

NEW JERSEY STATE ASSOCIATION OF CHIEFS OF POLICE

LAW ENFORCEMENT ACCREDITATION PROGRAM



ACCREDITATION PROGRAM STANDARDS

1st Edition



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INTRODUCTION

Accreditation is a progressive and time-proven way of helping law enforcement agencies calculate and improve their overall performances. The foundation of Accreditation lies in the adoption of standards containing a clear statement of professional objectives. Participating agencies conduct a thorough self-analysis to determine how existing operations can be adapted to meet these objectives. When the procedures are in place, a team of trained assessors verifies that applicable standards have been successfully implemented.

Accreditation status represents a significant professional achievement. Accreditation acknowledges the implementation of policies and procedures that are conceptually sound and operationally effective.

The New Jersey State Association of Chiefs of Police has pursued the concept and development of a voluntary statewide law enforcement accreditation program for New Jersey. This effort has resulted in the formation of the New Jersey Law Enforcement Accreditation Commission (NJLEAC), consisting of commissioners appointed by the (NJSACOP). Personnel from NJSACOP provide support services to the Commission and to applicant agencies.

The attitudes, training and actions of personnel of New Jersey's law enforcement agencies best reflect compliance with the standards contained in this program. Policy and procedure based on Accreditation will not insure a crime-free environment for citizens, nor will it ensure an absence of litigation against law enforcement agencies and executives.

However, effective and comprehensive leadership through professionally based policy development is directly influenced by a law enforcement program that is comprehensive, obtainable and based on standards that reflect professional service delivery.

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CHAPTER 1

THE ADMINISTRATIVE FUNCTION

Standards in this chapter concern the basic administrative functions of a law enforcement agency. Foremost, is the establishment of a formal written directive system. Agencies are free to determine the title of its written directive system. Examples include, but are not limited to: written directive system, policies & procedures, general orders, standard operating procedures, or any combination of these titles.

The administrative function should also establish the basic structure of the organization. Although not specifically required by these standards, agencies should consider establishing general job descriptions for the various ranks or titles within the agency, including non-sworn positions.

The internal affairs function must be consistent with New Jersey Attorney General Guidelines and Directives. Individual County Prosecutor's Offices may establish procedures to complement the Attorney General's Guidelines.

The disciplinary process may be established by New Jersey Administrative Code (in Civil Service jurisdictions), local ordinance, written directive system, or collective bargaining agreements.

The training function may be accomplished with internal or external resources. Detailed records of training must be maintained as such records provide a good defense against tort claims. Training not requiring practical exercises may be delivered by electronic or alternate means.

The agency's records (paper and electronic) must be retained and disposed of in accordance with New Jersey Administrative Code and applicable retention schedules.

1.1 - DIRECTION OF PERSONNEL

1.1.1 A written directive shall describe the agency's written directive system and include at a minimum:

- a. The identity (identities) of the person(s) or position(s) that have the authority to issue, modify, repeal, or approve agency written directives;**
- b. Description of the written directive structure, format, or template;**
- c. Procedures for staff review prior to issuance, if deemed necessary;**
- d. Mission statement, and vision or values statement;**
- e. Standards of Conduct (rules and regulations);**
- f. A definition of what constitutes a policy statement;**
- g. Procedures to implement agency policies, directives, or operations;**
- h. A process to acknowledge receipt of written directives;**
- i. Methods to archive and store agency policy in accordance with the New Jersey Division of Archives and Records Management retention requirements.**

Clarification Statement: A comprehensive written directive system is essential to effective operations. Over the years, the scope of agency rules and regulations has been narrowly focused. It was once thought the rules and regulations should contain everything an employee needs to know to do their job. It is now recognized that the rules and regulations should provide broad guidance for employee behavior. Specifics of day-to-day law enforcement operations properly belong in agency policies and procedures. In addition, the adoption of rules and regulations is not necessarily the responsibility of the Chief of Police or Chief Executive Officer, but instead it is the responsibility of the appropriate authority within the municipality, when applicable. Issuing policies and procedures, orders and other written directives that govern the day-to-day operation of the law enforcement agency is, however, the responsibility of the law enforcement executive. NOTE: Sheriff's Offices and Prosecutor's Offices may not have an appropriate authority as do municipal police agencies.

1.2 - FISCAL CONTROL

1.2.1 A written directive shall describe all agency cash accounts where cash is maintained and provide for:

- a. A method that reflects the initial balance, cash received, cash disbursed and balance;**
- b. Receipts for cash received;**
- c. Specific authorization from the Chief Executive Officer or designee to exceed established expense limits;**
- d. Records or receipts required for cash expenditures;**
- e. Identification of persons or positions who may accept or disburse from the cash accounts;**
- f. Quarterly review of the cash accounts.**

Clarification Statement: *New Jersey Statutes require that municipalities issue a report on its financial position and activity. In order to properly report to the Registered Municipal Accountant (independent auditor) it is essential that procedures for agency cash accounting be established to mitigate potential problems. Cash accounts include, but are not limited to the following purposes: petty cash fund, confidential funds (buy money), records and permits, etc. The method described in bullet a may be a ledger, spreadsheet, or other electronic database. The quarterly review in bullet f may be routinely exceeded (monthly, weekly, daily, etc.) in lieu of the quarterly requirement. Bail is not considered a cash account unless the agency maintains a fund to provide change in the form of cash. Agencies may have parking authorities or organizational subcomponents with personnel designated to collect fees from parking meters, pay stations, etc. Merely collecting the fees and turning them over to the local finance department or banking institute will not invoke the provisions of this standard except for instances where the agency maintains all or part of the cash (example: a small amount is maintained to stock such machines for making change).*

1.3 - INTERNAL AFFAIRS

1.3.1 A written directive requires the agency:

- a. *To ensure that the person in charge of the internal affairs function has direct access to the agency's Chief Executive Officer, with exceptions noted;*
- b. *To accept and investigate all complaints against the agency or its employees, to include anonymous complaints;*
- c. *To specify the conditions when an employee can be immediately suspended pending investigation and disposition;*
- d. *To protect and maintain the confidentiality of all internal affairs records against the agency or employees in a secure area accessible only to personnel authorized by the agency's Chief Executive Officer.*

Clarification Statement: *Agencies are governed by the New Jersey Attorney General Guidelines on Internal Affairs. Agencies with civilian department heads (police directors, public safety directors, etc.) need to be mindful that internal affairs investigations should not be disclosed to such civilian department heads.*

1.4 - DISCIPLINARY PROCEDURES

- 1.4.1** *A written directive specifies standards of conduct and acceptable appearance regulations, which are applicable to all agency personnel. Appearance regulations shall apply to uniformed, non-uniformed, and civilian personnel, with exceptions noted.*

Clarification Statement: *This directive, which may be included in the agency's rules and regulations, informs personnel on conduct issues such as prohibited conduct, alcohol and drug use, gratuities, abuse of authority, political activities, etc. The appearance requirement includes grooming and dress requirements. The New Jersey Attorney General Model Rules and Regulations may be used for the development of a code of conduct. Potential exceptions may include exclusions for undercover work and similar instances where an appearance different from management's expectations is desirable.*

- 1.4.2** *A written directive prohibits unlawful workplace harassment to include sexual harassment. The written directive minimally requires:*

- a. A reporting mechanism to the next level in the complainant's chain of command;*
- b. An alternate reporting mechanism if the actor-complainant relationship creates a conflict of interest if the actor is in the complaint's unity of command;*
- c. A requirement to investigate complaints of unlawful workplace harassment consistent with New Jersey Attorney General's Internal Affairs Guidelines.*

Clarification Statement: *The agency and/or governing entity's written directive shall be in accordance with the New Jersey Law Against Discrimination (LAD) and/or the Civil Rights Act. This written directive may be a local ordinance, police department policy or a combination.*

1.4.3 A written directive establishes the agency's disciplinary process and potential corrective actions for all personnel, to include:

- a. Procedures, criteria, and authority to apply training in lieu of punitive discipline;**
- b. Procedures, criteria, and authority to apply counseling in lieu of punitive discipline;**
- c. Procedures, criteria, and authority to apply punitive disciplinary action;**
- d. A requirement that all training and counseling resulting from a performance issue are documented and forwarded to the CEO or designee;**
- e. A requirement that punitive actions applied as a result of discipline are documented and forwarded to the CEO or designee;**
- f. Establishment of an appeal or grievance procedure or process in matters of discipline or corrective action.**

Clarification Statement: *The agency's written directive shall identify the forms of corrective and punitive action. The severity of the behavior or performance will determine the best course of action. The written directive shall be in accordance with the laws of the State of New Jersey, New Jersey Civil Service Rules (where applicable), and New Jersey Attorney General Guidelines on Internal Affairs. Punitive disciplinary action includes dismissal, demotion, suspension, fines (where permitted), and reprimands (oral or written).*

Procedures, criteria and authority should include clear instructions to all levels of supervision and management as to what level of supervision/management can apply what level of corrective actions. Examples: first line supervisors may only be permitted to apply training and counseling, but must recommend punitive discipline. First line supervisors may only be permitted to apply counseling or training subject to approval of higher-ranking authority.

Appeal and/or grievance procedures must be in compliance with applicable collective bargaining agreements. This standard does not imply that the right to appeal is granted in certain corrective actions unless specified in the agency's collective bargaining agreement(s).

1.5 - ORGANIZATION

- 1.5.1 Prior to appointment to a sworn position, all such personnel must give assurance of fidelity by taking an oath of allegiance to enforce the law and uphold the United States and State of New Jersey Constitutions.**

Clarification Statement: *This standard is applicable to entry level law enforcement positions, positions of higher rank, Sheriff's Officers, Prosecutor's Detectives & Investigators, and Special Law Enforcement Officers, Auxiliary Police Officers and Deputy Sheriff's Officers.*

- 1.5.2 A written directive requires the agency to adopt or promulgate a code of ethics. The code of ethics must be binding on all personnel, sworn and non-sworn. Additionally, the written directive must require that:**

- a. All personnel must acknowledge the code of ethics adopted by the agency;**
- b. The agency must provide all personnel with ethics training at least once every three years.**

Clarification Statement: *The code of ethics may be in the form of an agency policy, order, rules, regulations, ordinance, resolution, Statute, Administrative Code, employee manual, or any combination thereof. Agencies may adopt a code of ethics from local, state, or national law enforcement or government organization or an affiliate.*

- 1.5.3 The agency shall maintain a current organizational chart illustrating the organizational components assigned to each functional area of the agency. In addition, a written directive shall:**

- a. Describe each functional area of the agency;**
- b. Designate a person or position in charge of each functional area;**
- c. Designate to whom the person in bullet b reports to;**
- d. Establish succession of rank in the form of a chain of command or unity of command structure;**
- e. Designate a succession of command in the absence of the Chief Executive Officer;**
- f. Designate the person or position in charge of any incident involving different organizational components involved in the same incident with exceptions noted; and**
- g. Designate a person or position in charge of routine day-to-day operations.**

Clarification Statement: *A current table of organization and written functional description is necessary for good order of the agency. The table of organization and written functional description allows agency members to observe clear lines of authority and the organizational functions the agency is responsible for. The table of organization should be posted in the agency whether physically or electronically. The table of organization (organizational chart) does not have to contain the names of individual employees.*

Essential operational command requires clear lines of authority in the absence of the Chief Executive Officer. Written procedures should include provisions for command upon the absence of the person(s) normally responsible for such responsibility. Furthermore, procedures that authorize personnel with specialized skill or abilities to assume command in certain situations should be defined. The term "same incident" shall be broadly construed to mean a critical incident defined or addressed in Chapter 3.7 (Homeland Security) and may include special events, dignitary protection, and similar unusual incidents or responses. Exceptions noted would apply to large-scale operations with a unified command structure.

