



***Delaware Police  
Accreditation  
Commission***

***STANDARDS MANUAL***

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# TABLE OF CONTENTS

## CHAPTER 1 STANDARDS FOR ORGANIZATION AND MANAGEMENT ROLE

### Section 1 LAW ENFORCEMENT ROLE AND AUTHORITY

1.1.1 Oath of Office.....	8
---------------------------	---

### Section 2 LIMITS OF AUTHORITY

1.2.1 State Law Requirements .....	8
------------------------------------	---

1.2.2 Constitutional Requirements .....	9
---	---

1.2.3 Search and Seizure .....	9
--------------------------------	---

1.2.4 Arrest .....	9
--------------------	---

1.2.5 Strip and/or Body Cavity Searches.....	10
--	----

### Section 3 USE OF FORCE

1.3.1 Use of Force.....	10
-------------------------	----

1.3.2 Police Officer Defined.....	10
-----------------------------------	----

1.3.3 Warning Shots.....	10
--------------------------	----

1.3.4 Less Lethal Weapon and Control Devices.....	11
---	----

1.3.5 Providing Medical Aid.....	11
----------------------------------	----

1.3.6 Use of Force Reporting and Review.....	11
--	----

1.3.7 Officer Involved Shooting.....	11
--------------------------------------	----

1.3.8 Firearms and Ammunition .....	12
-------------------------------------	----

1.3.9 Weapons Proficiency .....	12
---------------------------------	----

1.3.10 Annual Weapons Proficiency Training.....	13
---	----

1.3.11 Annual Use of Force Training.....	13
--	----

1.3.12 Annual Use of Force Analysis.....	13
--	----

### Section 4 DIRECTION

1.4.1 Direction.....	14
----------------------	----

1.4.2	Duty to Obey Lawful Orders .....	14
1.4.3	Mission .....	14
1.4.4	Written Directives .....	15
<b>Section 5</b>	<b>ALLOCATION AND DISTRIBUTION OF PERSONNEL AND PERSONNEL ALTERNATIVES</b>	
1.5.1	Hiring Criteria .....	15
1.5.2	Basic Training Requirements .....	15
1.5.3	Part-time Officer In-service Training .....	15
1.5.4	Training Requirements for Use of Force and Firearms .....	16
1.5.5	Training Requirements for Seasonal Officers .....	16
1.5.6	Seasonal Officer Training Hours .....	16
1.5.7	Seasonal Officer Firearms Training Requirements .....	16
1.5.8	Non-sworn Personnel Training Requirements .....	16
<b>Section 6</b>	<b>FISCAL MANAGEMENT AND AGENCY OWNED PROPERTY</b>	
1.6.1	Accounting .....	17
<b>Section 7</b>	<b>COMPENSATION, BENEFITS AND CONDITIONS OF WORK</b>	
1.7.1	Conditions of Work .....	17
<b>Section 8</b>	<b>DISCIPLINARY PROCEDURES</b>	
1.8.1	Code of Conduct and Appearance Guidelines .....	18
1.8.2	Sexual Harassment .....	18
<b>Section 9</b>	<b>SELECTION</b>	
1.9.1	Background Investigations .....	19
1.9.2	Medical Examination / Drug Screen .....	19
<b>Section 10</b>	<b>TRAINING AND CAREER DEVELOPMENT</b>	
1.10.1	Maintaining Training Records .....	19
1.10.2	Training Records .....	20

1.10.3	Basic Law Enforcement Training Requirements	20
1.10.4	Field Training	20
1.10.5	In-service Training Requirements	21
1.10.6	Specialized In-service Training	21
1.10.7	Pre-Certified Field Training	21
<b>Chapter 2</b>	<b>STANDARDS FOR LAW ENFORCEMENT FUNCTION</b>	
<b>Section 1</b>	<b>PATROL OPERATIONS</b>	
2.1.1	Responding to Routine / Emergency Calls	22
2.1.2	Vehicle Pursuits	22
2.1.3	Body Armor for Sworn Employees	23
2.1.4	Body Armor During Preplanned, High Risks Incidents	23
2.1.5	Eye-Witness Identification	23
2.1.6	Electronic Recording of Custodial Interrogations	23
2.1.7	Body Worn Cameras	24
<b>Section 2</b>	<b>UNUSUAL OCCURRENCES AND SPECIAL OPERATIONS</b>	
2.2.1	Unusual Occurrence Planning Requirements	24
<b>Section 3</b>	<b>INTERNAL AFFAIRS ADMINISTRATION AND OPERATIONS</b>	
2.3.1	Complaint Against the Agency Procedures	25
<b>Section 4</b>	<b>TRAFFIC ENFORCEMENT</b>	
2.4.1	Traffic Enforcement Actions	25
2.4.2	Motor vehicle Immobilization Devices	26
<b>Section 5</b>	<b>LEGAL PROCESS</b>	
2.5.1	REMOVED	26
2.5.2	Execution of Legal Process Procedures	26
2.5.3	Civil Process	26
2.5.4	Execution for Civil Arrest	27

2.5.5	Execution of Criminal Process.....	27
2.5.6	Execution of Arrest Warrants.....	27
2.5.7	Property Acquired Through the Civil Process.....	27

## **CHAPTER 3 CUSTODY STANDARDS**

### **Section 3 PRISONER TRANSPORTATION**

3.1.1	Search of Prisoner Prior To Transport.....	28
3.1.2	Searching Prisoner Transport Vehicles.....	28
3.1.3	Prisoner Destination Requirements.....	28
3.1.4	Prisoner Transport Requirements.....	29
3.1.5	Notification of High-Risk Prisoners.....	29
3.1.6	Transporting Sick, Injured or Disabled Prisoners.....	29
3.1.7	Transporting Prisoners to Medical Care Facilities.....	29

### **Section 2 COURT SECURITY**

3.2.1	Court Security Procedures.....	30
-------	--------------------------------	----

### **Section 3 HOLDING AREAS**

3.3.1	Detention Area Training Requirements.....	30
3.3.2	Detention Area Minimum Requirements.....	31
3.3.3	Detention Area Fire/Smoke Alarm Requirements.....	31
3.3.4	Emergency Evacuations.....	31
3.3.5	Firearm Security in Detention Area.....	32
3.3.6	Security Check of Detention Areas.....	32
3.3.7	Monitor Equipment Used In Detention Areas.....	32
3.3.8	Detention Area Emergency Alarms.....	32

