INTRODUCTION

This Policy Guide is intended to assist your agency in customizing Lexipol policy content to meet your agency’s unique needs. For each policy, we have provided a Guide Sheet that includes background information and customization guidelines.

The Lexipol Policy Manual implementation process begins when you complete the agency Questionnaire. Your responses to that Questionnaire are used to replace “text entities”—terms shown in brackets—with terminology familiar to your agency. For example, you will indicate on the questionnaire whether your members are referred to as “officers” or “deputies.” Once the Questionnaire is applied, that terminology will be displayed throughout the manual. The Questionnaire also asks for information that aids in customizing your manual. (Note that you can change your answers to the Questionnaire at any time through KMS, and apply the new answers to your manual immediately.)

The next step after the Questionnaire is to review the Lexipol policy content carefully. Although we have provided best practice, state-specific and federal content, it is necessary that you actively participate in the customization of your agency manual by reviewing each of the policies and making changes, additions and deletions where needed to ensure that each policy conforms to your agency’s practices.

On each Guide Sheet, we have indicated which sections warrant your close attention because they are most likely to require your input. In addition, we have indicated those sections for which you should exercise caution when making alterations. This is usually because such sections contain content based on federal or state statutes.

Following are some points to consider when using the Guide Sheets to customize your policy content:

- Please review all policy content carefully. The Guide Sheets provide additional specifics on certain sections but that is not intended to imply that you should limit your review to those sections.
- The appearance of a citation in a policy indicates that some or all of the preceding content was supported by state or federal regulations/statutes and you should exercise care if you choose to customize this material. You should confirm that your agency’s practice meets those legal requirements.
- If customization of a policy is necessary, refrain from creating mandatory duties (using “shall” rather than “should”) where they are not already imposed by law and in situations where you cannot accurately predict every possible outcome (e.g., vehicle pursuits).
- Lexipol has created a Style Guide and a Citation FAQ document that are available in the Resources section of KMS. These guides may be useful to you when you are adding agency-specific content. They can help ensure that the content you add is consistent in style, grammar, punctuation, etc., with the other content in the manual.
- Policies that do not apply to your agency can be manually deleted through KMS. If you see a Guide Sheet for a policy that doesn’t appear in your draft manual, the policy has been removed as a result of your answers to the Questionnaire. Deleted policies can be added back at any time.
Although it is up to each agency to determine how to complete the Policy Manual customization process, our experience is that the formation of committees tends to slow the process dramatically. We recommend that you either assign one or two key individuals to the entire process or assign policies to individuals who have expertise regarding specific subject matter.

If you feel compelled to submit the draft Policy Manual to a large group of staff members, we recommend that this occur only after a limited group has completed 90 percent or more of the review process. Even at that point, any large group of reviewers should be discouraged from simply contributing their “two cents,” but instead should be encouraged to limit their input to major issues.

Your finalized manual will ultimately need to be approved and adopted by your chief executive. It is also important to recognize that certain policies may also require you to meet and confer with your affected bargaining or employee groups if they create any substantive changes in terms and/or conditions of employment. If you modify portions of the manual to any significant extent, please consider having your legal counsel review those alterations.

We recognize that the customization process will require significant work on your part. However, the initial customization effort will save countless hours of future staff time and assist you in maintaining the most current policies for years to come as you receive ongoing updates from Lexipol with your continuing subscription. We are committed to assisting you throughout the customization process and to helping you achieve a completed and issued manual as efficiently as possible. Please don’t hesitate to call or email us if you have any questions or if we can provide additional assistance.

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# Table of Contents

## Chapter 1 – Law Enforcement Role and Authority ..................................................... 9
- Law Enforcement Authority .......................................................................................... 10
- Chief Executive Officer .............................................................................................. 11
- Oath of Office ............................................................................................................. 12
- Policy Manual ............................................................................................................ 13

## Chapter 2 – Organization and Administration .......................................................... 14
- Organizational Structure and Responsibility ............................................................... 15
- [Departmental Directive]s .......................................................................................... 16
- Emergency Management Plan .................................................................................... 17
- Training ..................................................................................................................... 18
- Electronic Mail ........................................................................................................... 19
- Administrative Communications ................................................................................ 20
- Supervision Staffing Levels ....................................................................................... 21
- Retiree Concealed Firearms ........................................................................................ 22