1.5.4 Law enforcement agencies are established by statute, administrative code, or local ordinance with a clear line of authority and responsibility, to include:

- a. A designation of the Appropriate Authority, if required;**
- b. Duties and responsibilities of the Appropriate Authority, if applicable;**
- c. A designation of a Chief Executive Official;**
- d. Duties and responsibilities of the Chief Executive Official;**
- e. If a civilian Chief Executive Official is designated, a clear delineation of the duties and responsibilities of the position. This requirement may be satisfied by written directive(s) other than statute, administrative code, or local ordinance.**

Clarification Statement: NJSA 40A: 14-118 establishes the requirements for municipal police departments. When a civilian Police Director or Director of Public Safety is the Chief Executive Official, a conflict could exist if the civilian CEO assumes certain duties and responsibilities reserved by statute to the Chief of Police. Such conflicts exist with issuing gun permits, viewing and/or reviewing internal affairs investigations, directing day-to-day activities of the agency, making arrests, and enforcing the law. State agencies, County Prosecutor's Offices, and Sheriff's Offices may not require appropriate authorities and bullets (a) and (b) may not be applicable.

1.5.5 A written directive addresses racially influenced policing and, at a minimum, includes the following provisions:

- a. A clear definition of racially influenced policing;**
- b. A prohibition against racially influenced policing in all law enforcement encounters;**
- c. A requirement that investigations into possible racially influenced policing is investigated consistent with Internal Affairs guidelines;**
- d. Corrective actions if racially influenced policing is found to have occurred;**
- e. Training agency enforcement personnel in the impropriety of racially influenced policing, including legal requirements and sanctions at least every three years;**

Clarification Statement: The discredited practice that is commonly referred to as Racially Influenced Policing is a longstanding criminal justice issue that needs to be addressed by every law enforcement agency in every jurisdiction. It is the sworn duty of every law enforcement agency and officer to protect the civil rights of all persons, and to safeguard the inalienable right to the equal protection of the laws.

If a law enforcement officer were to rely upon a person's race, ethnicity or gender when making decisions and exercising law enforcement discretion, the result would be to undermine public confidence in the fairness and integrity of the criminal justice system, alienate significant segments of society, foster disrespect for law enforcement authority and the institutions of government, and ultimately erode public support for law enforcement efforts to investigate and deter crime.

The law of selective enforcement under the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution is complex and evolving. While judicial decisions interpreting the Constitution serve as important guideposts for the law enforcement community, the courts are not the sole guardians of the Constitution; the Executive Branch is equally sworn to uphold it. Furthermore, in New Jersey the Attorney General may establish law enforcement policies designed to safeguard civil rights that go beyond the requirements of federal and State constitutional law. (Preamble to Attorney General Directive 2005-1)

1.6 - AGENCY EQUIPMENT & PROPERTY

- 1.6.1** *A written directive requires that all law enforcement-related equipment is maintained in an operational state and that the responsibility of the maintenance of the equipment is vested with the person or position responsible for the equipment.*

Clarification Statement: *All stored and assigned equipment must be maintained in a state of operational readiness in order to be deployed in short notice. Stored equipment such as firearms, civil disturbance gear, biohazard gear, and duty issued equipment should be inspected periodically to ensure operability. Personnel should be responsible for maintaining personal equipment issued to them by the agency. Law enforcement-related equipment also includes, but is not limited to: speed measuring devices, automated license plate readers, mobile data computers, mobile video recorders, etc.*

- 1.6.2** *A written directive establishes the agency's body armor program to minimally include:*

- a.** *A requirement that the agency provide or make body armor available to all sworn personnel;*
- b.** *Guidelines for the use, care, maintenance, and retirement of body armor;*
- c.** *A requirement that sworn personnel engaged in pre-planned high-risk operations must wear body armor while engaged in such operations.*

Clarification Statement: *Agencies should consider a mandatory wearing policy for personnel involved in field duties (bullet b). Special Law Enforcement Officers or Auxiliary Police Officers, who work in a seasonal capacity or in an emergency situation, must be included in this requirement if their duties expose them to risks similar to regular full-time personnel. Agencies may require SLEO and/or auxiliary police personnel to purchase body armor as a condition of their employment or service. Body armor can be obtained through a variety of sources including, but not limited to: agency budget, private donations, endowments, grants, foundations, unions, etc.*

1.7 - PUBLIC INFORMATION

1.7.1 A written directive establishes the public information function of the agency and minimally includes:

- a. A designated point of contact (public information officer/media officer);**
- b. Control of media access to areas or locations where uncontrolled access could interfere with law enforcement operations;**
- c. A process for issuing press releases.**

Clarification Statement: *The guidelines for media access should address that media representatives have the right to move about in public environments that are not restricted by law enforcement and nothing within the directive should preclude or prohibit that right. The release of information shall be in accordance with the New Jersey Governor's Executive Orders 9, 69, and 123, as amended and applicable law. A Public Information Officer/Media Relations Officer (sworn or non-sworn) should be designated as a single point of contact to minimize unauthorized release of sensitive or privileged information. Information concerning deaths or major crimes should be forwarded to the appropriate Prosecutor's Office, when applicable.*

1.8 - AGENCY RECORDS AND COMPUTERS

1.8.1 *A written directive ensures the security of the agency's central records including:*

- a. Controlling access to agency criminal and quasi-criminal records;**
- b. Authorization for after-hours access, if any;**
- c. Extra security measures for juvenile and confidential records; and**
- d. Extra security measures for non-public personnel records;**
- e. Procedures and criteria for release of agency records.**

Clarification Statement: *The security and integrity of an agency's central records function is critical to its mission. There should be clear guidelines on who may access the records, when, and how the access is documented. When the central records function is secure after normal working hours there needs to be control of access and permissions set to ensure the continued integrity. Security of electronic records should be maintained, especially for sensitive data (e.g., Megan's Law Registry, criminal intelligence, etc.) Release of records must be made in accordance with the New Jersey Open Records Act (OPRA) and applicable Court Rules pertaining to Discovery. Internal affairs records are not included in this standard.*

1.8.2 *A written directive establishes procedures to protect its central records computer system and applicable shared databases, if any, through:*

- a. Data backup and storage;**
- b. System security access;**
- c. Password protection; and**
- d. Annual security audit of agency's central records system;**
- e. Immediate audit of the agency's central records system if a breach of security is discovered; and**
- f. Password audit of applicable shared databases annually or in compliance with State requirements.**

Clarification Statement: *The protection of computerized records and data are critical to the agency's operations and compliance with State law. System access should be controlled through passwords, encryption, and other electronic controls. Physical security and system maintenance must be maintained at all times. This standard pertains to the computer or server that stores the agency's central records function and applicable shared databases such as NJCJIS, AOC applications, etc. For police departments, the central records function is the CAD/Records Management System and for other agencies it would mean similar electronic records management type programs/systems. NJCJIS and AOC passwords must also be audited in accordance with the NJSP CJIS User Agreement.*

1.9 - TRAINING

- 1.9.1** *A written directive requires the agency to record an employee's participation in training programs to ensure that the training records are current and obtainable when needed and to maintain employee training records in accordance with New Jersey Administrative Code and applicable retention schedule.*

Clarification Statement: *Employee records may be maintained by a computer-based and/or manual filing system.*

- 1.9.2** *A written directive requires the agency to maintain training records for any training classes/course it conducts or delivers to minimally include:*

- a. The course content or lesson plan;*
- b. Names of attendees;*
- c. Qualification and/or test results of individual attendees, if administered; and*
- d. Retention of training class/course records in accordance with New Jersey Administrative Code and applicable retention schedule.*

Clarification Statement: *The standard governs the agency's training records to include third party training entities that provide training to employees on behalf of the agency. This standard does not apply to training delivered by a governmental agency (e.g., police academy, Division of Criminal Justice, etc.) Training course records must be retained in accordance with NJDARM retention schedules.*

- 1.9.3** *All sworn law enforcement officers must complete a basic recruit training program certified by the New Jersey Police Training Commission.*

Clarification Statement: *Required by NJSA 52:17B-68. Recruit training for Special law Enforcement Officers and Auxiliary Police Officers is addressed in Section 2.6. Prosecutor's Offices and Sheriff's Offices may accept a valid PTC certification for an applicant from another New Jersey Law Enforcement Agency.*

1.9.4 A written directive establishes a field training officer (FTO) program for all new sworn law enforcement officers to include the following:

- a. A selection process for potential field training officers;**
- b. A position within the agency to oversee the field training program;**
- c. A minimum of four (4) weeks in the FTO program for new officers;**
- d. Initial training of field training officers;**
- e. In-service (refresher) training of field training officers at least every three years;**
- f. Rotation of the new officer's field assignments;**
- g. Standardized evaluation guidelines used by field training officers;**
- h. A listing of required reports, evaluations, and responsibilities; and**
- i. A retention period for FTO reports and evaluations.**

Clarification Statement: Training in actual field conditions must follow basic training to complement classroom training. Socialization to the agency with an experienced and motivated field-training officer (FTO) facilitates this process. Potential FTOs should demonstrate self-motivation and should exemplify agency values. Initial training of prospective FTOs does not need to be delivered in a police academy or other formal class. Concerning bullet f, rotation of assignments can include rotating new officers through different FTOs, rotating new officers through different units, shift, tours, zones, districts, functions, etc. The agency should establish reporting mechanisms to document the training and evaluation of new officers.

Prosecutor's Offices and Sheriff's Offices need to establish some type of field training program to prepare newly employed sworn personnel for their new positions. Upper management appointees are not required to take a field-training program. Upper management appointees include, but are not limited to: Prosecutors, Assistant Prosecutors, Sheriffs, Under-Sheriffs, Chief Warrant Officers, or other constitutional positions.

1.9.5 Law enforcement volunteers shall receive training in those authorized and assigned duties.

Clarification Statement: *Volunteers include, but are not limited to Domestic Violence Crisis Team volunteers, Community Emergency Response Team volunteers (if under the command and control of the law enforcement agency or CEO). Minimally, training should consist of applicable agency personnel policies and procedures, such as harassment in the workplace, workplace violence, etc.*

1.9.6 The agency ensures that all newly promoted personnel are provided with requisite training needed to accomplish new assignments, responsibilities and tasks.

Clarification Statement: *The training can be in-house training or training provided by a training entity. The training should either occur prior to or within the first year following the promotion. Civilian personnel that are promoted to positions where they are responsible for the activities of others shall be included in this standard.*

1.9.7 A written directive identifies the agency's practice concerning remedial training and requires that all remedial training be documented.

Clarification Statement: *The directive should specify the circumstances and criteria when remedial training is needed to correct performance at all functioning levels of the agency. Remedial training can result from a disciplinary matter or through supervisory observation. The agency should empower its supervisory corps to apply remedial training at the lowest level, when practicable. Remedial training can take many forms and need not be formal. Documentation of remedial training is important, even when applied informally. Examples include, but are not limited to: report writing, preliminary criminal investigation, defense driving, etc.*

1.9.8 A written directive establishes and defines the agency's in-service training program for all personnel to include:

- a. A listing of mandatory in-service training topics;**
- b. The frequency of the in-service training topics;**
- c. A listing of available or required specialized training, if any;**
- d. Appointment of a coordinator or coordinators to manage the required training;**

Clarification Statement: *The agency should ensure that their sworn law enforcement officers complete the mandatory in-service law enforcement training established by the New Jersey Division of Criminal Justice to include legal updates training. Agencies are free to establish voluntary/discretionary training requirement consistent with the New Jersey Division of Criminal Justice or its County Prosecutor. Training shall also include programs required by the New Jersey State Association of Chiefs of Police Law Enforcement Accreditation Program and New Jersey Attorney General Directives 2004-3 and 2005-2. Specialized training can include, but is not limited to: weapons instructor training, DARE training, school resource officer training, telecommunicator refresher, emergency medical dispatch refresher, etc. The training coordinator is responsible for ensuring that mandatory training is scheduled as required. The training coordinator may be a sworn officer, civilian employee, outside vendor, or any combination thereof. Training may be provided by an instructor or through electronic means.*

1.9.9 The agency provides for initial and annual refresher training in awareness level hazardous materials for those employees who, in the course of their normal duties, may encounter an emergency involving hazardous material.