### **Section 4 DETAINEE PROCESSING**

3.4.1	Detainee Search Requirements.....	32
3.4.2	Detainee Items Storage Requirements.....	33

3.4.3	Detainee Intake Form Requirements.....	33
3.4.4	Detainee Separation Procedures.....	33
3.4.5	REMOVED.....	33
3.4.6	Mass Arrest Situations.....	34
3.4.7	Identification Procedures for Released Detainees.....	34
3.4.8	Property Release Procedures.....	34
<b>Section 5</b>	<b>MEDICAL AND HEALTH CARE SERVICES FOR DETAINEES</b>	
3.5.1	Medical Assistance to Detainees.....	34
3.5.2	Detention Area First Aid Kits.....	34
3.5.3	Documentation of All Distributed Medications.....	35
<b>Section 6</b>	<b>SUPERVISION OF DETAINEES</b>	
3.6.1	Detainee Supervision Requirements.....	35
3.6.2	Surveillance Equipment Requirements.....	35
3.6.3	Detainee Visitation.....	35
<b>Section 7</b>	<b>TEMPORARY HOLDING AREA</b>	
3.7.1	Temporary Holding Area Procedures.....	36
3.7.2	REMOVED.....	36
3.7.3	Detainee Security to Immovable Objects.....	36
3.7.4	Fire Prevention/ Evacuation Requirements.....	36
3.7.5	Security Concern.....	37
3.7.6	Temporary Holding Area Training Requirements.....	37
<b>CHAPTER 4 STANDARDS FOR SUPPORT SERVICE FUNCTIONS</b>		
<b>Section 1</b>	<b>COMMUNICATIONS</b>	
4.1.1	24 Hour Operations.....	38
4.1.2	Playback Capabilities.....	38
4.1.3	Telephone First Aid/ Lifesaving Requirements.....	38

4.1.4	Alternate Electrical Power Requirements .....	39
<b>Section 2</b>	<b>Records</b>	
4.2.1	Uniform Field Reporting .....	39
<b>Section 3</b>	<b>COLLECTION AND PRESERVATION OF EVIDENCE</b>	
4.3.1	Scene Processing Availability .....	39
4.3.2	Evidence / Property Transfer .....	40
<b>Section 4</b>	<b>PROPERTY AND EVIDENCE CONTROL</b>	
4.4.1	Property and Evidence Control Operations .....	40
4.4.2	Evidence/ Property Storage .....	41
4.4.3	Temporary Evidence/Property Storage .....	41
4.4.4	Authorized Access .....	41
4.4.5	Evidence/Property Room Inspection/Audits .....	42
<b>Section 5</b>	<b>FITNESS AND WELLNESS PROGRAM</b>	
4.5.1	Physical Fitness Requirements .....	42
4.5.2	Wellness Program Requirements .....	43

# CHAPTER ONE

## STANDARDS FOR ORGANIZATION AND MANAGEMENT ROLE

### 1.1 LAW ENFORCEMENT AGENCY ROLE

**1.1.1** A written directive requiring all law enforcement personnel, prior to performing their sworn duties, to take and subsequently abide with an Oath of Office to support, obey, and defend the constitution of the United States and the Constitution and the laws of Delaware and the governmental subdivision.

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

**Commentary:** *The Oath of Office shall include, at a minimum, the language required by Article XIV, Section 1 of the Constitution of Delaware, which states:*

*"I, (name), do proudly swear (or affirm) to carry out the responsibilities of the office of (name of office) to the best of my ability, freely acknowledging that the powers of this office flow from the people I am privileged to represent. I further swear (or affirm) always to place the public interests above any special or personal interests, and to respect the right of future generations to share the rich historic and natural heritage of Delaware. In doing so I will always uphold and defend the Constitutions of my Country and my State, so help me God."*

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

### 1.2 LIMITS OF AUTHORITY

**1.2.1** Written directives identifying the following:

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

**Commentary:** *The legal authority of the law enforcement agency is established in state statute (city/township/borough codes) and in most cases local legislation. The legal authority of the agency's law enforcement officers may be found in this same legislation while authorization to*



*carry weapons and the use of force may also be found in Federal statutes, the “Crimes Code” and/or department directives. Copies of applicable laws are adequate to satisfy this standard and do not have to be incorporated in a Department directive.*

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

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

**Commentary:** *These constitutional requirements, federal and state, are vital to the role and function of law enforcement in a free society. By complying with these constitutional requirements, law enforcement officers and law enforcement agencies ensure fair, legal, and equitable treatment of all people.*

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

- a. search by consent;
- b. stop and frisk of an individual under circumstances where the officer has legally articulable reasons to fear for his/her safety;
- c. search of a vehicle under a moveable vehicle exception;
- d. at the scene of a crime;
- e. exigent circumstances, as when the public safety is endangered;
- f. inventory searches of seized vehicles or other property; and
- g. other situations authorized or governed by United States and Delaware Constitutional provisions, Delaware Statutes, or case law.

**Commentary:** *The issue of search and seizure without a warrant by law enforcement officers requires the law enforcement agency to address those legal requirements within the context of constitutional decisions at the Delaware and Federal court levels and applicable case law findings. The Courts are constantly modifying the law and legal procedures and it is the responsibility of the agency to ensure that updated information is available to agency personnel.*

**1.2.4** A written directive specifying the legal requirements and procedures for any physical arrest, completed with or without an authorized warrant.

**Commentary:** *The authority of a law enforcement officer to arrest an individual, with or without a warrant, is governed by Title 11 S-1904 and S-1911 of the Delaware Code; Delaware statutes; and Delaware and Federal court decisions.*

*This area of the law is constantly changing. It is the responsibility of the agency and its personnel to stay informed by having current information available for review.*

**1.2.5** A written directive that governs procedures for strip and/or body cavity searches that include:

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

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

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

### **1.3 USE OF FORCE**

**1.3.1** A written directive stating that agency personnel shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish legitimate law enforcement purpose in conformance to the provisions of the Delaware Crimes Code, other Delaware statutory provisions, and applicable Federal Court decisions.