## Chapter 3 – General Operations ................................................................................ 23
- Use of Force ................................................................................................................ 24
- Use of Force Review Boards ...................................................................................... 25
- Handcuffing and Restraints ......................................................................................... 26
- Control Devices .......................................................................................................... 27
- Conducted Energy Device ........................................................................................... 28
- Officer-Involved Shootings and Deaths ...................................................................... 29
- Firearms ..................................................................................................................... 30
- Vehicle Pursuits ......................................................................................................... 31
- Foot Pursuits .............................................................................................................. 32
- [Officer/Deputy] Response to Calls ............................................................................ 33
- Canines ....................................................................................................................... 34
- Domestic Violence ....................................................................................................... 36
- Search and Seizure ...................................................................................................... 37
- Child Abuse ............................................................................................................... 38
<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adult Abuse</td>
<td>39</td>
</tr>
<tr>
<td>Discriminatory Harassment</td>
<td>40</td>
</tr>
<tr>
<td>Missing Persons</td>
<td>41</td>
</tr>
<tr>
<td>Public Alerts</td>
<td>42</td>
</tr>
<tr>
<td>Victim and Witness Assistance</td>
<td>43</td>
</tr>
<tr>
<td>Hate Crimes</td>
<td>44</td>
</tr>
<tr>
<td>Standards of Conduct</td>
<td>45</td>
</tr>
<tr>
<td>Information Technology Use</td>
<td>46</td>
</tr>
<tr>
<td>[Department/Office] Use of Social Media</td>
<td>47</td>
</tr>
<tr>
<td>Report Preparation</td>
<td>48</td>
</tr>
<tr>
<td>Media Relations</td>
<td>49</td>
</tr>
<tr>
<td>Subpoenas and Court Appearances</td>
<td>50</td>
</tr>
<tr>
<td>Part-Time [Officers/Deputies]</td>
<td>51</td>
</tr>
<tr>
<td>Outside Agency Assistance</td>
<td>52</td>
</tr>
<tr>
<td>Registered Offender Information</td>
<td>53</td>
</tr>
<tr>
<td>Major Incident Notification</td>
<td>54</td>
</tr>
<tr>
<td>Death Investigation</td>
<td>55</td>
</tr>
<tr>
<td>Private Person’s Arrest</td>
<td>56</td>
</tr>
<tr>
<td>Limited English Proficiency Services</td>
<td>57</td>
</tr>
<tr>
<td>Communications with Persons with Disabilities</td>
<td>58</td>
</tr>
<tr>
<td>Chaplains</td>
<td>59</td>
</tr>
<tr>
<td>Public Safety Video Surveillance System</td>
<td>60</td>
</tr>
<tr>
<td>Child and Dependent Adult Safety</td>
<td>61</td>
</tr>
<tr>
<td>Service Animals</td>
<td>62</td>
</tr>
<tr>
<td>Volunteers</td>
<td>63</td>
</tr>
<tr>
<td>Native American Graves Protection and Repatriation</td>
<td>64</td>
</tr>
<tr>
<td>Off-Duty Law Enforcement Actions</td>
<td>65</td>
</tr>
<tr>
<td>Seasonal [Officers/Deputies]</td>
<td>66</td>
</tr>
<tr>
<td><strong>Chapter 4 – Patrol Operations</strong></td>
<td>67</td>
</tr>
<tr>
<td>Patrol</td>
<td>68</td>
</tr>
</tbody>
</table>
# Delaware Policy Guide

## Chapter 5 – Traffic Operations
- Traffic
- Traffic Collisions
- Vehicle Towing
- Vehicle Tow Hearings
- Impaired Driving
- Traffic and Parking Citations
- Disabled Vehicles

## Chapter 6 – Investigation Operations
- Investigation and Prosecution
- Sexual Assault Investigations
- Asset Forfeiture
- Informants
- Eyewitness Identification
- Brady Information
- Unmanned Aerial System
- Warrant Service
- Operations Planning and Deconfliction

## Chapter 7 – Equipment
- [Department/Office]-Owned and Personal Property
- Personal Communication Devices
- Vehicle Maintenance
- Vehicle Use
- Cash Handling, Security and Management
- Personal Protective Equipment

## Chapter 8 – Support Services
- Crime Analysis
- [The Communications Center]
Lactation Breaks ................................................................. 163
Payroll Records .............................................................. 164
Overtime Compensation .................................................. 165
Outside Employment and Outside Overtime ....................... 166
Occupational Disease and Work-Related Injury Reporting ....... 167
Personal Appearance Standards ....................................... 168
Uniforms and Civilian Attire ............................................. 169
Explorers ........................................................................... 170
Conflict of Interest ......................................................... 171
Badges, Patches and Identification ................................. 172
Temporary Modified-Duty Assignment ............................ 173
Performance History Audits ............................................ 174
Speech, Expression and Social Networking ....................... 175
Illness and Injury Prevention ............................................ 176
Line-of-Duty Deaths ....................................................... 177
Chapter 1 – Law Enforcement Role and Authority
CHAPTER 1 – LAW ENFORCEMENT ROLE AND AUTHORITY

Law Enforcement Authority

This policy describes the authority granted to peace officers through the Delaware laws and the U.S. and Delaware Constitutions.

BACKGROUND NOTES

This policy is based on state and federal law.

CUSTOMIZATION GUIDELINES

Please review this policy carefully and consider the following for customization:

- **INTERSTATE PEACE OFFICER POWERS** (Add any requirements upon arrest, like notify the agency with jurisdiction or take them to a local magistrate in the jurisdiction of arrest.)
CHAPTER 1 – LAW ENFORCEMENT ROLE AND AUTHORITY

Chief Executive Officer

This policy describes the requirement of the agency head to meet certain established requirements for COPT and minimum standards as outlined in Delaware statutes.

BACKGROUND NOTES

This policy is based on state law.

CUSTOMIZATION GUIDELINES

We recommend no customization to this policy.
### Oath of Office

This policy describes the oaths or affirmations taken by agency members to uphold the U.S. and Delaware Constitutions and to enforce federal, state and local laws.

### BACKGROUND NOTES

The oath/affirmation described in this policy is codified in Delaware Constitution.