Clarification Statement: *None.*

1.9.10 A written directive requires regular training and periodic readiness exercises for any personnel assigned to or participating in any tactical services unit/team, if applicable.

Clarification Statement: *The tactical team may be an agency subcomponent or a regional team and may be referred to as ESU, ERT, CERT, SWAT, hostage negotiators, etc. The agency can determine the frequency, delivery, and content of the training and readiness exercises and may account for different tasks and assignments. Training records shall be maintained in accordance with 1.9.1 and 1.9.2.*

1.9.11 Accreditation managers who are newly assigned to the function receive New Accreditation Manager Training within 1-year of assignment.

Clarification Statement: *None.*

1.10 - AUTHORIZATION AND USE OF AGENCY WEAPONS & AMMUNITION

1.10.1 A written directive establishes the agency's weapons and ammunition requirements. Minimally, the written directive shall include provisions for:

- a. A requirement that the agency's Chief Executive Officer/Official authorize all weapons and ammunition used in law enforcement responsibilities;**
- b. A listing of all agency approved weapons including on and off duty weapons, mechanical force and enhanced mechanical force weapons, and specialized weapons;**
- c. A listing of the agency approved ammunition, including less lethal ammunition, off duty ammunition, and ammunition used in specialized weapons;**
- d. A listing of agency approved munitions, if applicable;**
- e. A requirement that a certified weapons instructor or armorer inspect and approve all weapons listed in bullet b;**
- f. A procedure to remove unsafe weapons and to provide a replacement if repairs cannot be made;**
- g. A requirement to maintain a record on each weapon approved by the agency; and**
- h. Guidelines for the safe storage of agency authorized firearms and enhanced mechanical force weapons.**

Clarification Statement: *The Chief Executive Officer/Official must authorize all weapons and ammunition that an officer intends to use in his/her law enforcement responsibilities. Since officers derive their authority to carry a firearm by virtue of their sworn positions by statute, the CEO can mandate what and what cannot be carried, even in an off duty capacity. This standard does not require the CEO to authorize weapons and/or ammunition used for recreational purposes such as hunting and target shooting. Instead, the CEO must authorize weapons and ammunition carried by officers as a result of their law enforcement authority to include: on duty weapons, off duty weapons, backup weapons (where authorized), mechanical force weapons, enhanced mechanical force weapons (electronically conducted weapons), duty ammunition, off duty ammunition, back up ammunition, less-lethal ammunition, etc.*

Specialized weapons include, but are not limited to: long guns (shotguns, rifles, submachine guns, carbines, bolt rifles, etc.), grenade launchers, etc. Munitions include chemical munitions, distraction devices, and similar products.

It is critical that all weapons are inspected to ensure functionality. It is not necessary to test fire each firearm. A standard functionality test should suffice. Off duty, back up, and other personally owned weapons must be inspected and approved. It is not necessary to test fire each OC canister or activate chemical munitions or distraction devices. Agencies should clearly quarantine any stored weapon or ammunition that should not be used. This quarantine can be accomplished by "red-tagging" each weapon or by securing the weapons or ammunition in a separate area or cabinet.

Although canine physical contact is considered a form of mechanical force, law enforcement canines are subject to the provisions of the standards in Chapter 1.10.

Agencies must maintain a record of all approved weapons and ammunition to ensure accountability and justify budgetary expenditures. Additional records include, but are not limited to: invoices, purchase orders, trade-in receipts, packing slips, etc.

1.10.2 A written directive requires that only agency personnel who have qualified with or been assessed proficiency in the use of agency - authorized weapons be approved to carry such weapons. All agency personnel authorized to carry weapons are required to receive in-service training, to minimally include:

- a. Semi-annual use of force training;**
- b. Firearms qualification at least semi-annually or more frequently as defined by the agency;**
- c. Less lethal weapons training and proficiency assessment at least every two years;**
- d. Weaponless control techniques training at least every two years, if applicable;**
- e. A requirement that qualification, training, or proficiency assessment must be monitored by a certified weapons or tactics instructor;**
- f. A requirement that qualification and proficiency assessment must be documented; and**
- g. A procedure for remedial training for those personnel who are unable to qualify with an authorized weapon prior to resuming official duties.**

Clarification Statement: *The intent of this standard is to address the carrying and use, both on and off duty, of all weapons, such as handguns, shotguns, chemical sprays, striking weapons, electronically conducted weapons, and tactical weapons authorized in Standard 1.10.1. Proficiency assessment may include achieving minimum qualifying scores on a prescribed course; attaining and demonstrating a knowledge of the laws concerning the use of authorized weapons and knowledge of agency policy(s) on the use of force, mechanical force, and deadly force; and/or being familiar with recognized safe-handling procedures for the use of these weapons. Instruction and proficiency testing or assessment with all weapons must be provided/monitored by a certified weapons instructor.*

Semi-annual in-service use of force refresher training need not be as formal as entry level or recruit training. Use of force retraining can be accomplished through a combination of methods; for example, during shift briefing training sessions, reviewing legal updates on use of force issues, electronic delivery, or conducting written or skills tests on use of force and less than lethal weapons during semi-annual firearms qualifications courses. Proficiency levels should be established by the agency with input from certified weapons instructors or others in the agency who can validate the criteria. Assessment of proficiency with less lethal weapons may consist of the same criteria used at entry level, or the course may be modified to either abbreviate or extend the training, based on the agency's experience with the weapon in the field.

The intent of bullet (g) is to ensure that remedial measures are provided, and that an employee failing to achieve proficiency with a weapon is not returned to duty with that weapon until such time as proficiency is assessed and documented.

Unless they are applied properly, neck restraints and other similar compliance techniques that rely on cutting off the flow of oxygen to the brain have the potential to cause serious injury or death. Therefore, any agency that authorizes the use of such techniques should ensure that its personnel are properly trained in the use of these techniques so that the possibility of injury is minimized. In addition to the initial training, the agency should also provide biennial refresher training to ensure that the skills required for proper application are maintained.

CHAPTER 2

THE PERSONNEL FUNCTION

Personnel are the life-blood of any organization. Law enforcement agencies have an obligation to develop its employees to their fullest extent to better serve the population. Agencies should provide some benefits to satisfy employees' security needs in the form of a pension, health benefits, liability protection, disability and death benefits, educational benefits, and employee assistance, if available and when applicable. Such benefits may be provided by collective bargaining agreements, State Statute or Administrative Code, local ordinances, written directives, or any combination thereof.

Protocols for in the line of duty death and serious injury notification and aftermath should conform to procedures sanctioned by the Concerns of Police Survivors, Inc. or similar organization.

Extra duty and outside employment should be strictly regulated by the agency and should conform to applicable New Jersey Attorney General's opinions, New Jersey Department of Community Affairs Local Finance Notices, pension laws and rulings, and Federal Code.

Performance evaluation should be a daily occurrence that is summarized at least annually. The standards in this manual establish a minimum standard. Agencies are encouraged to exceed the minimum requirements.

An effective early warning system is essential to any law enforcement organization. Potential issues should be identified and corrected before misconduct occurs.

The promotion process may be conducted in accordance with applicable law and New Jersey Administrative Code (Civil Service jurisdictions). To minimize the potential for damaging litigation, the promotional process should be as objective as possible and based upon measurable criteria. Political influence should be avoided to the extent possible.

Agencies should establish fair and defensible recruitment processes to attract underrepresented minorities and females to the sworn workforce to the extent possible. Agency demographics should reflect the community it serves. Diversity is encouraged.

Candidates for sworn positions should undergo a stringent selection process to screen out potential future problems. Candidates for non-sworn positions should also undergo a similar process due to the sensitive nature of the information shared and accessed in a typical agency.

2.1 - PERSONNEL BENEFITS & RESPONSIBILITIES

2.1.1 **A written directive describes the agency's employee assistance program, if any.**

Clarification Statement: *Employee assistance programs are essential to enhance morale and can provide professional support or referral to professional support for a variety of personal issues that employees encounter.*

2.1.2 **A written directive establishes procedures for the agency's Line of Duty Death and Serious Injury Program.**

Clarification Statement: *Preplanned procedures to inform the family of an employee suffering a line of duty death or serious injury are paramount to effectively responding to the incident. A line of duty death or serious injury can cause the agency to enter a state of crisis without proper preparation and procedures. Providing the employee's family emotional and follow up support is a duty of the agency. Outside agencies such as the local PBA, FOP, Concerns of Police Survivors[®], or mental health crisis response team should be consulted for assistance.*

2.1.3 **A written directive establishes the agency's extra duty employment process for sworn personnel and minimally requires that:**

- a. **Personnel must receive CEO authorization to engage in extra duty employment;**
- b. **Personnel assigned to extra duty must be considered on duty;**
- c. **Personnel shall adhere to all agency written directives while engaged in extra duty employment;**
- d. **Personnel are subject to suspension or revocation from extra-duty privileges for violations of written directives, if permitted by applicable collective bargaining agreement or other competent authority; and**
- e. **The CEO designates an official in charge of administering extra duty employment assignments.**

Clarification Statement: *As per the New Jersey Attorney General's legal opinion dated 12/1/77, only sworn officers employed and compensated through the municipality will be considered on-duty for liability and indemnification purposes. As per a memorandum issued by the Chief of the Section of Pensions in the State of New Jersey, "...only service as a policeman or fireman paid by an employer is considered creditable service..." under PFRS (N.J.S. 43:16A4) and other conditions or types of employment may affect the accidental disability and death benefits of the PFRS.*

2.2 - PERFORMANCE EVALUATION

2.2.1 A written directive establishes the agency's performance evaluation system and must:

- a. Have statement defining the purpose of the performance evaluation system;**
- b. Establish and define behavioral criteria for evaluation;**
- c. Establish rating scale (scores);**
- d. Require that the employee be provided with a copy of the completed evaluation if he/she so wishes;**
- e. Establish an redress process for contested evaluations;**
- f. Establish evaluator responsibilities, to include procedures for use of forms;**
- g. Require that performance evaluations are maintained according to applicable records retention schedules; and**
- h. Provide for training of evaluators.**

Clarification Statement: A performance evaluation system is critical to identifying performance deficiencies in personnel and providing strategies for improvement. Agencies must clearly establish the purpose of such a system. Some agencies may use such performance evaluations solely to improve performance while others may utilize such a system in determining promotional potential or determining suitability for specialized assignments. Agencies must clearly inform its personnel in what manner such a system will be used. Employees should be provided with a copy of their completed evaluations so the process is open and fair. Performance evaluations must be maintained in accordance with applicable NJDARM retention schedules. Training should include initial training and refresher training at intervals defined by the agency.

2.2.2 A written directive mandates that all full-time employees (sworn and non-sworn) receive documented annual performance evaluations described in Standard 2.2.1. The agency may mandate more frequent performance evaluations. The Chief Executive Officer/Official and employees exempted by law or valid collective bargaining agreement are exempt from this requirement.

Clarification Statement: The exemption shall apply to the chief law enforcement official within the agency (e.g., the exemption would apply to the County Prosecutor and not the Chief of Detectives within a County Prosecutor's office. The exemption would apply to the County Sheriff and not the Chief Sheriff's Officer, and/or Undersheriffs within a County Sheriff's Office). Performance evaluations are not required for Auxiliary police officers. Agencies should consider more frequent performance evaluations for probationary employees in order to provide a basis for any decisions to terminate for incapacity. Employees exempted by law or by a valid collective bargaining agreement are not subject to performance evaluations.