**Commentary:** *The law enforcement agency should have a clearly defined policy on the use of force, including deadly force, which complies with the provisions of Title 11 Section 467 of the Delaware Criminal Code, state and federal court decisions, and other statutory provisions.*

**1.3.2.** A written directive stating that a “police officer” (law enforcement officer) as defined in T-11 S-1911 of the Delaware Criminal Code shall only utilize deadly force when necessary and justified to effect lawful objectives in conformance to the provisions of the Delaware Crimes Code, other Delaware statutory provisions, and Delaware and Federal Court decisions.

**Commentary:** *T-11 S-467 of the DE Criminal Code provides provisions for the lawful and justified use of deadly force by a “police officer” (law enforcement officer). The use of force and deadly force may also be justified under the provisions of Section 464, “Use of force in self-protection” and Section 465, “Use of force for the protection of other persons” of the Delaware Criminal Code.*

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

**1.3.3** If the law enforcement agency permits the use of firearm “warning shots” by agency personnel, the agency shall have a written directive governing their use. Otherwise, the agency shall have a written directive prohibiting the discharge of “warning shots” by agency personnel.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- a. the types and specifications of all lethal and less-than-lethal weapons authorized for use;
- b. the types and specifications of ammunition authorized for use
- c. the procedure for review, inspection, and prior approval of all weapons intended for use by a qualified weapons instructor or agency armor before authorization is granted; and be a qualified weapons instructor or agency armor before authorization is granted; and
- d. a process for maintaining a record by the department on each weapon authorized by the agency for official use and the procedure for updating the expunging the written record.

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

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

**1.3.9** A written directive requiring that agency personnel demonstrate satisfactory skill and proficiency of agency-authorized weapon(s) before approval is granted to carry and/or use such weapon(s).

- a. Firearms (handgun and long guns)
- b. Taser
- c. Other Less-than-Lethal

**Commentary:** *Law enforcement officers who carry and use agency-authorized weapons shall be required to demonstrate proficiency with the weapons.*

*Firearm skill, proficiency and qualification shall be required all agency law enforcement officers. The officers shall demonstrate their competency with the agency-authorized*

*firearm(s) by firing a minimum qualifying score on a prescribed course of fire. The firearm qualifications process shall be conducted by an instructor(s) trained and certified in the use and instruction of firearms through a professionally recognized instructor-training program.*

**1.3.10** A written directive requiring all agency personnel authorized to carry weapons to receive in-service training, at least annually, on the agency's use-of-force and deadly force policies and to demonstrate satisfactory skill, proficiency and qualification with all approved lethal and conducted electrical weapons that the employee is authorized to use in accordance with COPT Standards. Inservice training for other less-than-lethal weapons shall occur at least once every two years. The training requires:

- a. skill and qualification training to be evaluated by a certified instructor;
- b. training and qualification shall be documented;
- c. the agency shall have procedures for remedial training for an employee unable to exhibit proficiency/qualification with an authorized weapon; and
- d. if the agency authorizes the use of neck restraints or similar control techniques, which have the potential for serious injury, those procedures shall be included in the annual in-service use of force training.

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

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

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

**1.3.11** A written directive requiring annual Use of Force/Response to Resistance training to include:

- a. use of force types
- b. de-escalation techniques
- c. termination of use of force
- d. duty to intervene.

**Commentary:** *None.*

**1.3.12** A written directive requiring the collection and analysis of agency Use of Force/Response to Resistance data, to be reviewed annually by the Chief of Police or agency head. This collection and analysis shall include at a minimum:

- a. date and time of incidents
- b. types of incidents/encounters resulting in use of force

- c. trends or patterns related to race, age and genders of subjects involved
- d. trends or patterns resulting in injury to any person involved including employees
- e. impact of findings on policies, practices, equipment, and training

**Commentary:** *The collection and analysis of force incidents may reveal training needs, equipment needs and/or the need for policy modifications.*

## **1.4 DIRECTION**

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

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

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

**1.4.2** A written directive requiring agency personnel to obey any lawful order of a superior officer, including any order relayed from a superior officer through an employee of the same or lesser rank. The directive shall also include procedures to be followed by an employee who receives a conflicting or unlawful order.

**Commentary:** *All agency personnel must know the importance of following a lawful order because of the critical nature and responsibilities inherent in law enforcement. The agency also needs a policy to address conflicting or unlawful orders for the guidance of personnel. Adherence to lawful orders in a law enforcement agency, as in military service, may be a matter of life or death. Even in less critical situations it is necessary for procedures to be known and understood regarding following lawful orders.*

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

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

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

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

- a. methods for the dissemination of directives to affected personnel;
- b. procedures for reasonable retrieval of the directives; and
- c. process to acknowledge receipt and review of directives distributed to affected personnel.

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

## **1.5 ALLOCATION AND DISTRIBUTION OF PERSONNEL AND PERSONNEL ALTERNATIVES**

### **Law Enforcement Officers**

**1.5.1** The agency has documented standards and hiring criteria for both full-time sworn law enforcement officers and, if applicable to the agency, part-time sworn law enforcement officers or seasonally appointed officers.

**Commentary:** *Law enforcement officers are expected to deliver critical services to citizens who they serve and they are expected to do their duty in a professional manner, regardless of their status as seasonal, part-time or full-time officers.*

*It is necessary that the law enforcement agency have a written selection and hiring policy, with specified criteria, for employing its officers.*

**1.5.2** Basic training requirements for part-time sworn personnel shall be identical to those for full-time officers.

**Commentary:** *The Delaware Council On Police Training (COPT) has identical basic training requirements for full-time and part-time municipal police officers.*

**1.5.3** Part-time law enforcement officers shall receive in-service training, identical to the in-service training for full-time law enforcement officers.

**Commentary:** *This Standard for accreditation applies to all in-service training courses that are required by the agency for its law enforcement officers in-service training programs and agency required in-service courses.*

**1.5.4** Training requirements for use-of-force and firearms proficiency/qualification for part-time sworn personnel shall be identical and with the same frequency as full-time officers.

