
 - b. 2164(12) certification of all officers.
 - c. requiring all sworn members of the law enforcement agency to successfully complete a certified basic law enforcement/police training course prior to assuming their law enforcement duties.
 - d. requiring all sworn members of the law enforcement agency to successfully complete an annual in-service training course, which may include course materials on federal and Pennsylvania court cases and legal updates.

Section 10

PROTECTION FROM ABUSE

Pennsylvania Protection From Abuse Act

- 4.10.1** – A written directive regarding the legal mandate that the law enforcement agency comply with the requirements of the *Pennsylvania Protection From Abuse Act*, as amended, (23 Pa. C.S.A. §6101, et seq.) in regard to the responsibilities of law enforcement agencies under the provisions of Section 6105 including:
- a. 6105(a) a written domestic violence policy and information included in trainees' curriculum.
 - b. 6105(b) the agency providing abused persons with oral and written notification of the availability of a safe shelter and domestic violence services in the community. The written notice is to be in English and Spanish, including the required statement.
 - c. 6105(d) the agency making a reasonable effort, within 24 hours of preliminary arraignment, to notify an adult or emancipated minor protected by an order of an arrest.

Narrative: *Section 6105 makes the requirements of the law applicable to the police departments of each municipal corporation, the PSP, and the Sheriff of each county.*

- 4.10.2** – A written directive regarding the legal mandate that law enforcement agencies must accept and secure weapons relinquished under a PFA court order:
- a. (6105.2 (b)(2)) When presented with a relinquishment order from the court, an agency must take into custody the relinquished weapons and provide the subject with a signed and dated written receipt, which shall include a detailed description of each firearm and its condition.
 - b. (6108.1(a)(a.1)) Prior to any weapons return, the following conditions must be met:
 - (1) Firearms, other weapons or ammunition relinquished must not be evidence of a crime;
 - (2) Defendant or owner must not be otherwise prohibited by applicable Federal or State law, or other condition, including, but not limited to, bail, from taking possession of the firearms, other weapons or ammunition seized; and **(01/20)**
 - (3) Defendant or owner must have been given a clearance by PSP Instant Check System (PICS) or through the National Instant Criminal Background Check System (NICS), requested by the sheriff's office.

Section 11

RIGHT TO KNOW

Pennsylvania Right-to-Know Law

4.11.1 – A written directive stating the agency must comply with the *Pennsylvania Right-to-Know Law*, (Act 3 of 2008) in regard to responsibilities of state and other governmental agencies including:

- a. Section 301 (a) and 302 (a) requiring agencies to provide public records in accordance with the act;
- b. Section 502 requiring agencies to designate an open record officer;
- c. Section 504b requiring agencies to post the following at the agency and on its website if such website exists:
 - (1) Contact information for the open-records officer.
 - (2) Contact information for the Office of Open Records or other applicable appeals officer such as the District Attorney for investigative records.
 - (3) A form which may be used to file a request.
 - (4) Regulations, policies and procedures of the agency relating to this act;
- d. Section 1308 prohibits a policy or regulation, if adopted, from including:
 - (1) A limitation on the number of records requested or made available for inspection or duplication; and/or
 - (2) A requirement to disclose the purpose or motive in requesting access to records.

Narrative: *The Right to Know Law presumes that unless otherwise provided by law, a public record, legislative record, or financial record shall be accessible for inspection and duplication in accordance with the act. However, Section 708 provides for numerous exceptions and Section 706 provides for redaction of specifically exempted information in the record, even though the record itself may be accessible. The law requires a response within five (5) days of receipt by the open-records officer but provides for extensions to gather certain types of information. A thorough review of the law is required to understand its complexities. It is sufficient if the primary governmental entity has established a process in compliance with the Right to Know Law that also regulates the law enforcement agency. This standard is not applicable to private university or specified state-related institution police departments.*

Section 12

UNIFORM CRIME REPORTING

Pennsylvania Uniform Crime Reporting Act

4.12.1 – A written directive stating the agency must comply with the requirements of Uniform Crime Reporting Acts, as applicable, requiring all Commonwealth law enforcement agencies to report crime statistics to the Pennsylvania State Police.