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

- a. The actions or behaviors that should be monitored and documented;**
- b. Supervisory responsibilities;**
- c. Middle management's responsibilities;**
- d. Supervisory or command intervention to correct behavior; and**
- e. Referral (voluntary or involuntary) to the employee assistance program described in Standard 2.1.1 or counseling, when warranted, if available.**

Clarification Statement: *The New Jersey Attorney General Guidelines on Internal Affairs requires a personnel early warning system to identify its potential problems prior to an internal affairs review or implementation of disciplinary action. Agencies should establish criteria for invoking a review. Such criteria may include, but is not limited to: absenteeism, tardiness, use of force incidents, on-the-job injuries, vehicle collisions, unexplained dismissal of court cases, etc.*

Agencies should consider including positive indications of performance in order to gather a more complete synopsis of an employee's patterns of behavior. A personnel early warning system can be paper-based, electronic, or any combination of the two.

2.3 - PROMOTION OF SWORN PERSONNEL

2.3.1 *A written directive describes the agency promotional process for sworn personnel to include provisions for:*

- a.** *Eligibility requirements;*
- b.** *Written tests, if any;*
- c.** *Oral interviews, if any;*
- d.** *Scoring of seniority credit pursuant to NJSA 40A: 14-129, where applicable; (non-Civil Service Commission agency)*
- e.** *Review or process to redress the results/outcome;*
- f.** *Establishment of promotional lists when more than one person is eligible;*
- g.** *Establishment of the duration of any promotional lists, if applicable;*
- h.** *Identification of person(s) or government agency responsible for administering the promotional process.*
- i.** *A probationary period (working test period), if applicable.*

Clarification Statement: *The New Jersey promotional process is governed by NJSA 40A: 14-129 and NJSA 40A: 14-130, for non-Civil Service municipalities and by NJAC 4A:4-2.4 et seq. for Civil Service agencies. It is recognized that an agency that follows Civil Service guidelines in the promotional process will meet the guidelines of this standard. For those agencies that do not use Civil Service guidelines for promotions, the agency's testing processes (written and oral) should be administered, scored, evaluated and interpreted in a uniform, non-discriminatory manner. County Prosecutors are empowered by law to establish superior officer positions in the County Investigator category and to make appointments to those positions at his/her sole and exclusive discretion*

2.4 - RECRUITMENT OF SWORN PERSONNEL

2.4.1 *The agency shall participate in a recruitment program for sworn personnel and maintain a written recruitment plan. The recruitment plan shall minimally:*

- a.** *Contain a statement that the agency is committed to Equal Employment Opportunity;*
- b.** *Define goals and objectives;*
- c.** *Establish activities to achieve stated goals and objectives;*
- d.** *Require an annual review of the recruitment plan;*
- e.** *Establish a process to revise the plan, when necessary*

Clarification Statement: Clarification Statement: *The recruitment plan should be developed and implemented with the overall goal to increase sworn representation that reasonably reflects the demographics of the service area the agency serves. The annual review should include an explanation of progress, if any, made towards achieving the stated objectives and an explanation of any changes required to the recruitment plan. Agencies under a United States Department of Justice Consent Decree must contact the NJSACOP Accreditation Program Manager.*

2.5 - SELECTION OF PERSONNEL

2.5.1 ***A written directive describes the process for selection of new full-time personnel.***

Clarification Statement: *Non-Civil Service agencies are authorized to select candidates for appointment to the law enforcement agency pursuant to applicable statutes and local ordinances, where applicable. Civil Service agencies are governed by Civil Service Commission Rules and local ordinances, where applicable. The selection process should describe any testing, interview, résumé, and application process used to screen prospective personnel. The CEO or Appropriate Authority should ensure that the selection process elements are evaluated and scored in a consistent manner. County Prosecutors have been given broad powers to appoint such persons to the position of County Investigator in order to afford the Prosecutor a suitable investigatory staff and may appoint consistent with NJSA 2A: 157-10.*

2.5.2 ***A written directive requires that a background check shall be conducted on all candidates (sworn and non-sworn) prior to appointment. The background check shall include at the minimum:***

- a. ***A fingerprint check for criminal record;***
- b. ***A check of the applicant's driving history, if driving is a requirement of the position;***
- c. ***A review of the candidates application to confirm/verify meeting eligibility requirements for the position applied for;***
- d. ***Verification of at least three personal references;***
- e. ***Candidates for sworn positions shall be checked against the New Jersey Central Drug and Domestic Violence Registries.***

Clarification Statement: *Comprehensive background investigations are essential in determining the qualifications of the candidate for the position under consideration. For all candidates for a sworn position, a check of criminal history with particular attention to any acts of domestic violence, sexual abuse, stalking, elder or child abuse is essential in determining fitness for the position. For sworn and non-sworn candidates with CJIS access, a criminal history check is essential in complying with the New Jersey Criminal Justice Information System (CJIS) Security policies.*

2.5.3 ***A medical examination must be performed prior to appointment for all sworn positions to establish fitness for the position, following a conditional offer of employment.***

Clarification Statement: *Enrollment in the Police and Firemen's Retirement System (PFRS) is mandatory for all candidates receiving such sworn appointments. A medical examination is required for enrollment in the PFRS system.*

2.5.4 ***The agency conducts psychological testing on candidates for sworn positions before appointment. The psychological testing must be administered by a licensed professional after a conditional offer of employment is issued.***

Clarification Statement: *None*

2.6 - SPECIAL & AUXILIARY LAW ENFORCEMENT OFFICERS

2.6.1 *A written directive establishes the agency's Special Law Enforcement Officer Program, to minimally include:*

- a. Formal authority for the program through statute, local ordinance or regulation;*
- b. Inclusion of special law enforcement officers in the agency's organizational chart or table of organization;*
- c. Selection criteria;*
- d. Successful completion of a PTC-approved basic training program with exemptions noted;*
- e. Establishment of duties and responsibilities;*
- f. Uniform requirements;*
- g. In-service training requirements;*
- h. If use of force and/or weapons are authorized, a requirement that SLEO personnel receive training, qualify, and receive proficiency assessment with the same frequency as regular officers.*

Clarification Statement: *Special Law Enforcement Officers must be established consistent with NJSA 40A: 14-146.8 et seq. Required training includes any training required by the New Jersey Attorney General or applicable County Prosecutor's Office.*

2.6.2 *A written directive establishes the agency's Auxiliary Police Officer Program, to minimally include:*

- a. Formal authority for the program through local ordinance or resolution;*
- b. Inclusion of auxiliary officers in the agency's organizational chart or table of organization;*
- c. Selection criteria;*
- d. Successful completion of a PTC-approved basic training program with exemptions noted;*
- e. Establishment of duties and responsibilities;*
- f. Uniform requirements;*
- g. In-service training requirements;*
- h. If use of force and/or weapons are authorized, a requirement that SLEO personnel receive training, qualify, and receive proficiency assessment with the same frequency as regular officers.*

Clarification Statement: *Auxiliary police officers have the same duties and responsibilities as regular police officers only in a declared state of emergency or on an official training mission. An auxiliary police officer's training mission shall be broadly interpreted.*

CHAPTER 3

THE OPERATIONS FUNCTION

This chapter addresses the delivery of core (basic) services to the public. Typical daily operational procedures need to be codified and formalized to maximize consistency of service. Agency practices need to be examined and committed to writing. Practices need to be lawful, ethical, and in compliance with current criminal procedure, court decisions, Attorney General Guidelines and Directives, and applicable Prosecutor's Guidelines and Directives.

Procedures should be considered "programmed decisions" to guide operational decision-making in the field. Unless impracticable, procedures should not be step-by-step instructions, unless otherwise necessary.

Current internal written directives should be modified as quickly as practicable to include new laws and court decisions. Training in any new laws or court decisions should be delivered and documented in accordance with Standard 1.9.8.

The New Jersey Attorney General's Guidelines on the Use of Force indicate that the use of force should never be considered routine. All use of force incidents need to be reviewed to ensure the integrity of the agency's practices. All pursuit incidents must also be reviewed.

Because Prosecutor's Offices and Sheriff's Offices are not typically first-response agencies, some of the standard requirements may not be fully applicable. For example: a Prosecutor's Office may not have a communications function, but should still record basic information to log its personnel's time spent on investigations in order to have empirical data with which to base staffing needs. A Prosecutor's Office may not have its own traditional two-way radio system and may instead rely upon push-to-talk telephone technology. If an agency relies upon another agency to provide its communications function, that other agency must meet the standards. Examples include: regional communications centers, etc.

Traffic safety and enforcement is a core function of local law enforcement agencies. Prosecutor's Offices and Sheriff's Offices may not routinely enforce traffic laws and some standards may not be applicable.

3.1 - ARREST, SEARCH & SEIZURE

3.1.1 A written directive establishes criteria for warrantless searches in accordance with contemporary criminal procedural requirements. Minimally, the written directive shall address:

- a. Consent searches;**
- b. Stop and frisk;**
- c. Motor vehicle searches with probable cause and an exigency;**
- d. Crime scene searches;**
- e. Exigent circumstances, community caretaking, or emergency aid doctrine;**
- f. Inventories of seized vehicles or other property;**
- g. Plain view, plain touch, plain smell;**
- h. Open fields;**
- i. Other situations authorized by state and federal criminal procedure.**

Clarification Statement: *The New Jersey State Constitution generally provides its citizens with more protections than the United States Constitution. Agencies should be careful to account for differences between US and NJ State Supreme Court interpretations. Other situations can include, but are not limited to: abandonment, search incidental to arrest, canine sniffs, etc.*

3.1.2 A written directive specifies the procedures for adult arrests and includes criteria for:

- a. Arrests made with a warrant;**
- b. Arrests made without a warrant;**
- c. The reports required by the arrest;**
- d. Fingerprinting requirements; and**
- e. Photographing (mug shot) requirements.**

Clarification Statement: *Agencies should consider informing its personnel of diplomatic and consular immunities in arrest or custody situations. Reporting mechanisms should be broadly construed to account for electronic reporting systems and any reports required by County Prosecutor's Offices.*

3.1.3 A written directive establishes procedures for alternate care for arrestee's dependents.

Clarification Statement: *None.*

3.1.4 A written directive establishes procedures for strip and body cavity searches. The procedures shall include:

- a. Qualifying criteria and supervisory approval for conducting strip searches without custodial confinement;**
- b. Qualifying criteria and supervisory approval for conducting strip searches and body cavity with custodial confinement;**
- c. A requirement that strip and body searches are conducted in private by a person of the same sex/gender, with exceptions noted; and**
- d. Reports and other documentation required.**

Clarification Statement: *The agency may utilize Attorney General Guidelines, Department of Corrections Guidelines, Administrative Code or any combination of these sources. Other documentation can include: search warrants, consent to search forms, physician's statements, etc.*

3.2 - INTERVIEW & INTERROGATION

3.2.1 *A written directive establishes procedures to assure compliance with all contemporary criminal procedural requirements related to:*

- a.** *Interviews (victim/witness, etc.)*
- b.** *Investigative detention interviews (field interviews);*
- c.** *Interrogations and the right to silence;*
- d.** *Interrogations and the right to legal counsel;*
- e.** *Additional requirements for juvenile interrogations;*
- f.** *Retention of field notes for interviews and/or interrogations; and*
- g.** *Criteria for electronic recording of interviews or interrogations.*

Clarification Statement: *U.S. and New Jersey Supreme Court decisions govern the required procedures and criteria for conducting interviews and interrogations. Written directives should be crafted to account for any judicial requirements unique to New Jersey law enforcement. Agencies should consult with its county Prosecutor's Office to determine the criteria for electronically recording interrogations.*

3.2.2 *A written directive establishes security protocols for interviews/interrogation room(s), to include:*