**Commentary:** *It is as vital to the law enforcement agency that all part-time law enforcement officers, as well as all full-time officers, receive training on the use of force and deadly force policies. This training is significant for the officer and legally important to the agency.*

*It is necessary and appropriate that all law enforcement officers are proficient, qualified, and competent to carry and use firearms.*

**1.5.5** Basic training requirements for Seasonally Appointed Officers shall be in accordance with COPT Standard.

**Commentary:** *The Delaware COPT has mandated that seasonal officers receive 48 hours of police training. The basic curriculum must be approved by the Director of Training of the Delaware State Police Training Academy. A basic curriculum of minimum standards is listed in the COPT Manual.*

**1.5.6** Seasonal officers will attend the 48-hour course of instruction every year they are employed.

**Commentary:** *This training reacquaints the returning officer with the minimum requirements after they have been away for an extended period of time.*

**1.5.7** If seasonal officers carry firearms the training requirements for use-of-force and firearms proficiency/qualification for seasonal personnel shall be identical as for full-time officers.

**Commentary:** *It is as vital to the law enforcement agency that all seasonal law enforcement officers, as well as all full-time and part time officers, receive training on the use of force and deadly force policies. This training is significant for the officer and legally important to the agency.*

*It is necessary and appropriate that all law enforcement officers are proficient, qualified, and competent to carry and use firearms. This standard does not apply to seasonal officer that do not carry a firearm.*

### **Training for Non-Sworn Personnel**

**1.5.8** A written directive requiring that all non-sworn personnel receive training appropriate for their duties or anticipated duties.



**Commentary:** *Training for all personnel is important to the success of any business. It is necessary that all non-sworn personnel of a law enforcement agency receive appropriate training due to the confidential and sensitive nature of their employment. Job-related training for all personnel of a law enforcement agency is vital to the success of the agency.*

## **1.6 FISCAL MANAGEMENT AND AGENCY OWNED PROPERTY**

### **Accounting**

**1.6.1** A written directive governing the maintenance of all cash funds or accounts (*including drug and confidential informant money*) where agency personnel are permitted to receive, maintain, or disburse cash and includes, at a minimum:

- a. a balance sheet, ledger, or other system that identifies initial balance, credits (cash incomes received), debits (cash disbursed), and the balance on hand;
- b. receipts or documentation for cash received;
- c. authorization for cash disbursement, included CEO authorization for expensed in excess of a given amount;
- d. records, documentation, or invoice requirements for cash expenditures;
- e. persons or positions authorized to disburse or accept cash; and
- f. a quarterly accounting of agency cash activities.

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

## **1.7 COMPENSATION, BENEFITS AND CONDITIONS OF WORK**

### **Conditions of Work**

**1.7.1** If the agency permits sworn personnel to engage in extra duty employment where the actual or potential use of police powers is possible or expected, a written directive addressing:

- a. the requirement that sworn personnel must receive agency permission to engage in extra duty employment;
- b. policies that address the behavior and activities of officers during extra duty employment;
- c. approval, review, and revocation processes pertaining to extra duty employment
- d. to oversee adherence to the aforementioned policies, processes, and other matters deemed necessary or appropriate by the agency; and
- e. written documentation of the significant aspects of each officer's extra duty employment in relation to the needs of the department.

**Commentary:** *Extra Duty employment is any secondary employment that is a condition on the actual or potential use of law enforcement powers by the officer-employee. Off-Duty employment is any secondary employment that is not conditioned on the actual or potential use of law enforcement powers by the off-duty employee. If such employment is allowed by the agency, it is important to the law enforcement agency that procedures are developed to manage and regulate the secondary employment of agency law enforcement officers.*

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

## **1.8 DISCIPLINARY PROCEDURES**

**1.8.1** Directives specify a code of conduct and appearance guidelines, which are readily available to all agency personnel.

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

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

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

**1.8.2** A written directive prohibiting sexual and any other forms of unlawful or improper harassment or discrimination in the workplace. This directive will provide guidelines on reporting the unlawful or improper conduct, including how to report the inappropriate conduct if the offending party is in the complainant's chain of command.

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

## 1.9 SELECTION

### Administrative Practices and Procedures

**1.9.1** A written directive requiring that a background investigation be conducted for each candidate for a sworn position prior to appointment, which includes at a minimum:

- a. verification of qualifying credentials;
- b. a review of any criminal or non-criminal record; and
- c. verification from at least three personal references.

**Commentary:** *The critical and important nature of law enforcement employment require that only the most qualified people are hired to work as law enforcement officers. One of the most important aspects of the selection process is the background investigation. A comprehensive background investigation, conducted by competent investigators, is very beneficial in determining the most qualified candidates for selection.*

**1.9.2** A written directive requiring that a medical examination is performed by a licensed physician and that a drug screening is conducted, prior to appointment, to certify the general health of each new recruit for a sworn position. Pre-certified candidates must have a medical release by a physician stating that they are fit for duty.

**Commentary:** *The mental and psychological health of a law enforcement officer is essential. This is important to the officer candidate and to the law enforcement agency. The Delaware C.O.P.T. Minimum Standards psychological testing requirements for employment will satisfy this accreditation standard.*

## 1.10 TRAINING AND CAREER DEVELOPMENT

### Administration of Training

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

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

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

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

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

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

## **Recruit Training**

**1.10.3** A written directive requiring all sworn members of the law enforcement agency to successfully complete a certified basic law enforcement/police training course prior to assuming their law enforcement duties.

**Commentary:** *All newly hired full or part time municipal police officers, as defined by Delaware Police Training Program, T-11 S-8401 (5) shall comply with all requirements of the Delaware Council On Police Training Basic Curriculum.*

*This standard applies to all law enforcement officers in Delaware when the law enforcement agency is striving to achieve accreditation under this program.*

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

- a. field training of at least six weeks after the required classroom training;
- b. a selection process for field training officers;
- c. supervision of field training officers;
- d. liaison with academy staff, if applicable;
- e. training and in-service training of field training officers;
- f. rotation of recruit field assignments;
- g. guidelines for the evaluation of recruits by field training officers; and,
- h. reporting responsibilities of field training officers.

