Developing a Policy/Procedure Manual and Meeting Accreditation Standards – MA Specific

Description

Law enforcement agencies around the country find themselves under intense public scrutiny; here in Massachusetts our agencies are no exception. On any given day and on any given call the interaction between our staff and the citizens we serve can find its way to the Internet and local news media with the click of a cell phone. When your agency finds itself in the fishbowl of public scrutiny how will you respond and more importantly, will your department standards, policies and procedures pass muster?

The importance of an up-to-date and comprehensive policy and procedures manual is not lost on the investigators at the Department of Justice. In almost every one of its investigations of police the police agency's policy and procedure manual has been a key area of review. The following quotes come from 2 recent DOJ reports – the 2009 findings letter from the investigation of the Inglewood, CA Police Department and the 2011 findings letter from the investigation of the East Haven, CT Police Department:

Policies and procedures are the primary means by which police departments communicate their rules, standards, and expectations to their officers. Accordingly, it is essential that the IPD's policies be comprehensive, comprehensible, and consistent with current legal standards and contemporary police practices. As we discuss in detail below, several of the IPD's policies and procedures are inconsistent with generally accepted police practices and lack sufficient detail to provide the appropriate guidance for officer conduct. The majority of the IPD's policies and procedures are outdated. . . .

PD policies and procedures regarding bias are flawed and reflect deliberate indifference to protecting the rights of Latinos in its community. EHPD command staff are aware of those flaws and did not make the necessary corrections. . . . We identified other policy deficiencies that are connected to EHPD's failure to address biased policing. EHPD has put in place no policies to help its officers communicate with Spanish-speaking members of the community, thereby preventing EHPD officers from building relationships that can enhance officer safety and depriving a significant portion of the Latino community of policing services. Nor does EHPD have formal policies addressing enforcement of immigration law, or the appropriate tactics that may be used in conducting a traffic stop, such as requiring the means that an officer used to develop probable cause for the stop to be recorded. . . .

Admittedly, developing **and maintaining** a comprehensive manual that meets professional and legal standards is no easy task. But it is just as important as drafting an annual budget, maintaining equipment or hiring personnel. As the DOJ stated in the Inglewood PD report, it provides a framework for consistent and appropriate standards of conduct for our staff and when properly maintained and followed it affords a legal defense for the agency and its staff.

This month's article will discuss applicable accreditation programs and getting started. We will then move on to resources available to help the agency's CEO start the process and review the support that may be available through state "Police Accreditation Committees" or "PACs".

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Where To Start – Breaking Down A Monumental Task

State v National Accreditation

Many departments never get out of the starting blocks because the CEO or newly- appointed Accreditation Manager looks at over 400 standards and simply doesn't know where to begin. My suggestion: whether you choose the CALEA (National) program or a state program, start with the initial level and work your way through the high- liability standards. The CALEA program offers departments a two-tiered approach to meeting program requirements and many state programs also provide multi-tiered options. The CALEA Accreditation program includes 189 standards while the "Advanced" CALEA program includes all 484 standards. State programs vary in the number of standards included in each tier.

Frankly, we believe getting into the game is more important than which program you select. A state program may allow a department to enter the program at a much lower cost yet still assure that agencies are meeting best business practices. Either way, select a program and complete the application to start the "self- assessment" process.

Forming A Policy Review Team

Notice the heading is not entitled "Impact Bargaining and Your Ability To Issue Policies". There have been plenty of articles dealing with the process for impact bargaining and your ability to issue directives with or without staff input. At the end of the day your policy and procedures will be your Department's "Play Book" requiring staff to know and execute activities much more important than any football or basketball play. Setting up a process that does not allow for input or staff review prior to issuance is a guaranteed recipe for disaster. Providing a process for staff review and input while including bargaining unit representation will go a long way to ensure a smooth process for issuance of the directives and more comprehensive directives that meet current best business practices.

