

Standards Manual

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STANDARDS FOR ORGANIZATION AND MANAGEMENT ROLE

Section 2

LIMITS OF AUTHORITY

Limits of Authority

- 1.2.5 - A written directive that governs procedures for strip and body cavity searches that include:
- authority for conducting such searches with and without a search warrant;
 - privacy provisions with search by same gender officers;
 - privacy provisions regarding video recordings during search; and
 - 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, body cavity searches should be conducted in a hygienic setting and by qualified medical personnel.

Section 3

USE OF FORCE

Use of Force

1.3.2 - 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.

1.3.9 - 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; and
- f. the agency shall have procedures for remedial training for an employee unable to exhibit proficiency/qualification with any authorized weapon;
- g. all newly hired personnel shall demonstrate satisfactory skill and proficiency 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;
- h. all personnel shall demonstrate satisfactory skill and proficiency 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; and
- i. agency personnel shall demonstrate satisfactory skill and proficiency with all agency-

authorized lethal and less-lethal weapons before approval is granted to carry and/or use such weapons, both on and off duty.

Narrative: *This requires that all agency employees who are authorized to carry weapons to 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.

Section 4

DIRECTION

Direction

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;
- e. methods for the review of proposed policies, procedures, rules and regulations prior to their issuance.

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:
- a. documents standards and hiring criteria for both full-time and, if the agency employs them, part-time, sworn law enforcement officers;
 - b. 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;
 - c. 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
 - d. 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.*

Training for Non-Sworn Personnel

1.5.5 – **RESERVED**

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)

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

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;
- 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.

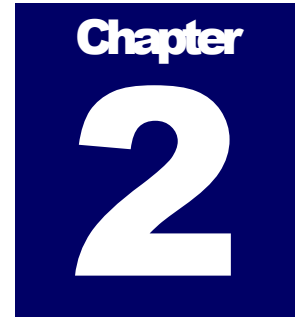
Narrative: *A well-designed field-training program must be planned, managed, and assessed in a careful manner. This program provides the new law enforcement officer with a structured initial exposure to the role and functions of the law enforcement occupation. It is also important because it incorporates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



STANDARDS FOR LAW ENFORCEMENT FUNCTIONS

Section 1

PATROL

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:

- 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 to ensure 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

2.2.4 - A written directive for pre-planning of events/incidents which includes:

- 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 4

TRAFFIC

Traffic Enforcement

2.4.2 – **RESERVED**

Section 7

LEGAL PROCESS

Records

2.7.2 – A written directive that provides for **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**

2.7.4 **RESERVED**

Criminal Process

2.7.5 **RESERVED**

2.7.6 – **RESERVED**

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.

SECURITY AND CONTROL

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

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.

3.1.10 – RESERVED

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.

3.1.16 – RESERVED

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.

Section 3

COMMUNICATION

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; ~~and~~ **(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 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



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.*

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 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.

***Refer to Standards 1.10.3, and 1.10.5 that also relate to the training standards required by the Pennsylvania Municipal Police Officers' Education and Training Commission.*

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 of 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 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;
- a. the date, time, and location of death;
- b. the law enforcement agency that detained, arrested, or was in the process of arresting the deceased; and
- c. a brief description of the circumstances surrounding the death.