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

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

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

### **In-Service Training**

**1.10.5** A written directive requiring all sworn members of the law enforcement agency to successfully complete an annual in-service training course, which may include course materials on federal and Delaware court cases and legal updates.

***Narrative:*** *All municipal police officers, as defined by the Delaware Police Training Program, T-11 S-8401 (5) shall comply with the mandatory in-service training requirements of the Delaware Council On Police Training Minimum Standards For Training, annual required training to maintain certification.*

*This Standard applies to all law enforcement officers in Delaware when the law enforcement agency is striving to achieve accreditation under this program.*

*The content for in-service training courses shall contain C.P.R., A.E.D and First Responders recertification and, at a minimum, 16 additional hours of career related training.*

### **Specialized In-Service Training**

**1.10.6** A written directive requiring that if the agency has a tactical team or other specialized operational unit, that all personnel assigned to the team or unit participates in in-service training and/or readiness exercises for tactical teams at least annually. Those activities and training must be documented and the records retained by the agency.

***Narrative:*** *This Standard requires that law enforcement officers assigned to a tactical or any other specialized operational unit receive necessary training related to those specialized assignments because of the nature of those critical assignments and duties.*

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

**1.10.7** A written directive requiring new agency sworn officers, that are pre-certified, to receive at least two weeks of field training by a certified Field Training Officer before being cleared for regular duty. This training must be documented by the agency.

***Commentary:*** *This field training is intended to provide a new, but pre-certified officer, with exposure to the agency's policies, procedures, functions, and the general jurisdiction of the agency. An evaluation and assessment process based on DPAC Standard 1.10.4 will provide the agency with an appraisal of the officer's skills, knowledge, and abilities.*

# CHAPTER TWO

## STANDARDS FOR LAW ENFORCEMENT FUNCTION

### 2.1 Patrol Operations

**2.1.1** A written directive shall be prepared to establish appropriate procedures for responding to routine and emergency calls. It shall also include guidelines for the use of authorized emergency equipment that conforms with the provisions of the Delaware Motor Vehicle Code (Title 21).

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

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

*Attention must be given to the applicable provisions of the Delaware Motor Vehicle Code T-21. Consideration must also be given to Chapter 4 of the Delaware Criminal Code T-11 in regard to the use of force and deadly force due to recent court decisions involving high-speed police vehicle emergency responses to incidents.*

**2.1.2** A written directive governing pursuit of motor vehicles, to include:

- a. evaluating the circumstances;
- b. initiating officer's responsibilities;
- c. designating secondary units' responsibilities;
- d. specifying roles and restrictions pertinent to marked, unmarked, or other types of police vehicles involvement in the pursuit;
- e. assigning dispatcher's responsibilities;
- f. describing supervisor's responsibilities;
- g. using stopping techniques;
- h. specifying when to terminate pursuit;
- i. engaging in inter-jurisdictional and/or jurisdictional pursuits involving personnel from the agency and/or other jurisdictions; and
- j. establishing procedures for reporting and for an administrative review of the pursuit.

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

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

## **Equipment**

**2.1.3** The agency makes available, protective soft body armor for all sworn personnel assigned to uniform field duty and the directive establishes written guidelines for the wearing and availability of those vests.

**Commentary:** *The law enforcement agency is responsible to ensure that soft body armor or bullet protective vests are available for all law enforcement officers assigned to field duties. It is potentially as important as the officers' sidearm.*

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

**2.1.4** A written directive requiring the wearing of protective bullet resistant vests by agency law enforcement personnel engaged in pre-planned, high-risk incidents.

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

## **Eye-witness Identification**

**2.1.5** Establish written guidelines and procedures for the purpose of using eyewitness identification as an investigative tool to include:

- a. a procedure for show ups;
- b. a procedure for phot identification ; and
- c. a procedure for line ups.

**Note:** This standard applies to all Law Enforcement Agencies in Delaware striving to achieve accreditation under this program.

**Commentary:** *The written guidelines and procedures are to be consistent with the EYEWITNESS IDENTIFICATION model policy 2-2016 for the Delaware Police Chiefs Council or any future amendments.*

## **Electronic Recording of Custodial Interrogations**

**2.1.6** Establish written guidelines and procedures to guide the agency in the proper recording of suspects who are in custody:

- a. a directive establishing recordings of suspect interviews while in custody be conducted if practical;
- b. video recording equipment is recommended but audio may be used;

- c. a written directive for the procedures for conducting the custodial interrogation;
- d. recording may be overt or covert and policies established to cover either;
- e. the entire interview shall be recorded;
- f. a procedure to secure the recording as evidence; and
- g. a procedure to share interview with AG's office or other law enforcement.

**Note:** This standard applies to all Law Enforcement Agencies in Delaware striving to achieve accreditation under this program.

**Commentary:** *The written guidelines and procedures are to be consistent with the ELECTRONIC RECORDING OF CUSTODIAL INTERROGATIONS model policy 1-2016 for the Delaware Police Chiefs Council or any future amendments.*

## **Body Worn Cameras**

**2.1.7** Establish written guidelines and procedures for the use of body worn cameras (BWC) that will address:

- a. accurately documenting police and public contacts, arrest and critical incidents;
- b. uses for effective prosecution of offenses and protect officers against false allegations;
- c. a procedure for when to activate BWC where criminal arrest, detention, or use of force is likely;
- d. a procedure for the storage and release of footage;
- e. a procedure on forwarding of video to the Attorney General's Office;
- f. a procedure on restrictions on the use of BWC operation; and
- g. a procedure to periodically verify the BWC is being used consistent with policy..

**Note:** This standard applies to all Law Enforcement Agencies in Delaware striving to achieve accreditation under this program.

**Commentary:** *The written guidelines and procedures are to be consistent with the BODY WORN CAMERAS model policy 1-2016 for the Delaware Police Chiefs Council or any future amendments.*

## **2.2 UNUSUAL OCCURRENCES AND SPECIAL OPERATIONS**

### **Unusual Occurrences**

**2.2.1** The agency has written contingency plans for responding to natural and manmade disasters, civil disturbances, and other unusual occurrences as determined by the law enforcement agency.