### CUSTOMIZATION GUIDELINES

Please review this policy carefully and consider the following for customization:

- Add oaths or affirmations applicable to your members that are not already included in this policy.
- Consider adding affirmations regarding your agency’s Code of Ethics and/or Canons of Police Ethics.
CHAPTER 1 – LAW ENFORCEMENT ROLE AND AUTHORITY

Policy Manual

This policy describes the overall philosophy of the Policy Manual and procedures for distributing and maintaining it.

BACKGROUND NOTES

None

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **DEFINITIONS** (Add definitions for any terms you will be adding throughout your manual here in alphabetical order. Note that definitions relating to individual policies are defined in those policies.)
- **ISSUING THE POLICY MANUAL** (Ensure you have a protocol in place for each member of the organization to formally acknowledge his/her access and review of the manual. If you will be distributing printed copies of the manual, adjust the reference to electronic distribution and include a distribution list in this subsection.)
- **REVISIONS TO POLICIES**
Chapter 2 – Organization and Administration
CHAPTER 2 – ORGANIZATION AND ADMINISTRATION

Organizational Structure and Responsibility

This policy describes the organizational structure and responsibilities of your agency.

BACKGROUND NOTES

None

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **[DIVISION]S** (Add or delete divisions as needed. If you have a smaller agency, you can remove the subsections and describe your organizational structure in this section.)
- **[ADMINISTRATION] [DIVISION], [OPERATIONS] [DIVISION] and [INVESTIGATION] [DIVISION]** (Describe each of these divisions within your agency, including the position/rank of the person responsible for that division, various units within it and titles of positions and units.)
- **[INVESTIGATION] [DIVISION]** (If you customize the term “crime analysis,” make the same change to the title of the Crime Analysis Policy.)
- **COMMAND PROTOCOL** (Rearrange as needed to match your agency’s chain of command.)

Consider attaching an organizational chart to this policy by following the instructions for adding and managing attachments in the manual. The instructions are located in the “Resources” section of KMS.
CHAPTER 2 – ORGANIZATION AND ADMINISTRATION

[Departmental Directive]s

This policy describes the protocol for the development of departmental directives.

BACKGROUND NOTES

- Departmental directives allow you to make immediate changes to your policy or announce other immediate changes in your organization.
- Departmental directives are also referred to as General Orders, Interim Orders or Temporary Orders. The terminology specific to your agency will be inserted throughout this policy based on your selection in the Questionnaire.
- Directives are temporary and expire once they are incorporated into the Policy Manual or are formalized elsewhere. If you do not have a directive system in place, this policy is a good start.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **RESPONSIBILITIES** (Identify the individuals within your organization who are authorized to review and approve directives.)
CHAPTER 2 – ORGANIZATION AND ADMINISTRATION

Emergency Management Plan

This policy describes the location, responsibilities and activation procedure for your agency’s emergency management plan.

BACKGROUND NOTES

- If you do not have an emergency management plan, now would be an excellent time to put one in place. Many cities assign this responsibility to the fire department. Regardless, we highly recommend a copy be readily accessible for your members and that the location is identified in this policy.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- PURPOSE AND SCOPE (Add a subsection to address any city/county ordinances directly related to disaster plans.)
- EMERGENCY MANAGEMENT PLAN (Identify any local plan, entity or management system that exists in your city/county.)
- ACTIVATING THE EMERGENCY MANAGEMENT PLAN (Identify who in your organization has the authority to activate the plan.)
- LOCATION OF THE EMERGENCY MANAGEMENT PLAN

We recommend that you not delete or change the content of the following sections:

- EMERGENCY MANAGEMENT PLAN REVIEW
CHAPTER 2 – ORGANIZATION AND ADMINISTRATION

Training

This policy describes the guidelines and objectives of the agency’s training plan.

BACKGROUND NOTES

• This policy is designed to work for agencies that have a dedicated Training Bureau as well as those in which training is assigned as a collateral duty.
• We recommend that your agency establish a training committee if you have not already done so, and that the committee conduct both regular and incident-driven training needs assessments.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

• TRAINING PLAN (Adjust the name of the training plan if needed.)
• GOVERNMENT-MANDATED TRAINING (Ensure your agency has implemented the required training.)
• TRAINING COMMITTEE
• DAILY TRAINING BULLETINS (If your agency does not subscribe to Lexipol’s Daily Training Bulletins, delete this section or replace the content with a description of any similar program in your agency.)

We recommend that you not delete or change the content of the following sections:

• PURPOSE AND SCOPE
• POLICY
• OBJECTIVES
CHAPTER 2 – ORGANIZATION AND ADMINISTRATION

Electronic Mail

This policy establishes guidelines for the use of electronic mail (email) in your agency.

BACKGROUND NOTES

None

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **RESTRICTIONS ON USE OF EMAIL**
- **EMAIL RECORD MANAGEMENT** (The individuals responsible for the maintenance of your electronic mail system may have input regarding this section. However, modifications should be made only after consultation with your legal counsel and with consideration for Delaware public records laws.)

We also recommend that you compare this policy against any citywide or countywide policy you may have in place to ensure there are no conflicts.
CHAPTER 2 – ORGANIZATION AND ADMINISTRATION

Administrative Communications

This policy addresses the internal and external correspondence generated by your agency.

BACKGROUND NOTES

• Administrative communications include personnel orders to keep members informed about agency events, guidelines for mailed correspondence and surveys.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency's practice:

• [PERSONNEL ORDER]S
• CORRESPONDENCE
• SURVEYS (Delete this section if your agency does not conduct surveys.)
CHAPTER 2 – ORGANIZATION AND ADMINISTRATION

Supervision Staffing Levels
This policy describes the minimum staffing levels for supervisors throughout your agency.