- a.** *Designation of authorized interview/interrogation rooms;*
- b.** *Weapons security or control;*
- c.** *Designating the maximum number of personnel permitted in the room(s) during an interview or interrogation;*
- d.** *How to summon assistance, if needed; and*
- e.** *Access to comfort breaks, if needed.*

Clarification Statement: *The purpose of this standard is to identify the designated rooms that an interview/interrogation should occur within. This standard applies to persons under arrest or suspected of committing a crime or offense, not crime victims. The agency shall establish a safe environment for law enforcement officers conducting the interview/interrogation.*

3.3 - USE OF FORCE

3.3.1 *A written directive establishes the agency's use of force policy and procedures to include at a minimum:*

- a. *A requirement that officers, and employees authorized to use weapons or force, will use reasonable force when force is used to accomplish lawful law enforcement objectives;*
- b. *Definition of applicable terms;*
- c. *Criteria for use of deadly force;*
- d. *Restrictions on use of deadly force;*
- e. *Criteria for use of mechanical force;*
- f. *Criteria for use of enhanced mechanical force, if applicable;*
- g. *Criteria for use of less lethal ammunition, if applicable;*
- h. *Criteria for exhibition or display of enhanced mechanical force, if applicable;*
- i. *A requirement to provide appropriate medical aid when someone is injured or complains of pain resulting from law enforcement force; and*
- j. *An annual summary of use of force incidents.*

Clarification Statement: *Use of force shall never be considered routine. The New Jersey Attorney General Guidelines on Use of Force with applicable addenda shall be used as a basis for the agency's written directive. Appropriate medical aid does not place the burden on the agency to have each injured person immediately evaluated at a medical facility. Appropriate medical aid may include increased observation to detect obvious changes in condition, flushing chemical agents from the eyes, applying first aid, evaluation by paramedics, or for more serious or life threatening incidents, immediate aid by medical professionals.*

3.3.2 *A written directive requires that a written report is submitted whenever an officer and employees authorized to use weapons or force:*

- a. *Discharges a firearm for other than training or recreational purposes;*
- b. *Applies deadly force;*
- c. *Applies mechanical force;*
- d. *Applies enhanced mechanical force, if applicable; or*
- e. *Applies weaponless physical force to any degree.*

Clarification Statement: This standard requires that agencies institute a mechanism to initiate a report any time force is used. This written report is the basis for the subsequent meaningful review of the use of force incident (see standard 3.3.3). Prompt and accurate reporting helps establish agency credibility. The reporting mechanism can be a paper report, electronic report, or electronic database through the agency's CAD/RMS.

If physically able, the primary employee involved should be required to verbally report his/her involvement within a specified time period. The verbal report should be committed to writing as soon as practicable, thereafter. Written procedures should state by whom, when, and how the report will be submitted. The standard is not intended to require documentation of any constructive authority or actions taken to euthanize animals.

3.3.3 The agency has a written procedure for a meaningful review of each use of force incident and any report or incident required by standard 3.3.2.

Clarification Statement: *None. See Glossary of terms for a definition of meaningful review.*

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

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

Agencies should consult with its County Prosecutor to determine whether a full investigation will occur before an officer can return to full duty.

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

3.4 - COMMUNICATIONS

3.4.1 *The agency maintains a two-way radio system (or equivalent) to communicate with field personnel.*

Clarification Statement: *Agencies may utilize a traditional two-way radio system or push-to-talk (PTT) wireless telephones or electronic devices. Compliance may be OBSERVED.*

3.4.2 *A written directive requires that the following information is obtained for each event or call for service:*

- a. Incident number;*
- b. Date and time of the incident;*
- c. Name and address and phone number of the reporting party, whenever practical and feasible;*
- d. Incident location;*
- e. Officer(s) assigned;*
- f. Time of dispatch;*
- g. Time of arrival;*
- h. Time of reporting back in service;*
- i. Disposition, if available*

Clarification Statement: *New Jersey LIERS reporting suggests the recording of the above bullets as a minimum for an incident report. Non-police law enforcement agencies, such as Prosecutor's Offices are not required to satisfy all of these requirements since they are not typically dispatched to assignments through a CAD system.*

3.4.3 *A written directive establishes communications protocols concerning:*

- a. Methods to identify field personnel;*
- b. Procedures for interagency communications;*
- c. Circumstances requiring additional field personnel in response to an incident;*
- d. Circumstances requiring the notification or response of a supervisor;*
- e. Procedures for responding to field personnel emergency assistance calls (officer needs assistance, etc.);*
- f. Procedures for handling misdirected or abandoned 9-1-1 calls.*

Clarification Statement: *Communications between field personnel and other field personnel and telecommunications operators are essential for day-to-day operations as well as emergency situations. Clear procedures should be promulgated to facilitate circumstances requiring communications and procedures to respond to emergency call for assistance. NJAC17:24-2.3a6ii requires all misdirected 9-1-1 calls to be directed to the appropriate PSAP.*

3.4.4 The Public Safety Answering Point (PSAP) used by the agency has the immediate playback capability of recorded 9-1-1 calls and radio communications. A written directive requires:

- a. That all 9-1-1 recordings shall be maintained for at least 31 days;**
- b. Procedures for routine securing of such recordings for the retention period;**
- c. Procedures for securing such recordings as potential evidence in criminal and/or administrative matters;**
- d. Procedures for requesting copies of stored recordings.**

Clarification Statement: NJAC 17:24-2.15 requires instant playback capabilities of emergency 9-1-1 calls by all PSAP's. NJAC 17:24-2-4a1 requires recordings produced by the logging recorder be maintained in a secure manner for no less than 31 days. Procedures should be established to secure recordings of evidentiary value. Agencies may establish additional procedures for preserving non-9-1-1 telephone calls.

3.4.5 The Public Safety Answering Point responsible for the agency shall internally or externally provide emergency medical dispatch instructions. All public safety telecommunicators handling such calls must maintain certification in Emergency Medical Dispatch.

Clarification Statement: All PSAP's shall provide emergency medical dispatch instructions. The Telecommunicator shall be certified in accordance with NJAC 17:24-2.2. The emergency medical dispatch function may be delegated by the agency to an external PSAP provided the external PSAP complies with the training requirements set forth in NJAC 17:24-2.2.

3.4.6 The agency maintains an emergency back-up generator to provide power to its dispatch/communications equipment (radio and telephones) and performs quarterly generator testing of the generator or in conformance with manufacturer's recommendations. The generator must be tested or operated under a full load at least annually.

Clarification Statement: An emergency generator operating on full load during a power outage may satisfy this requirement; but the intent of this standard is to provide regular testing of the generator, the transfer switch, and to identify any uninterruptable power sources that may need replacement. Emergency generators might not be allowed to operate for normal testing/maintenance on a certain day, depending on New Jersey's Air Quality for that day, in accordance with the Department of Environment and Energy rules at NJAC 7:27-19.2(d).

Revised record keeping requirements by the New Jersey Department of Environmental Protection and Energy were issued effective February 1, 2007. Routine maintenance or testing may not be performed if poor air quality is expected. The NJDEP web site (www.state.nj.us/dep/aqpp/aqforecast/index.htm) shows the predicted air quality to determine if testing or maintenance is allowed.

Agencies without a PSAP must require that the regional or contracted communications center comply with this requirement.

3.5 - FIELD ACTIVITIES

3.5.1 A written directive establishes guidelines for responding to calls for service.

Clarification Statement: *The agency is free to classify its response modes. Terms such as emergency response, priority response, urgent response, routine response and/or any combination of such terminology should include guidelines for using emergency lights and sirens. Agencies can restrict certain classifications of vehicles from certain types of responses, e.g., SUVs, truck chassis vehicles, all terrain vehicles, etc. Law enforcement agencies without first responder responsibilities (e.g., Prosecutor's Offices, Sheriff's Offices, etc.) still require some type of response guidelines.*

3.5.2 A written directive establishes guidelines concerning pursuit of motor vehicles, to include:

- a. **Defining important terms;**
- b. **Authorization to pursue;**
- c. **Evaluating the circumstances;**
- d. **Role of the initiating officer;**
- e. **Role of any secondary unit(s);**
- f. **Establishing pursuit restrictions;**
- g. **Role of communications;**
- h. **Role of the supervisor or officer-in-charge;**
- i. **When to terminate a pursuit;**
- j. **Reinstating a previously terminated pursuit;**
- k. **Engaging in inter and intra jurisdictional pursuits;**
- l. **Requiring all personnel involved in a pursuit to file a formal report as defined by the agency;**
- m. **Requiring a meaningful supervisory or command review of each pursuit; and**
- n. **Requiring an annual, documented summary of all pursuit incidents, and a written annual analysis of all pursuit incidents in the aggregate.**

Clarification Statement: *Terms used in the written directive need to be clearly defined. Concerning bullet f, agencies can consider restricting certain types of vehicles from pursuit driving, such as: unmarked vehicles, vehicles with a high potential to overturn, motorcycles, bicycles, all terrain vehicles, Segway's, etc. Restrictions should also account for traffic patterns unique to the agency, such as school zones, traffic volume, etc. Inter-jurisdictional pursuits are typically defined as agency vehicles pursuing in other jurisdictions. Intra-jurisdictional pursuits are typically defined as other law enforcement agencies pursuing within the agency's geographic boundaries. The annual analysis should examine the past year's vehicle pursuits in the aggregate to discover any patterns or trends that need to be addressed.*

Agencies utilizing a regional communications center must still comply with bullet g. The regional communication center's procedures relating to pursuits shall satisfy this requirement.

Agencies may want to consider regulating any subsequent foot pursuits that result from a terminated vehicular pursuit.

3.5.3 A written directive establishes procedures for roadblocks, tire deflation devices, boxing in, or heading off pursued vehicles, to minimally include:

- a. **Establishing criteria for the use of such tactics or devices;**
- b. **Establishing procedures for such tactics;**
- c. **Establishing post-stop procedures or guidelines;**
- d. **Requiring supervisory approval, with exceptions noted;**
- e. **Requiring written documentation of each incident on a form/report defined by the agency;**
- f. **Requiring a meaningful supervisory or command review of each incident; and**
- g. **Requiring training in the use such tactics or devices.**

Clarification Statement: Agencies shall establish some type of procedures or guidelines to follow for when a vehicle is stopped using these tactics. Agencies can reference any high-risk stop procedures required by Standard 3.6.1. In accordance with Attorney General's Guidelines, practical hands-on training is required for tire deflation devices. This standard does not require a separate reporting or meaningful review mechanism from the reporting requirement in Standards 3.5.3l and 3.5.3m if the tactics used resulted from a pursuit, except where required (i.e. tire deflation devices).

3.5.4 A written directive establishes protocols for dealing with emotionally disturbed persons, persons suffering mental disturbances or emotional crises to minimally include:

- a. **Recognizing the potential symptoms;**
- b. **Tactics and procedures for dealing with such persons in field and custodial encounters;**
- c. **Procedures for voluntary referral to available mental health resources (government and/or non-governmental entities);**
- d. **Criteria and procedures for taking a person suffering from mental illness or emotional crisis into involuntary custody;**
- e. **Initial training of sworn agency personnel; and**
- f. **Triennial refresher training for sworn personnel.**

Clarification Statement: The State of New Jersey is responsible for providing care, treatment and rehabilitation services to mentally ill persons who are disabled and cannot provide basic care to themselves or who are dangerous to themselves, to others, or to property. Because involuntary commitment entails certain deprivations of liberty, it is necessary that State law balance the basic value of liberty with the need for safety and treatment, a balance that is difficult to affect because of the limited ability to predict behavior.

The New Jersey Department of Human Services, Division of Mental Health and Services Screening Outreach, specifically NJAC 10:31-8.1 through 10:31-8.3, establish protocols for mental health screening, as does NJSA 30: 4-27 et seq.