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



## 2.3 INTERNAL AFFAIRS

### Internal Affairs Administration and Operations

**2.3.1** A written directive requiring all complaints (*in-person, telephone, website, etc.*) against the agency or its employees to be investigated and specifying:

- a. an agency form with the following information: date, time, location, officer name, badge number, complaint description section, investigation section, investigator signature & date, supervisor signature & date, division supervisor signature & date, chief of police signature & date.
- b. complaints that require investigation by supervisory personnel;
- c. complaints that require investigation by the Chief Executive Officer, or designee;
- d. all complaint investigations shall be reviewed by the Chief Executive Officer, or designee; and
- e. an equitable adjudication process determined by the agency.

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

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

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

## 2.4 TRAFFIC

### Traffic Enforcement

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

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

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

*Fair and impartial enforcement of the Delaware Motor Vehicle Code (Title 21) and local traffic ordinances is a function of law enforcement agencies.*

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

**2.4.2** A written directive describing the circumstances warranting the use of motor vehicle immobilization devices or other vehicle stopping techniques and which specifies the procedures for correct implementation.

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

*The law enforcement agency must develop comprehensive procedures about the use of such devices and techniques. It is the responsibility of the agency to ensure that the officers are properly trained on the use of the devices and techniques in the order to ensure that they are properly utilized.*

## **2.5 LEGAL PROCESS**

### **Records**

**2.5.1 REMOVED.** *Now covered by DELJIS process.*

**2.5.2** A record of the execution or attempted service of agency legal process documents (*active agency warrants log*) shall be maintained and include at minimum, the following elements:

- a. date and time service was executed/attempted;
- b. name of officer(s) executing/attempting service;
- c. name of person on whom legal process was served/executed;
- d. method of service/reason for non-service; and
- e. address of service/attempt.

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

### **Civil Process**

**2.5.3** A written directive that governs the service of civil process documents.

**Commentary:** *These directives should describe the role of the servers and their responsibilities, along with the methods of service required and the actions required by the servers. It is noted that some protection orders and anti-harassment orders should be included in the directive. Each type of process may be identified along with any unique requirements. Each type of process may be identified and any unique requirements may be explained. Process serving on*

*partnerships and corporations should be included in the directive. Also included would be civil process received from, or served, outside the agency's jurisdiction.*

**2.5.4** A written directive that states the execution of orders for civil arrest or writs requiring the seizure of real or personal property is to be performed by a sworn law enforcement officer.

**Commentary:** *Seizure of property with a court order can many times be met with resistance. The agency should keep this in mind and assign only officers that have the proper training and authority for the task. A sufficient number of officers should be assigned to deter any breach of peace. An arresting officer that has proper authority and training best performs this task.*

## **Criminal Process**

**2.5.5** Written directives that governs the execution of criminal process.

**Commentary:** *Directives should include types of warrant, territorial, and time limitations for execution. Procedures for issuance of a summons in lieu of a warrant, statutory provisions for summoning aid and standards for the use of force should be considered. Statutory provisions pertaining to immunity from arrest should also be considered, as well as any other statutory provisions pertaining to arrest in the jurisdiction.*

**2.5.6** A written directive that states arrest warrants are executed by sworn law enforcement officers only.

**Commentary:** *Statutory mandates make it essential that only sworn officers execute criminal process.*

## **Property**

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

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

# CHAPTER THREE

## Custody Standards

### 3.1 PRISONER TRANSPORTATION

#### Transport Operations

**3.1.1** A written directive that requires the transporting officer to thoroughly search the prisoner prior to transport.

**Commentary:** *The transporting officer is responsible to conduct a thorough search of the prisoner and all possessions of the prisoner before placing the person in the officer's vehicle. The officer should also ensure that the prisoner is properly restrained in the vehicle to prevent injury and to protect the officer.*

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

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

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

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

**3.1.3** A written directive prescribing necessary actions at the destination by officer(s) transporting prisoner(s) to any facility, to include at a minimum:

- a. securing firearms for safekeeping;
- b. removing restraining devices just prior to securing the prisoner in the cell;
- c. delivering documentation to the receiving officer;
- d. obtaining the signature of the receiving officer and/or written documentation detailing the prisoner transfer transaction; and
- e. advising the receiving personnel of any potential medical or security concerns or hazards posed by the prisoner.

**Commentary:** *Upon arrival at the destination of the transport, certain actions are necessary and important for public safety, officer safety, and the safety and security of the prisoner. The listed*

*procedures are the responsibility of the law enforcement agency and the completion of them is a requirement of the transporting law enforcement officer(s). Necessary exceptions, if desired, to the removal of restraining devices should be provided in the directive.*

**3.1.4** A written directive describing the procedures to be taken by the transporting officer(s) shall include:

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

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

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

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

### **Special Transportation Situations**

**3.1.6** A written directive prescribing the procedures for transporting sick, injured or disabled prisoners.

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

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

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

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

## 3.2 COURT SECURITY

### Administration

**3.2.1** If the agency has a court security function, directives shall include:

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

**Commentary:** *If part of an agency's obligation is to provide security for a court as a part of its legally mandated responsibility, this standard shall apply.*

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

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

## 3.3 HOLDING AREAS

### Organization, Administration, and Management of Holding Areas

**3.3.1** A written directive requiring that agency personnel receive training on the operations of the holding area, to include the use of fire suppression, emergency equipment provided by the agency, and emergency evacuation procedures. All newly sworn personnel shall receive this training during the field training program. In-service training for the agency shall be conducted every three years.

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

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

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

## Detention Enclosure

**3.3.2** A written directive that the detention area provide the listed minimum conditions for detainees:

- a. adequate lighting;
- b. circulation of fresh air;
- c. availability of a flush toilet;
- d. source of potable drinking water;
- e. access to wash basin;
- f. any other standards required under the laws and regulations of Delaware and/or its political subdivisions.

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

## Safety and Fire Prevention

**3.3.3** A written directive requiring the holding area to have at a minimum: smoke detection, a fire extinguisher approved by local fire officials, and a detailed written plan describing emergency procedures and evacuation. Documented inspections and procedures to include:

- a. a weekly documented visual inspection and a semiannual documented testing of fire equipment; and
- b. Annual inspection of smoke detection and fire extinguishers per Delaware State Fire Prevention Regulations.