BACKGROUND NOTES
This policy is designed for supervisor deployments but you may add a similar policy if you would like to describe minimum staffing guidelines for line personnel.

CUSTOMIZATION GUIDELINES
Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- MINIMUM SUPERVISION STAFFING LEVELS (If deployments are covered in your agency’s collective bargaining agreement, ensure this section is in agreement.)
CHAPTER 2 – ORGANIZATION AND ADMINISTRATION

Retiree Concealed Firearms

This policy addresses the guidelines for the issuance, denial, suspension or revocation of agency-issued identification cards under the Law Enforcement Officers’ Safety Act (LEOSA), as well as relevant state provisions.

BACKGROUND NOTES

- Many agencies have questions surrounding the issuance of agency identification cards to former or retired officers. This policy provides a clear and legally sound process for issuing agency identification cards to qualified former or retired officers for LEOSA purposes.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- RESPONSIBILITIES UNDER LEOSA
- RESPONSIBILITIES UNDER DELAWARE LAW
- DENIAL, SUSPENSION OR REVOCATION (Ensure the timelines are consistent with your agency’s practice.)
- FIREARM QUALIFICATIONS

We recommend that you not delete or change the content of the following sections:

- LEOSA
- LEOSA CARD FORMAT
- AUTHORIZATION
Chapter 3 – General Operations
CHAPTER 3 – GENERAL OPERATIONS

Use of Force

This policy describes the philosophy of the use of force by certified officers along with guidelines on the reasonable use of force and related issues.

BACKGROUND NOTES

- Lexipol has strongly advocated against the inclusion of any sort of force continuum or escalation scale for many years, based upon very favorable language from the courts. The U.S. Supreme Court determined that the single question to be asked is whether a particular application of force was reasonable under the circumstances presented to the officer at the time the decision was made, and not whether some sort of alternative level of force could have been used (see e.g., *Scott v. Harris*, 127 S. Ct. 1769 (2007)). As such, this policy does not contain any sort of escalation scale or use of force continuum. We urge you to adopt this approach.
- Specific forms of force (e.g., impact weapons, pepper spray, projectile systems) are covered in a separate Control Devices Policy.
- Canines are covered in a separate Canines Policy, which will be included if you indicated on the Questionnaire that your agency has a canine unit.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **PAIN COMPLIANCE TECHNIQUES** and **CAROTID CONTROL HOLD** (If your agency does not permit these techniques, delete the subsections or indicate that these techniques are restricted or prohibited. Please recognize, however, that any such absolute omission may prove to be detrimental at some later point if your officers nonetheless apply such force in a situation that would have otherwise justified its use.)
- **TRAINING** (Although there may not be a specific state training mandate for use of force, Lexipol encourages each agency to establish regular training on this policy for all members who exercise arrest powers or carry firearms or control devices. A training schedule was purposefully not specified to avoid imposing training requirements that may exceed your agency’s available resources. However, you should incorporate the appropriate language that is consistent with your agency's training plan into this section.)
CHAPTER 3 – GENERAL OPERATIONS

Use of Force Review Boards

This policy describes the composition of the Use of Force Review Board and its responsibilities to review the use of force by members. This policy is for agencies with an established review board. If your agency does not have a review board, we recommend establishing one. Should your agency choose not to have one, you should delete this policy.

BACKGROUND NOTES

- The key to this policy is that the findings of the Use of Force Review Board should be strictly limited to a determination of whether the particular use of force was within policy. Any finding that a use of force was outside policy would then be separately referred to your professional standards (Internal Affairs) unit for further investigation and/or possible discipline. This policy emphasizes that it should not be the role of the review board to recommend or impose discipline.
- This review board should also be careful not to engage in “Monday morning quarter-backing.” These critiques serve little purpose and may create material for attorneys to use against the agency. Lessons learned from use of force situations are better addressed in generic training committees or other generic forums without specific reference to a particular incident. Training and policy changes, if any, should address the overall needs of the agency without reference to any individual or specific facts from a particular incident (i.e., address them in terms of non-specific hypotheticals). Obviously, should the review board determine that a particular incident violated policy; the agency must then initiate separate disciplinary proceedings, remedial training or other appropriate action.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- COMPOSITION OF THE BOARD
- RESPONSIBILITIES OF THE BOARD (Ensure this reflects your agency’s chain of command.)
CHAPTER 3 – GENERAL OPERATIONS

Handcuffing and Restraints

This policy provides guidelines for the use of handcuffs and other restraints during detentions and arrests.

BACKGROUND NOTES

- This policy is based on best practice and applicable law.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency's practice:

- REQUIRED DOCUMENTATION
CHAPTER 3 – GENERAL OPERATIONS

Control Devices

This policy is designed for agencies that issue or authorize certain control devices, including oleoresin capsicum (OC) spray, pepper projectile systems and kinetic energy projectiles.

BACKGROUND NOTES

• The appropriate term for the above tools is “control devices.” The use of labels such as “less lethal” or “less than lethal” can create an unnecessary distraction in a policy statement and are better off left to legal discourse. As a practical matter, officers need to be aware of when the use of these tools is authorized and how they are to be used under varying circumstances. This policy removes the less lethal label and emphasizes appropriate use to minimize unintended injuries.
• Electro-muscular disruption technology (EMDT) (such as the TASER®), is covered in the Conducted Energy Device Policy.
• As is the case with all control devices and weapons, policies must be supported by effective training and oversight. We urge you to check current training practices to ensure consistency with this policy.