Narrative: Agencies shall submit applicable crime statistics on a monthly or yearly basis as required by statute.

Section 13

PROTECTION FROM SEXUAL VIOLENCE/INTIMIDATION

Protection of Victims of Sexual Violence or Intimidation

- 4.13.1 – The agency must have a directive addressing the requirements of the Protection of Victims of Sexual Violence or Intimidation Act (Title 42 Chapter 62A04).
- a. Agency shall provide initial training to all its officers to make them familiar with this Act.
 - b. Agency shall make reasonable efforts to notify any person protected by an order issued under this chapter of the arrest of the defendant for violation of an order as soon as possible.
 - c. Unless the person cannot be located, notice of the arrest shall be provided not more than 24 hours after the preliminary arraignment.

Section 14

SEXUAL ASSAULT TESTING AND EVIDENCE COLLECTION – Sexual Assault Kits (SAK)

Sexual Assault Testing and Evidence Collection

- 4.14.1 – The agency must have a directive addressing the requirement of the Sexual Assault Testing and Collection Act (SATEC) 35 P.S. ss 10172.1 – 10172.4, Act 29 of 2019.
- a. Agency shall take possession of Sexual Assault Kits within 72 hours of being notified of its existence.
 - b. For those cases in which the victim or a victim advocate acting at the victim's direction has provided written notice of consent to the forensic testing, the law enforcement agency must submit evidence awaiting testing to an approved laboratory within 15 days.
 - c. For those cases in which the victim has not provided consent to testing, the evidence must be preserved and stored for a period of no less than the statute of limitations, unless consent is provided before that period.
 - d. The SAK shall be stored in compliance with policy developed as per the Act.
 - e. Reports must be filed as per requirements of the Pennsylvania State Police. **(04/19)**

Narrative: *The Act 29 of 2019 was enacted in order to address the nationwide backlog of untested Sexual Assault Kits often referred to as "Rape Kits".*

Section 15

MENTAL HEALTH EVALUATIONS

Mental Health Evaluations

- 4.15.1 – A written directive regarding the legal mandate that the law enforcement agency comply with Chapter 72, Section 7203 of the PA Law and Justice (Title 44) in regard to mental health evaluations for law enforcement officers:
- a. as a condition of continued employment, without cost to the law enforcement officer, a law enforcement agency shall provide a law enforcement officer with a mental health evaluation for post-traumatic stress disorder by a licensed mental health professional:
 - (1) upon request of the law enforcement officer;
 - (2) upon recommendation of a police chief or other supervising law enforcement officer;
 - (3) within 30 days of an incident of the use of lethal force during the course of law enforcement duties.
 - b. treatment, if a licensed mental health professional determines during the mental health evaluation under subsection (a) that the law enforcement officer has symptoms of post-traumatic stress disorder, the law enforcement officer shall be provided with treatment under a licensed physician's care until the licensed physician determines in writing the law enforcement officer is able to return to full duties; and
 - c. a law enforcement officer shall be assigned to administrative duty if the law enforcement officer:
 - (1) fails to undergo a mental health evaluation for post-traumatic stress disorder when required under subsection (a); or
 - (2) is experiencing symptoms of post-traumatic stress disorder as determined by a licensed mental health professional under subsection (a), and whom the licensed physician has not yet determined is able to resume full duties under subsection (b).

Section 16

DEATH IN CUSTODY REPORTING ACT (DCRA)

Death in Custody Reporting Act

- 4.16.1 – A written directive regarding the legal mandate that the law enforcement agency comply with the federal Death in Custody Reporting Act (DCRA) of 2013 that requires the agency to report, within 15 days after the end of each quarter, to the Pennsylvania Commission on Crime and Delinquency the death of any person who is detained, under arrest, or is in the process of being arrested, is enroute to be incarcerated, or is incarcerated at a municipal or county jail, State prison, State-run boot camp prison, boot camp prison that is contracted out by the State, any State or local contract facility, or other local or State correctional facility (including any juvenile facility) including:
- a. the name, gender, race, ethnicity, and age of the deceased;
 - b. the date, time, and location of death;
 - c. the law enforcement agency that detained, arrested, or was in the process of arresting the deceased; and
 - d. a brief description of the circumstances surrounding the death.