3.6 - TRAFFIC SAFETY & ENFORCEMENT

3.6.1 ***A written directive establishes procedures to conduct motor vehicle stops including stops where the risk to the officer is high or unknown.***

Clarification Statement: *Due to the fact that this is one of the most frequent types of contacts made between law enforcement officers and the public, there are two separate but equally important issues that must be addressed. First, this is a stressful time for citizens. The courtesy and positive image that is shown by the officer will not only make this contact less confrontational but will also enhance the image of the officer and the agency. The second issue involves safety. Both the safety of the officer and the safety of the motoring public must be considered when establishing these procedures.*

3.6.2 ***A written directive establishes the agency's traffic enforcement policies in accordance with applicable New Jersey State Statutes or Municipal/County Ordinances to include:***

- a. Driving under the influence of alcohol/drugs;***
- b. Operating with a suspended driver's license or registration;***
- c. Operating in excess of the posted or statutory speed limits;***
- d. Hazardous moving violations (NJSA 39 Chapter 4);***
- e. Off-road or off-road vehicle violations;***
- f. Equipment and inspection violations (NJSA 39 Chapter 3 and Chapter 8);***
- g. Public carrier or commercial vehicle violations;***
- h. Licensing, registration or insurance violations;***
- i. Parking violations;***
- j. Newly enacted traffic laws (state, county, or local);***
- k. Enforcement at the scenes of traffic collisions;***
- l. Pedestrian violations; and***
- m. Bicycle and motorized bicycle violations.***

Clarification Statement: *The agency should establish traffic enforcement guidelines to aid officers in exercising discretion. While the short-term goal of traffic enforcement is to deter the potential violator, consistent traffic enforcement policies aid in achieving the long-term goal of traffic enforcement, which is to gain voluntary compliance with the law. Complaints of differential treatment can be mitigated with such consistent policies.*

Hazardous moving violations include, but are not limited to: reckless driving, careless driving, passing a stopped school bus or frozen dessert truck, improper passing, etc. Off-road violations include vehicles being driven off-road, or off-road vehicles being driven on public lands and highways. Newly enacted traffic laws also include local ordinance changes or enactments (parking or moving). Agencies may wish to establish a grace period or warning period for newly enacted or revised traffic laws.

3.6.3 A written directive establishes criteria and procedures to ensure uniform action is taken in regards to the following traffic law violation options:

- a. Warnings (verbal and/or written);**
- b. Uniform Traffic Ticket issuance; and**
- c. Arrest of the violator.**

Clarification Statement: *Equal and uniform treatment of traffic law violators is critical in not only the public's perception of the agency but also in its ability to properly prosecute a violation and to make sure all state and local requirements are met. The severity of the violation or multiple violations should be taken into account in enforcement options that the officer has available. Physical arrests should be restricted to only the most serious of violations as provided for in New Jersey State law and/or constitutional interpretation by the courts.*

3.6.4 A written directive establishes traffic enforcement protocols for the following situations:

- a. Persons who are not residents of the service area;**
- b. Juvenile operators;**
- c. Criteria for referral to the NJ Motor Vehicle Commission for reexamination;**
- d. Government officials;**
- e. Foreign diplomats or consular officials; and**
- f. Personnel of the United States Armed Forces or reserve component.**

Clarification Statement: *Non-residents can include out-of-state operators or non-residents of the agency's jurisdiction. Refer to US Department of State Publication 10969, "Consular Notification and Access" for requirements if foreign diplomats or consular officials are detained longer than required for a normal traffic stop. Refer to US Department of State Publication "Diplomatic and Consular Immunity: Guidance for Law Enforcement and Judicial Authorities" for immunity guidelines.*

3.6.5 A written directive establishes procedures for traffic direction and/or control, minimally:

- a. With hand signals/gestures/whistle for personnel directing and/or controlling traffic;**
- b. At the scenes of traffic collisions;**
- c. At the scene of fires, utility emergencies, or other events;**
- d. During weather emergencies, road collapses, etc.;**
- e. When manually operating traffic control signals, if authorized;**
- f. When using flares, cones, barricades or other temporary traffic control devices; and**
- g. A requirement that all personnel directing or controlling traffic must wear reflective clothing or reflective vests at all times.**

Clarification Statement: *None.*

3.7 - HOMELAND SECURITY

- 3.7.1** *A written directive establishes procedures that complement its parent jurisdiction's Office of Emergency Management's Basic Plan. The plan will use the established protocols for Incident Command and the National Incident Management System as a model by covering, at a minimum, the five (5) following functional areas: command, operations, planning, logistics, and administration.*

Clarification Statement: *NJS App.A:9-33, et seq., establishes the statutory authority to create local emergency management councils (LEMC) and emergency management coordinators (EMC) to provide for the health, safety, and welfare of the people. A law enforcement agency falls under its local comprehensive basic plan maintained by the jurisdiction's Office of Emergency Management. Each agency needs to have its own plan in order to know its responsibilities, authority, and purpose within the basic plan. Subordinate to this basic plan shall be procedures in order to deal with the plethora of issues that face a law enforcement agency that are considered unusual in nature. These include, but are not limited to: homeland security matters, natural and man-made disasters, barricaded persons, bomb threats, terrorist acts, and other matters requiring a coordinated response from different components of the agency or coordination with other law enforcement or support agencies. Essentially, this law enforcement plan needs to establish the duties and responsibilities of the agency and its personnel. The requirements in Section 3.7 should be binding on the agency and its personnel and not on non-agency personnel. All terminology should be consistent with National Incident management System and Incident Command System terms, except where otherwise required.*

- 3.7.2** *The Command Section shall account for the following functional areas or responsibilities:*

- a.** *Establishing an incident commander;*
- b.** *Establishing a field command post;*
- c.** *Mustering additional agency personnel;*
- d.** *Requesting mutual aid, when necessary;*
- e.** *Establishing a public information officer (official) or function;*
- f.** *Establishing a safety officer (official) or function;*
- g.** *Establishing a liaison officer (official) or function; and*
- h.** *Ensuring that the incident is documented, reviewed, and forwarded to the CEO.*

Clarification Statement: *The command function is a mandated ICS protocol. The first officer on the scene of any incident is typically the incident commander until relieved by competent authority. The field command post can be any identifiable location, structure, or vehicle. Mutual aid is a viable option to obtain immediate assistance. The appointments in bullets f, g, and h may be assumed by the incident commander, delegated to one person or position, delegated to multiple persons or positions, or may be pre-established in other written directives. The incident should be documented to memorialize the incident and to provide a mechanism for post-incident critique.*

3.7.3 The Operations Section shall account for the following functional areas or responsibilities:

- a. Organization, assignment, and supervision of tactical field resources;**
- b. Establishment and supervision of staging area(s), when necessary;**
- c. Establishment of inner and outer perimeters;**
- d. Maintain a manageable span of control;**
- e. Managing evacuation(s) of affected area, when necessary;**
- f. Traffic management.**

Clarification Statement: *The operations function is a mandated ICS protocol. Depending on the magnitude of the incident, the Operations Section Chief may be the incident commander him/herself. The Operations Section Chief (OSC) is responsible for all tactical field resources. The OSC must establish a staging area for arriving personnel, when necessary. The staging area should have well defined ingress and egress routes to facilitate movement of personnel, equipment, and resources. Managing an effective span of control will usually involve delegating tasks and responsibilities to others in the form of task forces, strike teams, and single resources. Traffic management may include detour plans, signage, temporary traffic control devices, etc.*

3.7.4 The Planning Section shall account for the following functional areas or responsibilities:

- a. Gathering, analyzing, and disseminating information and intelligence;**
- b. Managing the planning process;**
- c. Compiling the incident action plan;**
- d. Managing technical specialists; and**
- e. Preparing a demobilization plan.**

Clarification Statement: *The planning function is a mandated ICS protocol. The planning section maintains resource status, develops alternative strategies, and provides documentation services. The planning section plays a significant role in preparing the written incident action plan. The planning section can be staffed further with a resource unit, situation unit, demobilization unit, and documentation unit, all depending on the magnitude of the incident. For large-scale incidents, any situation unit can be helpful. The demobilization plan can assist in ensuring that resources are released from the incident in an orderly, safe, and cost-effective manner.*

3.7.5 The Logistics Section shall account for the following functional areas or responsibilities:

- a. Communications;**
- b. Medical support to incident personnel;**
- c. Food for incident personnel;**
- d. Supplies;**
- e. Facilities; and**
- f. Ground support.**

Clarification Statement: *The logistics function is a mandated ICS protocol. Communications can include portable radios or agency/personal cellular telephones and electronic devices. Ground support can include transportation services for personnel, detainees, and evacuees.*

3.7.6 The Finance/Administration Section shall account for the following functional areas or responsibilities:

- a. Financial and cost summaries and/or analyses;**
- b. Overseeing contract negotiations, when required;**
- c. Tracking personnel and equipment time;**
- d. Tracking costs of equipment and consumable supplies; and**
- e. Processing of claims for accidents, injuries, and liability issues.**

Clarification Statement: *The administration function is a mandated ICS protocol. Contractual negotiations do not include collective bargaining agreements. Contractual negotiations include the procurement of resources requiring contracts for items such as supplies, equipment, vendors, leases, etc. Large magnitude incidents may require a time unit, procurement unit, compensation/claims unit, and a cost unit.*

CHAPTER 4

THE INVESTIGATIVE FUNCTION

This chapter does not specifically require a full-time or separate detective or investigative bureau, division, or unit. Rather, this chapter addresses the criminal investigation function. The criminal investigation function is typically used when conducting follow up investigations or functions not routinely handled by a typical patrol function. In smaller agencies, patrol officers may be assigned to conduct follow up investigations when necessary.

Although the property and evidence function is included in this chapter, there is no requirement that the property and evidence process must be a duty and responsibility of the criminal investigation function. Some agencies may have a separate property & evidence function, an identification unit, or the function may be the responsibility of patrol or central records. The Chief Executive Officer or Official of the agency is free to decide upon the placement of each function within the organizational structure.

4.1 - CRIMINAL INVESTIGATION

4.1.1 A written directive establishes a case management system for the criminal investigation function, to include:

- a. A case screening system;**
- b. A system for managing case status by using case designations/classifications;**
- c. Types of records or exemplars to be maintained in criminal case files;**
- d. Restricting access to active case information/files; and**
- e. Procedures for purging files.**

Clarification Statement: Case screening helps to determine what cases require a follow-up investigation and what cases are subject to early case closure. A management system for cases should specify information that should be recorded for each case to allow the supervisor to monitor the progress with each case and determine case status. The types and format for records maintained whether electronic or paper format shall be established. Access to the case files or information should be protected through a computer password or restricting access to files/information to operationally necessary personnel. Closed cases should also be restricted and be maintained in central records. If a paper system is used by the agency, working copies should be used in the case files and all original stored in records. The purging of records shall be in accordance with N.J.A.C. 15:3. Criminal intelligence is not addressed in this standard.