CUSTOMIZATION GUIDELINES

This policy includes a variety of devices, some of which your agency may or may not use. Delete or add to the policy depending on the type of devices you have authorized for use. In addition, the policy is worded to permit some devices to be used by civilian law enforcement members when specifically authorized. If this does not match your practice, simply remove them.

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

• ISSUING, CARRYING AND USING CONTROL DEVICES
• RESPONSIBILITIES and all subsections (Make sure you clearly identify the individuals who are responsible for the control, use, maintenance and training of the various devices.)
• PEPPER PROJECTILE SYSTEMS (This section includes a recommendation that a supervisor become involved in all instances in which someone is exposed to OC, even if the individual was not directly hit by the pepper projectile. If you do not use this device, you can remove this section.)
• POST-APPLICATION NOTICE (The notice should include the date and type of agent used and the possible effects the residue may cause, including the likelihood of increased risks to those with respiratory conditions. Refer to your chemical agent supplier or training resource for a sample warning if you have not already developed one.)
• KINETIC ENERGY PROJECTILE GUIDELINES and all subsections (Note that Lexipol’s preferred terminology is “kinetic energy devices,” since this permits greater flexibility than so-called bean bags, and is more precise in overall description. Because tragedies and liability similar to those involving EMDT devices can occur with kinetic energy devices, we have provided some very specific language to protect your agency. However, you should customize these sections with regard to the type of devices and the personnel authorized to carry such devices.)
CHAPTER 3 – GENERAL OPERATIONS

Conducted Energy Device

This policy covers the use, medical treatment, training and reporting the use of electro-muscular disruption technology (EMDT), such as the TASER®.

BACKGROUND NOTES

- Most agencies authorize the TASER brand of EMDT. The terminology specific to your agency will be inserted throughout this policy based on your selection in the Questionnaire.
- EMDT has generated much media attention and this policy addresses those issues and concerns.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **TASER® CAM™** (Remove this section if you do not use a TASER with an integrated TASER CAM.)
CHAPTER 3 – GENERAL OPERATIONS

Officer-Involved Shootings and Deaths

This policy addresses officer-involved shootings and incidents where an individual dies in police custody or as a result of police actions, and includes guidance for the criminal, administrative and civil investigations associated with these incidents.

BACKGROUND NOTES

- Many agencies have experienced frustration when dealing with critical incidents involving multiple officers. The standard practice of ordering involved officers not to discuss the incident prior to being interviewed can be circumvented when officers meet collectively with authorized attorneys or representatives. This policy includes language in INVOLVED OFFICERS that balances the interests of your agency against the rights of the individual officers. While recommended, it is ultimately up to the individual agency to decide whether to accept this language.

- Video and audio recordings are generally a valuable resource when used by officers to assist in the preparation of reports. However, this practice is a hotly debated topic when it comes to officer-involved shootings. There are case-specific issues that play into whether video review prior to or following the officer’s initial statement is prudent. Accordingly, AUDIO AND VIDEO RECORDINGS allows for case-specific determination. Discussion with the District Attorney, or other entity charged with the control of the investigation, and others is essential in determining the specifics of your policy or interagency protocol and the procedures and methods you choose to implement. In most instances, the initial statement by involved officers occurs in the criminal investigation controlled by the prosecutor or other established authority. However, the agency policy should be developed keeping in mind that the initial statement may be made during an administrative investigation.

- While we believe that you should retain most of the substantive language of this policy, it is important that you carefully review the entire policy to ensure that it conforms to the various investigations your agency will perform in any officer-involved shooting or death.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- CONTROL OF INVESTIGATIONS
- CRIMINAL INVESTIGATIONS OF OFFICER ACTIONS
- SUPERVISOR RESPONSIBILITIES
- [WATCH COMMANDER] RESPONSIBILITIES
- NOTIFICATIONS
- INVOLVED OFFICERS
- CRIMINAL INVESTIGATION
- AUDIO AND VIDEO RECORDINGS
- MEDIA RELATIONS
CHAPTER 3 – GENERAL OPERATIONS

Firearms

This policy addresses the issuance, carrying, maintenance and storage of firearms, as well as firearms training. Secondary and off-duty firearms are included.

BACKGROUND NOTES

- This policy does not apply to issues related to the use of a firearm that are addressed in the Use of Force and Officer-Involved Shootings and Deaths policies.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- HANDGUNS (List any additional handguns your agency authorizes or delete the table.)
- SHOTGUNS (List any additional shotguns your agency authorizes or delete the table.)
- PATROL RIFLES (List any additional patrol rifles your agency authorizes or delete the table.)
- AUTHORIZED SECONDARY HANDGUN
- AUTHORIZED OFF-DUTY FIREARMS
- AMMUNITION
- OPTICS OR LASER SIGHTS (Delete if your agency does not authorize optics or laser sights.)
- FIREARMS TRAINING AND QUALIFICATIONS (Confirm or adjust the listed quarterly training period and the annual qualification required for duty firearms.)
- [RANGEMASTER] DUTIES (Confirm the timeline for the periodic inspection of duty firearms and the care, cleaning and safety proficiency for all firearms carried.)