**Commentary:** *If a fire emergency occurs, detainees are unable to evacuate without the officer's intervention. Agencies must have proper, working equipment and they must ensure their employees are knowledgeable in inspecting and using it. The written plan should be detailed so that each individual employee understands their responsibility. Smoke detectors and fire extinguishers should be inspected annually by local fire officials or licensed vendor.*

**3.3.4** A written directive requiring that there is a posted emergency evacuation plan for the holding area and a designated emergency exit directing evacuation of persons to a hazard free area.

**Commentary:** *For the safety of the detainee and the staff, an emergency evacuation plan needs to be prepared for the holding area. The plan should be posted in a highly visible area where it can be seen by all people in the holding area. Emergency exits need to be known and posted so that any necessary emergency evacuation could be accomplished with a minimum of confusion.*

## Security and Control

**3.3.5** A written directive requiring the agency to have a specific policy regarding firearm handling and firearm security in the holding area.

***Commentary:** The policy should be developed to meet the needs of each specific agency, but regard should be given to the proximity of detainees to an officer during processing or when officers must enter an enclosure. If weapon lockers are used, the locker must be secured in such a way that it cannot be picked up and carried away.*

**3.3.6** A written directive requiring a complete security check, including a thorough search for weapons and contraband, prior to the use of an unoccupied detention area or enclosure. The security check is a thorough search for weapons, contraband or anything that may have been left by the previous detainee.

***Commentary:** It is necessary that the holding area be searched before being occupied by a detainee and again after they have been removed. Procedures for the security check will be outlined in the directive.*

**3.3.7** A written directive that requires supervised monitoring of tools and culinary equipment in the holding area.

***Commentary:** Agency monitors and controls tools and culinary items brought into the holding area. These items may be brought in by other officers or by maintenance workers. These items may pose a serious security and safety risk for officers and should be strictly accounted for.*

**3.3.8** A written directive requiring the agency to have a system in the holding/processing area to alert the designated control center of an emergency.

***Commentary:** An audible system needs to be installed within the holding area to alert agency personnel of an emergency. The system will allow agency personnel and detainees to notify the control center if there is a need for assistance.*

## 3.4 Detainee Processing

**3.4.1** A written directive establishing procedures for a search of the detainee in the processing area to include:



- a. a complete inventory search of the detainee at the time of booking prior to entry into the holding area/enclosure; and
- b. an itemized inventory of all property taken from the detainee.

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

**3.4.2** A written directive requiring the secure storage of any items taken from holding area detainees.

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

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

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

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

**3.4.4** A written directive specifying the procedures required for the detention of males, females and juveniles. If adult males, adult females and/or juveniles are detained at the same time, they will be kept physically separated. When detaining juveniles and adults it is preferable that the juvenile be separated by sight and sound if possible.

**Commentary:** *Detainees of different genders should never be so close as to be able to touch each other. Agencies should review PREA standards when writing their directive. If juveniles and adults are detained in the holding area at the same time, officers should make an effort to keep them separated by sight and sound if possible.*

**3.4.5 - REMOVED**

**3.4.6** A written directive prescribing space arrangements and procedures to follow in the event of group or mass arrest situation that exceeds the maximum capacity of the detention area/enclosure.

**Commentary:** *Agency officials should be aware of the maximum capacity of their holding area and have a plan in place when that number is exceeded. It is necessary for the agency to develop a contingency plan in the event that the detention area/enclosure is not sufficient to house detainees in cases of mass arrests. When such group arrests occur, it becomes necessary to find alternative detention facilities.*

**3.4.7** A written directive requiring the identity of any detainee released from the detention area be verified prior to release.

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

**3.4.8** A directive requiring that when a detainee's property is returned upon release or transfer from the detention area that the return of the property shall be documented on an agency form.

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

## **3.5 Medical and Health Care Services for Detainees**

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

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

*It is probable that some detainees will require medical attention at some time. As a result, this policy should be developed in consultation with emergency medical providers, such as an emergency department physician, County paramedic or EMT instructor.*

**3.5.2** A written directive requiring that a first aid kit/medical bag is available in all areas of the detention area and which are inspected and replenished when necessary.

**Commentary:** *First aid kits are necessary for the initial treatment of detainees, visitors or staff members who may be injured. This is necessary for the welfare of all people in station or the detention area. It is recommended that the first aid kit/medical bag contain an assortment of*

*gauze, bandages, multi-trauma dressings, medical tape, trauma sheers, disposable medical gloves, mask, face shield, gown, a bag valve mask (BVM) with adult and child sizes, and an automated external defibrillator (AED) with current unexpired pads and battery.*

**3.5.3** A written directive controlling the distribution, and requiring documentation, of all pharmaceuticals within the detention area, to include all medically approved medications belonging to or in the possession of the detainee.

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

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

## **3.6 Supervision of Detainees**

**3.6.1** A written directive specifying that when detainees are held in a detention enclosure:

- a. the detainee(s) is physically observed by agency personal at least every thirty minutes; and may be observed by surveillance equipment between checks
- b. Juveniles are under continuous visual supervision and physically checked every thirty minutes.

**Commentary:** *Close supervision of all detainees by agency personnel is necessary for the proper and safe management of the facility. This is essential from a safety and liability standpoint.*

**3.6.2** If audio and/or electronic surveillance equipment is used for detainee supervision in the detention area, that the equipment will be regulated to allow the detainees to have a reasonable expectation of privacy.

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

**3.6.3** If the agency permits visitors, a written directive shall govern the procedures for visits to detainees in the detention/enclosure area.

**Commentary:** *Visits to detainees create security concerns; however, attorneys and/or parents may be permitted un-monitored visits in certain circumstances.*

### **3.7 TEMPORARY HOLDING AREA – HANDCUFFED TO A FIXED OBJECT**

**Temporary Holding Area** – a temporary holding area is defined as an area located within the police agency where a detainee is secured to a fixed object designed for that purpose. An example would be a detainee handcuffed to a retention ring or a bench. Temporary holding is primarily for detaining individuals awaiting arraignments and/or while officers obtain warrants. The purpose is not for an extended period of time.