As an example – CALEA Chapter 61 is entitled "Traffic" and includes standards related to traffic enforcement, accident investigation and other traffic matters. Certainly the Traffic Supervisor and Traffic officers are in the best position to assist with policy development and providing the information needed to meet the standards in this Chapter.

Appointing An Accreditation Manager

The Accreditation Manager can be either a sworn or civilian position and is usually someone with a good coordination and clerical skills and the ability to work with staff from all areas of the Department. The Accreditation Manager will usually reach out to various Department members with an expertise in a particular area to assist in policy development.

A question that often comes up is can the Chief also be the Accreditation Manager? We know there are departments where the Chief has taken on this task and succeeded but chiefs should know that they are taking on an almost superhuman task to coordinate the accreditation process and run the agency at the same time. More than likely something will be moved to the back burner and more likely than not, it will be the self-assessment process.

Before The First Policy Is Written – What Is The CEO's Authority?

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Before issuing the first directive it is important to establish the CEO's authority to issue policies and procedures. There may be state statutes or regulations that define the Chief's authority. There may also be local bylaws that affect the Chief's ability to issue Department directives. Before starting the policy writing process the Chief should confer with town leaders to determine the appropriate procedure for issuance of the directives.

This discussion can also have some additional benefits: it can provide a platform to increase department funding in certain areas and more importantly, the process assures town leaders that the Department is staying ahead of the curve on current issues and limiting the Town's liability.

Policy Development – Resources Available

State-centered Chiefs Model Policies

Your state Chiefs Association may provide a set of model policies. These model policies provide a foundation for starting your policy, however a number of cautions are required here:

- Assure that the model policies are up to date and reflect any changes in state or federal law or regulations;
- The model policies are meant to be a place to start and often contain optional language. Make sure the final product only includes the options chosen and the options not chosen are removed; and
- Legally sensitive directives or those involving employment issues should be reviewed by your local counsel to assure the directive does not violate local, state or federal laws or regulations related to employment practices.

IACP Model Policies and IACP Net

Recently, IACP changed the process for obtaining copies of the IACP model policies. Members are no longer required to purchase the model policies; they are now provided free of charge. Like any state model policies, these policies also come with conditions. Many of the directives were written a while ago and have not been updated and the directives are written generically for a national audience.

IACP Net manages a database of policies, procedures and articles on just about every law enforcement issue. Running a search on "Use of Force Directives" will instantly provide over 250 different policies and procedures from departments all across the country. But, once again, the directives need to be carefully analyzed for local applicability and conformance with state law.

Americans For Effective Law Enforcement (AELE.ORG)

AELE.ORG is the national clearinghouse for all matters involving law enforcement. The website is maintained by law enforcement legal practitioners, providing a single source for reviewing the latest cases involving law enforcement activities. The site also compiles articles on law enforcement practices and the latest areas of law enforcement liability concerns. The site also includes copies of various department policies and procedures across the country but, like the other sources, these directives must be carefully vetted for local use.

Consultant and Vendor Resources

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Daigle Law Group (DLG) – maintains a “Policy Center” of current and comprehensive directives that have been referenced to accreditations standards. DLG is currently working with a number of police agencies in New England and throughout the country to update agency policy and procedure manuals to meet current legal requirements and accreditation standards.

The DLG Policy group works with client agencies to update the agency’s directives manual with current best business practices. By understanding the agency’s policies and procedures we can assist the agency with a customized approach that marries the agency’s current practices with constitutionally based language. More importantly, DLG has partnered with Power DMS to provide agencies the ability to administer and maintain their directives in a manner that allows proper documentation when required.

With the release of the President’s Task Force Report on 21st Century Policing and continued investigative reports from the DOJ Special Investigations Unit, we see the importance of comprehensive, constitutionally- based directives in law enforcement agencies. The DLG Policy Center is here to assist agencies upgrade their directives. Finally, whether you use DLG to assist you or not, please review your policy and procedure manual to assure your department playbook keeps you in the game.

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