We recommend that you not delete or change the content of the following sections:

- SAFE HANDLING, INSPECTION AND STORAGE
- FLYING WHILE ARMED (Note that the required National Law Enforcement Telecommunications System message to the Transportation Security Administration (TSA) replaces the letter of authority that was previously required. However, Lexipol recommends that the officer should still travel with a letter of authority from your agency.)
- CARRYING FIREARMS OUT OF STATE
CHAPTER 3 – GENERAL OPERATIONS

Vehicle Pursuits

This policy is provided for agencies that have specially marked law enforcement vehicles with authorized emergency lights and sirens, and that may become involved in vehicle pursuits.

BACKGROUND NOTES

- This policy is based on case law, best practice and COPT guidelines.
- The civil immunity available to your agency for any injury or damage caused by a fleeing suspect is only available if you have a comprehensive pursuit policy.
- There are some pursuit issues that will be unique to your agency and jurisdiction. For example, some agencies have elected to restrict pursuits beyond that which is required or recommended by law (e.g., no pursuits when only a traffic infraction is involved). Although such restrictions may increase your potential liability if a pursuit is continued under such circumstances, placing such limitations is entirely up to your agency.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **PURSUIT VEHICLES** (This section limits pursuits to three emergency vehicles. Adjust the number if needed.)
- **[THE COMMUNICATIONS CENTER]** (Provide the particular radio frequencies and procedures you wish to follow in a pursuit.)
- **RESPONSIBILITIES** (Delete if your agency does not have its own communications center.)
- **ASSUMPTION OF PURSUIT BY ANOTHER AGENCY**
- **PURSUIT INTERVENTION**
- **WHEN USE IS AUTHORIZED**
- **REPORTING REQUIREMENTS**
- **REGULAR AND PERIODIC PURSUIT TRAINING**

We recommend that you not delete or change the content of the following sections:

- **WHEN TO INITIATE A PURSUIT** (We caution against deleting any of the factors listed in this section. If you add factors, avoid those that might be difficult or impossible for your officers to consider in the rapidly evolving circumstances of a pursuit.)
- **AIR SUPPORT ASSISTANCE** (Even if your agency does not have aircraft, we recommend that you address it.)
- **USE OF FIREARMS** (This section has been carefully worded to avoid restricting an officer's ability to use a firearm to defend against a vehicle (e.g., driver) being used as a weapon, while placing restrictions on the use of a firearm fired at the vehicle itself.)
CHAPTER 3 – GENERAL OPERATIONS

Foot Pursuits

This policy is provided for agencies that have a patrol or frontline operation. It addresses the guidelines for making the decision to initiate or continue a foot pursuit. It also covers the responsibilities of field personnel, supervisors and dispatchers, as well as reporting.

BACKGROUND NOTES

None

CUSTOMIZATION GUIDELINES

We recommend no customization to this policy.
CHAPTER 3 – GENERAL OPERATIONS

[Officer/Deputy] Response to Calls

This policy addresses routine and emergency response to calls for service, including the responsibilities of the officers responding to the call and the dispatcher’s and supervisor’s responsibilities.

BACKGROUND NOTES

None

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **EMERGENCY CALLS**
- **NUMBER OF [OFFICERS/DEPUTIES] ASSIGNED** (Adjust, if needed, the number of units that should generally respond to any situation.)
- **MOTORCYCLES** (If your agency assigns motorcycles to emergency response, adjust the wording in this section.)
- **[OFFICER/DEPUTY] RESPONSIBILITIES**
- **[THE COMMUNICATIONS CENTER] and RESPONSIBILITIES**
- **SUPERVISOR RESPONSIBILITIES**
CHAPTER 3 – GENERAL OPERATIONS

Canines

This policy addresses the use of law enforcement canines to enhance law enforcement services.

BACKGROUND NOTES

- Lexipol has extensive experience in this area, having provided training in canine liability and successfully defended this actual policy in numerous canine-related lawsuits.

- In PREPARATION FOR DEPLOYMENT, we have listed some factors that handlers and supervisors should consider before using the canine in an apprehension. Although we have listed an estimate of the individual’s age, we do not prohibit the use of a canine to apprehend a juvenile (i.e., it might be appropriate to use the canine to apprehend a 17-year-old burglar with a club but it might not be appropriate to use the canine to apprehend a 10-year-old burglar who broke into the elementary school to vandalize a classroom). Similarly, we list only the nature of the offense while not limiting the use of a canine on felons (i.e., it might be appropriate to use the canine on a misdemeanor suspect who is resisting arrest but not on a felony fraud suspect). Within this same section, we believe that it is essential that a handler have the full authority not to deploy the canine. By the same token, a fully informed supervisor may prevent a handler from deploying the canine but may not force the handler to send the canine if the handler believes it would be inappropriate.

- WARNINGS AND ANNOUNCEMENTS addresses the use of verbal warnings. While we certainly recommend such warnings, we also recognize that there inevitably will be situations when such warnings will be impractical or even dangerous. As such, we have allowed for these contingencies.

- REPORTING DEPLOYMENTS, BITES AND INJURIES states that a canine use report should be completed on all canine deployments, regardless of whether the incident resulted in a bite. It may be beneficial to show that not every deployment results in a bite. In addition, the requirement of taking photographs of all claimed injuries (after treatment) is included to protect your agency.