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

- a. supervision and accountability for temporary detainees;
- b. access to potable water and a toilet.
- c. temporary restraint of detainees by securing them to fixed objects; and
- d. separation of adults and juveniles in accordance with the laws and administrative regulations of Delaware.

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

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

#### **3.7.2 - REMOVED**

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

***Commentary:** If it is necessary to secure the person being detained to an immovable object in the temporary holding area, the object shall have been designed or fabricated for that purpose.*

**3.7.4** A written directive requiring a plan for fire prevention, fire evacuation and fire suppression for the temporary holding area.

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

**3.7.5** A written directive addressing the following security concerns in the temporary holding area:

- a. weapons control;
- b. panic or duress alarms;
- c. access to area and prisoner;
- d. escape prevention;
- e. search of detainee;
- f. security inspection;
- g. detainee shall be physically attended; and
- h. if detainee is secured to a device or fixed object, especially designed/fabricated for restrain and control purposes, video monitoring will be permitted for a period not to exceed any absence in excess of 10 minutes.

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

**3.7.6** A written directive requiring training for all agency personnel who will have any responsibility for detainees in temporary custody within the temporary holding area.

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

## CHAPTER FOUR

### STANDARDS FOR SUPPORT SERVICE FUNCTIONS

#### 4.1 COMMUNICATIONS

##### Operations

**4.1.1** The agency has 24-hour, two-way radio capability providing continuous communication between a communications center and the officer(s) on duty.

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

**4.1.2** The agency has the capability of immediate playback of recorded emergency telephone and radio communications while it maintains a continuous recording of radio transmissions and emergency telephone communications to and from the communications center and directives provide for:

- a. a requirement that recordings be retained for a minimum period of 30 days;
- b. secure handling and storing for the recordings; and
- c. criteria and written procedures for reviewing recorded conversations.

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

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

**4.1.3** If the agency authorizes first aid / lifesaving instruction to be given over the telephone or by radio, agency employees shall be appropriately trained and have immediate access to approved emergency medical guidelines and materials.

**Commentary:** *If this practice is permitted, then communications personnel of the agency should be appropriately trained. Also, they should have suitable training.*

## **Communications Facilities and Equipment**

**4.1.4** If the agency has its own dispatch center they must have an alternate source of electrical power that is sufficient to ensure continued operation of emergency communication equipment in the event of the failure of the primary power source and documents inspection and test procedure of the alternate power source completed at least monthly or in conformance with manufacturer recommendations.

**Commentary:** *The critical nature of law enforcement requires that radio communications be maintained during a power emergency. During most emergencies law enforcement agencies become the primary point of contact for the public and for other agencies.*

## **4.2 RECORDS**

### **Field Reporting and Management**

**4.2.1** A written directive provides for a uniform field reporting system and other documents required (*LEISS*) by the law enforcement agency.

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

## **4.3 COLLECTION AND PRESERVATION OF EVIDENCE**

### **Administration**

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

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

## Evidence Handling

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

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

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

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

## 4.4 PROPERTY AND EVIDENCE CONTROL

### Property and Evidence Control Administration and Operations

**4.4.1** A written directive that establishes procedures for receiving evidence and recovered property obtained by agency personnel for retention into agency custody and control, to include:

- a. requiring all evidence/property to be logged into agency records as soon as possible;
- b. requiring all evidence/property to be placed under the control of the property and evidence control function before the end of the tour of duty of the officer/technician;
- c. requiring a written report detailing the circumstances by which the evidence/property came into the agency's possession and describing each item of evidence/property obtained;
- d. providing guidelines for packaging and labeling of evidence/property prior to storage;



- e. establishing extra security measures for handling exceptional, valuable, or sensitive items of evidence/property;
- f. requiring an effort to identify and notify the owner or custodian of recovered property in the custody of the agency; and
- g. establishing procedures for the final release of recovered property items from the control of the law enforcement agency.

**Commentary:** *The possession and storage of all evidence or property that comes into the possession of the law enforcement agency must be controlled, documented, and secure. A defined policy with defined procedures will ensure the integrity of the evidence / property functions of the agency.*

*Extra security measure guidelines should be provided for handling high-value items such as money, firearms and other weapons, blood and other body fluids, and drugs. These may include secure packaging and descriptions (number, weight, etc.) for Schedule I drugs, additional security (safe, safety deposit box, daily inspections and inventories) for high value items including cash and jewelry and sensitive case evidence, refrigeration for perishable items, and off site secure storage for dangerous evidence and property (explosives and chemicals) as determined necessary by the agency.*

**4.4.2** A written directive requiring evidence and recovered property to be stored within designated and secure areas and/or facilities that are under the direct control of the law enforcement agency.

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

*Items held in the custody of the agency may have different requirements for storage. Each item of evidence/property must be evaluated for the best method for safe and secure retention by the agency.*

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

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

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

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

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

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

- a. an inspection to determine adherence to procedures used for the control of evidence / recovered property is conducted annually by the person responsible for that function or designee;
- b. an inventory (100%) of property occurs whenever the person responsible for the evidence/recovered property control function is assigned to and/or transferred from that position and is conducted jointly by the newly designated property custodian and a designee of the CEO to ensure that records are correct and properly documented;
- c. a complete inventory (100%) of all items and records must be conducted when there is reason to believe that evidence has been tampered with, or if the evidence custodian has been removed for any irregularities;
- d. an annual audit (approximately 25%) - a significant sampling of each category (firearms, drugs, cash, other high value) of property held by the agency is conducted by a supervisor/commander not routinely or directly connected with control of evidence/property; and
- e. unannounced inspections of evidence and property storage areas are conducted as directed by the agency's Chief Executive Officer, at least once a year.

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

## **4.5 FITNESS AND WELLNESS PROGRAM**

### **Physical Fitness Program**

**4.5.1** A written directive outlining the importance of physical fitness for law enforcement agency personnel, which encourages their participation in a physical fitness program.

**Commentary:** *A physical fitness program will benefit all agency personnel. However, any mandatory physical fitness program needs to conform to applicable law, court decisions, and labor contracts.*

## Wellness Program

**4.5.2** A written directive explaining the importance of a total wellness program for law enforcement officers and agency personnel that encourages their participation in a total wellness program.

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