4.2 –CRIME SCENE PROCESSING

4.2.1 **The agency has access to qualified personnel capable of processing a crime scene and/or traffic crash scene on a 24-hour basis.**

Clarification Statement: *If a crime/traffic crash scene occurs that requires the collection of physical evidence, the agency must have the ability to ensure the prompt collection and preservation of evidence on a 24-hour basis. Qualified personnel shall mean the person(s) responsible for the collection and preservation of evidence has the skills to accomplish the task. Agencies may have skilled personnel on-call or may have the ability to acquire such personnel from another agency. The New Jersey Attorney General Directive on Traffic Crash Protocol 2004-2 details investigative protocol on fatal crashes.*

4.2.2 **A written directive establishes guidelines regarding evidence found at crime scenes and crash investigations, to include:**

- a. **Identifying physical evidence;**
- b. **Preserving physical evidence;**
- c. **Processing physical evidence;**
- d. **Collection of physical evidence; and**
- e. **Documenting any transfer of custody while in the field.**

Clarification Statement: *This standard applies to all persons involved with the collection, preservation, processing, and collection of evidence. The agency shall be governed by the New Jersey Division of Criminal Justice Guidelines on Property and Evidence, the New Jersey State Police Evidence Field Manual or other authoritative publication(s).*

4.2.3 **A written directive establishes procedures for the submission of evidence to a forensic laboratory, which include:**

- a. **The identification of person(s) responsible for evidence submissions;**
- b. **Transmitting and packaging of evidence;**
- c. **Documentation or web-based transactions needed for transmitting and receiving evidence; and**
- d. **Requirement that laboratory results are documented and submitted in writing.**

Clarification Statement: *The submission to the forensic laboratory shall be in accordance with the New Jersey State Police Evidence Field Manual or other similar publication on the subject.*

4.3 –STORAGE OF EVIDENCE & PROPERTY

4.3.1 A written directive establishes procedures for receiving into the agency's custody all evidence/property obtained by employees, to include:

- a. Requiring all evidence/property to be recorded into the agency reporting system and placed under the control of the evidence/property function prior to the conclusion of the employee's tour of duty (shift), with exceptions defined by the directive;**
- b. Requiring documentation explaining how the evidence/property came into the officer's/agency's possession;**
- c. Requiring guidelines for packaging and labeling evidence/property prior to submission to the property/evidence control function for storage;**
- d. Requiring extra precautionary/verification measures for handling exceptional, valuable, or sensitive evidence/property items;**
- e. Notifying the rightful owner that the agency has custody of the evidence/property; and**
- f. Establishing a documented chain of custody up to and including release of evidence/property.**

Clarification Statement: *The agency shall be governed by the New Jersey Division of Criminal Justice Guidelines on Property and Evidence as well as the New Jersey Attorney General Directives on Evidence Retention (2010-1 and 2011-1). Packaging procedures may be in accordance with the New Jersey State Police Evidence Field Manual or other similar publication on the subject. Extra precautionary measures can include, but are not limited to: refrigeration of perishable evidence, safeguards for handling firearm evidence, safeguards for handling evidence with the potential for contamination (blood and other body fluids, etc.), supervisory or secondary employee verification of cash/currency evidence, supervisory or secondary employee verification of jewelry and precious metals evidence/property, etc. This standard does not apply to arrestee, detainee, or prisoner property.*

4.3.2 A written directive requires that all evidence/property in the agency's custody is stored in designated secure area(s), to include:

- a. Designation of a primary property/evidence custodian;**
- b. Designation of alternate property/evidence custodian(s), if applicable;**
- c. Restricting access to stored evidence/property to authorized personnel; and**
- d. Establishing enhanced security or storage measures for exceptional, sensitive, or valuable evidence/property**

Clarification Statement: *The agency has a legal obligation to maintain the integrity and security of evidence and property in its possession. Access to designated storage areas must be controlled to mitigate the potential for theft, alternation, or contamination to maintain the chain of custody. The agency shall be governed by the New Jersey Division of Criminal Justice Guidelines on Property and Evidence.*

The law agency must provide adequate space to organize and maintain a property vault/repository that will facilitate the storage, auditing and retrieval of property and evidence. In addition, the storage facility must provide adequate security and control. The design of a property vault will be unique for every law enforcement agency. The three primary considerations are the volume and type of property held, the overall security of the agency facility, and the total available space.

Some items of evidence/property require enhanced security measures including, but not limited to: currency, jewelry and precious metals, CDS, firearms, ammunition, explosives (including fireworks), flammables, vehicles, etc. The agency may set its own guidelines and determine the degree of extra security required. Some examples of extra levels of security are locked containers/areas within the evidence repository, cameras, motion sensors, etc. Restrictions on access additional locked storage areas may also be used to satisfy the standard. The standard does not require or imply that each evidence/property item classified as requiring an extra level of security, have its own separate secure area.

The agency should have refrigerated storage for perishable items, such as blood, urine, DNA and other perishables. Use of this refrigerated storage shall be restricted to the property/evidence custodian(s). There is no requirement to lock the refrigerated storage appliance if the device is already in a secured area.

The agency needs to provide secure storage for large bulk items such as vehicles, bicycles, and other large items, etc. Designated areas and/or special procedures should be provided. Examples: the agency may not have its own secured facility for vehicle storage and may rely on a sub-contractor to provide a secured facility. Security provisions should be built in to any quote or bid for such services. Vehicles may be stored in a public works facility with restricted access. Frequent directed and documented patrols of such a facility may satisfy the requirement for security-by-procedures.

4.3.3 Secure storage lockers/areas/cabinets/facilities are provided for the temporary storage of evidence/property when the evidence/property room is closed or otherwise unavailable. A written directive establishes procedures for the temporary storage of evidence and property, to minimally include:

- a. **Key or access control;**
- b. **A requirement to notify the property/evidence custodian if temporary lockers, areas, cabinets, or facilities are at capacity or if the size or composition of the evidence/property makes it impossible to adequately secure the evidence/property.**

Clarification Statement: *Temporary evidence/property storage is required to maintain the chain of custody and integrity of property/evidence when the main evidence/property facility is closed or unattended. The agency shall be governed by the New Jersey Division of Criminal Justice Guidelines on Property and Evidence. The agency is free to determine the methods used. The agency needs to establish provisions for the temporary storage of perishable evidence. The key provision is that no one should have access to property and evidence that has been temporarily stored until claimed by the property/evidence custodian, with exceptions noted.*

Keys to the lockers must be a type that cannot be reproduced without proper written authorization. Procedures for temporary storage of property should require the officer to place the property into a locker compartment, lock the locker and secure the key from reuse until released by the property/evidence custodian. The property officer, upon coming on duty, would remove the property from the sealed locker by using a master key. The property officer would then place the property items in the vault after following proper inventory and logging procedures.

At times, the storage capacity of temporary lockers, cabinets, etc., is at capacity. At times, property or evidence may be too large to secure in the lockers, cabinets, or areas provided for temporary storage. The agency should provide procedures to summon the property/evidence custodian in these cases.

4.3.4 A written directive establishes procedures to ensure the security and accountability of any evidentiary item or in-custody property used by the agency for investigative or training purposes, to minimally include:

- a. **Written permission of the Chief Executive Officer;**
- b. **Assurance that any item of evidence is from a final adjudicated case with exceptions noted, if any;**
- c. **Assurance that any item of in-custody property has exceeded the required retention period and owner notification requirement with exceptions noted, if any; and**
- d. **Written permission of the County Prosecutor's Office when using contraband items.**

Clarification Statement: *It is important that the agency maintains the security and integrity of these items. Although property and evidence should be returned to the rightful owner when legal requirements have been met, some evidence and property may be useful for training or investigative purposes, such as canine scent training, sting/decoy operations, etc. Found property must be returned to the rightful owners or finder in accordance with State Statute. Adjudication of a case shall include any mandatory appeal period.*

4.3.5 A written directive establishes quality control protocols and procedures for evidence/property while in the agency's custody, to minimally include:

- a. A semi-annual inspection of evidence/property storage areas by the person responsible for the evidence/property control function or his/her designee to ensure adherence to agency procedures governing storage of evidence/property;**
- b. An audit of evidence/property occurs whenever there is a change of the evidence/property custodian, evidence/property function supervisor, or chief law enforcement officer;**
- c. An audit of evidence/property occurs whenever there is any indication or suspicion of a breach of the property/evidence repository;**
- d. An annual representative audit of evidence/property held by the agency is conducted by a supervisor outside of the chain of command for the evidence/property control function; and**
- e. An unannounced inspection of evidence/property storage areas, as directed by the agency's chief executive officer, at least once every three years.**

Clarification Statement: *Inspection and audit processes are essential to maintaining the integrity of the property function. There should be a complete audit of stored property as well as selected or random audits of completed transactions on a routine basis. To provide a completely independent source of verification, a representative of the county prosecutor's office could assist the property officer during the audit.*

Audits in bullet b and bullet c should begin with a complete inventory of all items currently in the property repository. The inventory of the property vault should then be used to verify the accuracy of the central filing system. An audit of completed transactions should be conducted by examining the case files to verify that required notifications and release authorizations have been properly submitted. In addition, a legitimate basis for the release decision should be clearly apparent in the file. Audits in bullet b and bullet c must account for all items designated by the agency's written directive as 'high-risk' (e.g. cash, precious metals, jewelry, firearms, perishable, DNA, and CDS). For non high-risk evidence and property, a representative sampling is sufficient. All discrepancies should be recorded and reported to the county prosecutor.

The semi-annual inspection is conducted to determine if the evidence/property storage areas are being maintained in a neat and organized manner that protects the integrity of the evidence/property and in accordance with the agency written directive. The inspection does not require an audit of property and/or evidence.

The term "representative audit" will vary depending on the total number of items held by the agency. The representative audit shall be meaningful, but not a specific amount or percentage of the total number of items in storage. The sampling may include evidence/property from different years, different types of cases, different shelves/cabinets, or different rooms, areas, etc. Some agencies may not have the fiscal or human resources to conduct an audit of such a large magnitude on an annual basis.

The unannounced inspection is conducted to determine if the evidence/property storage areas are being maintained in a neat and organized manner that protects the integrity of the evidence/property and is directed by the agency's chief executive officer.

Inspections and audits should be documented and maintained in agency files.

4.4 – JUVENILE MATTERS

4.4.1 A written directive establishes procedures for taking juveniles into custody for delinquency or a warrant to include, at a minimum:

- a. Definition of juvenile delinquency and other relevant terms;**
- b. Fingerprint & photograph requirements;**
- c. Use of holding or temporary detention;**
- d. Ensuring that the juvenile's constitutional rights are protected;**
- e. Bringing the juvenile directly to processing or other approved location;**
- f. Notifying their parents or guardians; and**
- g. Reporting requirements.**

Clarification Statement: *Juvenile custody is governed by NJSA 2A: 4A-20 et seq.*

4.4.2 A written directive establishes procedures for taking juveniles into short-term custody to include, at a minimum:

- a. Definition of short-term custody and other relevant terms;**
- b. Definition of Juvenile Family Crisis;**
- c. Criteria for short-term custody;**
- d. Restrictions on secure detention;**
- e. Custodial time limits;**
- f. Ensuring that the juvenile's constitutional rights are protected;**
- g. Bringing the juvenile directly to the agency, other approved location, or home;**
- h. Notifying their parents or guardians; and**
- i. Reporting requirements.**

Clarification Statement: *Juvenile custody is governed by NJSA 2A: 4A-20 et seq.*

4.5–SPECIAL INVESTIGATIONS & OPERATIONS

4.5.1 A written directive establishes procedures for special investigations involving criminal activity associated with organized crime, narcotics, and vice crimes to minimally include:

- a. Reporting procedures or processes;**
- b. Procedures for processing the complaint/information;**
- c. Maintaining a record of complaints/information and/or investigations;**
- d. Maintaining a record of information shared with or received from another agency;**
- e. De-confliction procedures; and**
- f. Procedures for informing the CEO of activities related to this function.**

Clarification Statement: *Special criminal investigations, such as crimes that involve sensitive information, require policy and procedure that may differ from other types of criminal investigations due to their very nature. Crimes involving organized crime, narcotics, and vice-related offenses are typically handled by specially trained investigators, who are experienced and equipped to handle such investigations. Because of its very nature, these types of crimes often involve special investigative techniques such as covert surveillance, decoy, undercover, or raid operations.*

Reporting procedures can vary from agency to agency. Reporting processes should include procedures for receiving intelligence data from agency personnel, other law enforcement or governmental entities (e.g., code enforcement, Division of Children and Families, Prosecutor's Offices, etc.), or citizens at large (e.g., emails, letters, tip lines, public forums, etc.)