- Canines should be trained and certified to the standards established by the certification organization with national credibility, as selected by your agency. This is covered in TRAINING. These guidelines were specifically designed to protect you and your agency. Inclusion of this language in your policy should help to add an extra level of protection against civil liability on the issue of training.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- ASSIGNMENT (Provide the division under which the canine unit will operate.)
- REQUESTS FOR CANINE TEAMS
- NARCOTICS DETECTION (Delete if your canines are not trained in narcotics detection.)
- BOMB/EXPLOSIVE DETECTION (Delete if your canines are not trained in bomb detection.)
- HANDLER SELECTION
- CONTROLLED SUBSTANCE TRAINING AIDS, CONTROLLED SUBSTANCE PROCEDURES and EXPLOSIVE TRAINING AIDS (These sections address the use of, and
provide a comprehensive procedure for using, controlled substances and explosive training aids for training for narcotics-detection and explosive-detection canines. If you do not have narcotics- or explosive-detection canines, you may remove these subsections. However, keep in mind that any specialized use of a canine may require training certification by your state training board. You will need the important procedures included in this content for handling narcotics and explosives training aid should you later acquire dogs so trained.

We recommend that you not delete or change the content of the following sections:

- **HANDLER COMPENSATION** (It is mandatory that you provide Fair Labor Standards Act (FLSA) compensation to your handlers for the off-duty requirements associated with the assignment.)
CHAPTER 3 – GENERAL OPERATIONS

Domestic Violence

This policy provides guidelines for the detection, reporting and prevention of domestic violence incidents.

BACKGROUND NOTES

• The state legislature has placed a high priority on domestic violence. This policy will ensure that your agency is in compliance with the current law. Because of the complexity of this statutory network and the ministerial nature of many duties placed upon your officers, content that references state statutes should not be substantively changed.

• When developing this policy, we encourage you to consult with community organizations and other law enforcement agencies with expertise in the recognition and handling of domestic violence incidents.

• You may want to prepare a domestic violence investigation guide to assist officers with investigating these cases and preparing reports. The guide should include resources and services that may be unique to your jurisdiction.

• If you have a regional or countywide domestic violence protocol, you may want to create an adjacent policy to detail the protocol.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

• VICTIM ASSISTANCE
CHAPTER 3 – GENERAL OPERATIONS

Search and Seizure

This policy provides guidelines for dealing with search and seizure issues.

BACKGROUND NOTES

- The application and constitutionality of search and seizure is a complex area of law that is constantly being interpreted by courts and local prosecutors. Accordingly, law enforcement personnel must stay abreast of changes and direction in statutes and case law. We have provided you with broad guidance on search and seizure, and we recommend ongoing training to ensure agency members are up-to-date on current search and seizure law.

CUSTOMIZATION GUIDELINES

We recommend no customization to this policy.
CHAPTER 3 – GENERAL OPERATIONS

Child Abuse

This policy provides guidelines for the investigation and reporting of child abuse.

BACKGROUND NOTES

- This policy distinguishes between the notification process to social services and the internal reporting processes of your agency. Note: The words “notify/notification” and “report” can be synonyms, but in this policy, we use “report” as a noun to identify a document (e.g., write a report or take a report). “Notify” is the best word for our obligation to let social services know about abuse. We can take a report and still be guilty of failing to notify.
- This policy mitigates the risks posed when your officers remove children from a parent by strengthening the standards for removal and encouraging the use of court orders.
- This policy expands investigatory considerations, encouraging your agency to work with multidisciplinary teams and to use qualified investigators who have a higher level of expertise in child abuse investigations.
- The illegal manufacture of psychoactive drugs, primarily methamphetamine, has escalated dramatically since 1980. Contaminants at clandestine labs range from highly volatile organic solvents and semi-volatile organic compounds to highly corrosive inorganic acids and bases, as well as the illicit drug itself and other by-products. DRUG-ENDANGERED CHILDREN and its subsections provide policy guidance for assisting children who live in these places. Lexipol may be able to provide a sample checklist or form from another agency for you to consider when crafting the checklist referred to in this section.

CUSTOMIZATION GUIDELINES

We recommend no customization to this policy.
CHAPTER 3 – GENERAL OPERATIONS

Adult Abuse

This policy provides guidelines for the investigation and reporting of adult abuse.

BACKGROUND NOTES

- This policy distinguishes between the notification process to social services and the internal reporting processes of your agency. Note: The words “notify/notification” and “report” can be synonyms, but in this policy, we use “report” as a noun to identify a document (e.g., write a report or take a report). “Notify” is the best word for our obligation to let adult services know about abuse. We can take a report and still be guilty of failing to notify.
- This policy mitigates the risks posed when your officers remove adults from a family member or caregiver by strengthening the standards for removal and encouraging the use of court orders.
- This policy expands investigatory considerations, encouraging your agency to work with multidisciplinary teams and to use qualified investigators who have a higher level of expertise in adult abuse investigations.
- The illegal manufacture of psychoactive drugs, primarily methamphetamine, has escalated dramatically since 1980. Contaminants at clandestine labs range from highly volatile organic solvents and semi-volatile organic compounds to highly corrosive inorganic acids and bases, as well as the illicit drug itself and other by-products. DRUG-ENDANGERED VICTIMS and its subsections provide policy guidance for assisting adult abuse victims who live in these places. Lexipol may be able to provide a sample checklist or form from another agency for you to consider when crafting the checklist referred to in this section.