4.5.2 A written directive establishes guidelines for conducting surveillance, decoy, raid and or undercover operations, if applicable.

Clarification Statement: *Special investigative operations such as surveillance, decoy, raid and undercover missions have a degree of uncertainty and danger that routine law enforcement operations don't have. Special procedures focusing on officer safety and operational security should be developed and followed. Supervisory oversight and control should be built into the procedures to allow for support and guidance to reduce risk and agency liability. De-confliction should be considered.*

4.5.3 A written directive governs confidential informants/sources. The written directive shall minimally include:

- a. Definition and/or classification of informants;**
- b. Maintenance of criminal informants in a master log or protected database;**
- c. Records to be maintained in each informant file, to include biographical information, background information, criminal history record, if any, and code name or number of each informant;**
- d. Security of the confidential informant files including related codes;**
- e. Protection of the identity of informants as allowed by law;**
- f. De-confliction procedures for informants/sources, when required;**
- g. If a confidential fund exists and informant payments are allowed by the agency, the criteria for allowing informant payments;**
- h. Mitigating risks when dealing with informants; and**
- i. Mitigating risks when dealing with juvenile informants, if used.**

Clarification Statement: *The use of confidential informants shall be controlled by the agency to prevent the potential for abuse. The written directive should be comprehensive to address the requisite areas above. Agencies that do not use confidential informants/sources may transfer the informant to another law enforcement entity for control, (e.g., county prosecutor, state police, or DEA). Once transferred, the informant becomes the responsibility of and is governed by the controlling entity. Cash funds used with confidential informants must be addressed in accordance with Standard 1.2.1.*

4.5.4 A written directive establishes protocols for accepting complaints of and investigating adult missing persons to include, at a minimum:

- a. A requirement to accept missing person complaints without any waiting period;**
- b. A listing of potential resources to aid in the investigation;**
- c. Obtaining an initial description of the missing person;**
- d. Obtaining information related to possible reason(s), abductor(s), destination(s), etc.;**
- e. Immediate entry or without delay of the information in NCIC/CJIS;**
- f. Clear or cancellation of located missing persons through NCIC/CJIS;**
- g. Procedures for latent investigations;**
- h. Search procedures, where applicable; and**
- i. A definition of and additional procedures applicable to high-risk missing persons.**

Clarification Statement: *Agencies should be guided by the applicable provisions of NJSA 52B-212 (Patricia's Law) and NJSP missing person protocols. All or some of this standard may not be applicable to prosecutor's offices and sheriff's offices unless these entities have jurisdiction. Examples: a prosecutor's office may only be involved with latent investigations and searches and the remainder of the standard may not be applicable. A sheriff's office may typically be a support agency and only certain bullet apply, but it needs to satisfy the standard if a person is missing from a courthouse or county property and the sheriff's office has primary jurisdiction.*

4.5.5 A written directive establishes procedures for investigating missing juveniles, to include, at a minimum:

- a. Circumstances when to notify a supervisor;**
- b. Circumstances when to invoke immediate inter and intra-agency assistance;**
- c. Criteria and procedures for activation of AMBER Alert Systems or other public notification systems;**
- d. Criteria and procedures for activating the County Prosecutor's Child Abduction Response Team;**
- e. Search procedures, where applicable;**
- f. Duties of call takers, first responders, supervisors, and investigators; and**
- g. Procedures for latent investigations.**

Clarification Statement: *The procedures required in this standard do not need to be in a directive separate from adult missing persons. All or some of this standard may not be applicable to prosecutor's offices and sheriff's offices unless these entities have jurisdiction. Examples: a prosecutor's office may only be involved with latent investigations and searches and the remainder of the standard may not be applicable. A sheriff's office may typically be a support agency and only certain bullets apply, but it needs to satisfy the standard if a person is missing from a courthouse or county property and the sheriff's office has primary jurisdiction.*

4.5.6 A written directive establishes procedures for investigating unidentified persons, adult and/or juvenile, alive or dead.

Clarification Statement: *None*

4.5.7 A written directive establishes procedures to comply with the New Jersey Safe Haven Infant Protection Act.

Clarification Statement: *None*

CHAPTER 5

THE ARRESTEE/DETAINEE FUNCTION

Persons arrested or detained fall under the care and control of the agency until their release. Once a person is arrested, he/she must be controlled through the use of restraining devices and searched for weapons, evidence, and possible implements of escape. Transportation to a processing or detention facility must be accomplished safely and as soon as practicable. Vehicles used for arrestee/prisoner transportation should be modified to retard unauthorized egress or access.

Smaller agencies may not have a temporary holding facility. County and State agencies may not have separate booking/processing facilities. Examples: a County Sheriff's Office may not process or detain arrestees. This function may be performed by a County Jail. A County Prosecutor's Office may also use a County Jail or local law enforcement facility to process its arrestees.

Security and control should be in compliance with current criminal procedure and applicable law and administrative code.

5.1 – TRANSPORTING ARRESTEES/PRISONERS

5.1.1 *A written directive establishes procedures for transporting arrestees, detainees, and/or prisoners to minimally include:*

- a. All vehicles used for arrestee, detainee, prisoner transportation must be searched at the beginning of each shift;*
- b. Prior to and following transportation of arrestees, detainees, and prisoners, the rear seat must be inspected;*
- c. The arrestee, detainee, prisoner must be searched before being transported;*
- d. The arrestee, detainee, prisoner must be secured in handcuffs or other restraining device during transportation, with exceptions noted;*
- e. Identification and authorization of restraining devices other than standard handcuffs used during transportation.*

Clarification Statement: *None*

5.1.2 *If detainees are routinely transported alone in the rear of agency vehicles, the rear compartments are modified to minimize opportunities for exit without the aid of the transporting officer.*

Commentary: *Cages, safety barriers, deactivating power to windows and/or removal of window cranks and door handles from the rear compartment are modifications that should be considered by the agency to minimize unauthorized exit from the vehicle. The agency may also have a written directive that requires a secondary officer to be seated with the detainee if and when there are no physical barriers to minimize unauthorized exit. If Prosecutor's Offices utilize local law enforcement agencies to transport arrestees, that local agency need to conform to this standard.*

5.2 – PROCESSING OF ARRESTEES

5.2.1 A written directive addresses the processing of arrestees including:

- a. **Designation of a processing area/room;**
- b. **Supervision of arrestees;**
- c. **Control of weapons in the processing environment;**
- d. **Emergency alarm activation and response;**
- e. **Equipment or items authorized in the processing area/room;**
- f. **Storage of communications devices during an Alcotest, when applicable; and**
- g. **Escape prevention control measures.**

Clarification Statement: *This standard does not apply to detention or holding areas within court facilities or jails, or if the agency has no authorized temporary detention rooms, areas, or location. This standard is also not applicable to agencies that do not have processing rooms or areas.*

Processing is defined as a room or area where a detainee is fingerprinted, photographed, or tested such as Drug Recognition Expert examinations and Alcotest instrument tests.

Processing areas should contain only those items of equipment and consumable supplies necessary to process an arrestee.

5.3 – HOLDING OF ARRESTEES/DETAINEES

5.3.1 *A written directive addresses the temporary detention of arrestees, detainees, and/or prisoners and minimally includes:*

- a. Designation of specific rooms, locations, cells, and/or areas for temporary detention;*
- b. Search requirements;*
- c. Securing detainees in locked spaces, if any;*
- d. Restraining detainees to fixed objects, if authorized;*
- e. A requirement that male and female detainees shall be separated from each other;*
- f. Recording the person's name, sex, reason for custody, date and time in and out of temporary detention, date and time of each face-to-face check with checking staff member's signature or ID, and any meals provided; and*
- g. Retention of temporary detention records.*

Clarification Statement: *This standard, as well as standards 5.3.2 through 5.3.6, do not apply to detention or holding areas within court facilities or jails or if the agency has no authorized temporary detention rooms, areas, or locations and keep their detainees under constant supervision while being processed. A temporary detention room or area is defined as a location where detainees are locked in and left unattended.*

Temporary detention records shall be maintained in accordance with applicable NJDARM schedules.

5.3.2 *A written directive establishes security protocols in a temporary detention facility:*

- a. Weapons restrictions, with exceptions noted;*
- b. Emergency alarm activation and response;*
- c. Access to detainees;*
- d. Detainee escape prevention measures;*
- e. Suicide screening measures;*
- f. A determination whether 30 minute face-to-face checks, 15 minute face-to-face checks, or constant face-to-face observation is to be instituted;*
- g. Use of an audio and/or video surveillance system, if so equipped, to monitor detainees in between the face-to-face observations.*

Clarification Statement: *This standard is not applicable to agencies that do not have temporary detention rooms or areas.*

5.3.3 *A written directive requires personnel assigned to supervise detainees shall receive training in the supervision and care of detainees, as defined by the New Jersey Administrative Code for municipal detention facilities, including initial and refresher training at least once every three years.*

Clarification Statement: *None.*

5.3.4 *A written directive establishes a written plan for fire prevention, fire suppression and for the evacuation of the temporary detention locations if a fire or other emergency occurs.*

Clarification Statement: *This standard is not applicable to agencies that do not have temporary detention rooms or areas.*

5.3.5 *A written directive requires that a daily sanitation inspection and a weekly security inspection of the temporary detention rooms or areas is conducted and reported in writing to the officer in charge of the function.*

Clarification Statement: *This standard is not applicable to agencies that do not have temporary detention rooms or areas.*

SOURCES

NJSA 2A: 161-1 et seq.

NJSA 2A: 4A-31 et seq.

NJSA 2A: 4A-61 et seq.

NJSA 39: 1-1 et seq. (Motor Vehicle Code)

NJSA 40A: 14-118 et seq.

NJSA 40A: 14-146.8 et seq.

NJSA 41: 1-1 et seq.

NJSA 47: 1A-1 et seq.

NJSA 52: 17B-68 et seq.

NJSA 52: 17B-212 et seq.

NJAC 4A: 1-1 et seq. (Civil Service Commission Rules)

NJAC 10A: 31-1 et seq.

NJAC 10A: 34-1 et seq.

NJAC 17: 24-1 et seq.

New Jersey Executive Orders 9, 69, and 123 as amended

New Jersey Attorney General Guidelines on Internal Affairs

New Jersey Attorney General Model Rules & Regulations

New Jersey Attorney General Guidelines Use of Force

New Jersey Attorney General Guidelines Use of Electronically Conducted Weapons

New Jersey Attorney General Guidelines Use of Less Lethal Ammunition

New Jersey Attorney General Guidelines Property & Evidence Function

New Jersey Attorney General Guidelines Missing & Unidentified Persons

New Jersey Attorney General Model Guidelines on Alternate Care for Arrestee Dependents

New Jersey Safe Haven Infant Protection Act

New Jersey Attorney General School Search Manual

New Jersey Attorney General Directive 2005-2

New Jersey Attorney General Directive 2005-1

New Jersey Attorney General Directive 2004-3

New Jersey Attorney General Directive 2004-2

New Jersey State Police LIMS Guidelines

New Jersey State Police Evidence Field Manual

New Jersey Law Enforcement Handbook

New Jersey Law against Discrimination (LAD)

New Jersey Police Officer Standard Training Manual

New Jersey Auxiliary Police Organization & Training Plan

National Center for Missing & Exploited Children

National Center for Missing Adults

Project Lifesaver

New Jersey Silver Alert

New Jersey Amber Alert

New Jersey Safe Return program

International Association of Chief of Police Code of Ethics

Association of Professional Communications Officials Code of Ethics

29 CFR 1910.120

New York Accreditation Program

Florida Accreditation Program

Georgia Accreditation Program

Illinois Accreditation Program

Virginia Accreditation Program

CALEA Accreditation Program