CUSTOMIZATION GUIDELINES

We recommend no customization to this policy.
CHAPTER 3 – GENERAL OPERATIONS

Discriminatory Harassment

This policy provides guidelines for preventing and responding to harassment of any member based on race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications protected by law.

BACKGROUND NOTES

- This policy broadly addresses federal discrimination laws including Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on protected classifications, and the Uniformed Services Employment and Reemployment Rights Act (USERRA), which prohibits discrimination based on military service. It also incorporates select recommendations of the Equal Employment Opportunity Commission (EEOC) regarding preferred employer practices to avoid discrimination and retaliation.
- Any form of harassment, sexual or otherwise, has one of the greatest potentials for exposing your agency to liability. This policy draws on Lexipol’s extensive experience in the investigation and litigation of discrimination and harassment cases to outline the best way for your agency to address this problem.
- We have also experienced situations where members failed to report harassment in a timely manner, thus preventing the agency from dealing with what might have been a minor issue until it developed into a much more serious problem. For this reason, RESPONSIBILITIES places equal responsibility on victims, witnesses and supervisors to report discriminatory harassment in a timely manner and to deal with any perceived problem.
- You should review any related city/county policy pertaining to harassment to ensure that this policy does not conflict. In situations where there have been conflicts among more general city/county personnel policies, many personnel directors have updated their policy to conform to this one.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- QUESTIONS OR CLARIFICATION (List the individuals in your organization who are responsible for fielding questions about this topic.)
- NOTIFICATION OF DISPOSITION (Note that the document referred to in this section should state the remedy without disclosing any confidential personnel actions, such as discipline.)
CHAPTER 3 – GENERAL OPERATIONS

Missing Persons

This policy provides guidelines for accepting, documenting and investigating missing persons reports.

BACKGROUND NOTES

- Much of this policy is based on statutory law and includes recommendations and guidelines established by the National Center for Missing and Exploited Children® (NCMEC).
- Accessing telecommunications information and the use of alerts are included as proactive investigative steps for use in missing persons cases.
- In TRAINING, the Training Manager is charged with the responsibility of establishing regular training on missing persons investigating and reporting. While Lexipol recommends that such training occur annually, if feasible, a frequency was intentionally omitted to allow your agency to manage training as best suits your operations and resources. Be sure that your agency, in fact, fulfills any training requirement and frequency schedule that you establish by this policy.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- Throughout this policy we have attempted to clearly identify individuals responsible for certain actions that need to be taken when a missing person is reported. Ensure those titles are correct based on your agency’s organization.
- REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS (Review the titles of the recommended forms and change if necessary.)
- WHEN A MISSING PERSON IS FOUND (Ensure the appropriate positions are identified as having responsibility for actions taken and making the proper notifications when the missing person has been located.)
- TRAINING (Ensure that your agency practice is consistent with legal mandates as to what training should include, and that you have established a training frequency schedule and set procedures in place to ensure that all training is accomplished in a timely manner.)

We recommend that you not delete or change the content of the following sections:

- DEFINITIONS
- ACCEPTANCE OF REPORTS (This content is based on statute and should not be modified. However, you may choose to change who is responsible for taking the initial report and ensure the titles are correct for those individuals who must be notified.)
- INITIAL INVESTIGATION
- [DETECTIVE BUREAU] FOLLOW-UP
CHAPTER 3 – GENERAL OPERATIONS

Public Alerts

This policy provides guidelines for alerting the public to important information and soliciting public aid when appropriate.

BACKGROUND NOTES

- This policy goes in-depth to explain the child abduction criteria, the responsibility of the member to initiate an alert, the procedure to establish an alert and the request of mutual aid. Child abduction alerts can be referred to as AMBER Alerts™ or C.A.R.E. Alerts, but the rules are the same.
- The policy also covers Blue Alerts for the public dissemination of information regarding the death or serious injury of an officer by a suspect who has fled the scene of the offense.
- This policy also covers Gold Alerts for the public dissemination of information regarding persons who are 60 years of age or older and have been reported missing.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- Throughout the policy, check the titles of the persons responsible for certain actions.
- Review each alert procedure to ensure consistency with your practice.
- If your agency participates in regional alert processes or a local abduction alert system, create additional sections that include names, criteria and procedures.
CHAPTER 3 – GENERAL OPERATIONS

Victim and Witness Assistance

This policy covers victim’s rights in a variety of incidents, including domestic violence, sexual assault and general crimes. It also requires your agency to develop victim information handouts as necessary to comply with your state’s victim and witness notification provisions. This policy deals with the responsibilities of your members to make an advisement and the roles of other key individuals in your organization.

BACKGROUND NOTES

- There are requirements imposed on law enforcement agencies by Delaware statutes in making certain notifications to victims of crime. Much of this policy is set forth in statute.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- VICTIM INFORMATION (This section alerts officers to the existence of the Victim Information Notification Everyday (VINE®) program. This program is not always used statewide. You should verify this is available in your area prior to including this information and review the lists in this section.)
CHAPTER 3 – GENERAL OPERATIONS

Hate Crimes
This policy provides guidelines for identifying and investigating incidents and crimes that may be motivated by hatred or other bias.

BACKGROUND NOTES
- This policy discusses the agency’s stance on hate and/or bias-motivated crimes, the definition of hate and/or bias-motivated crime, the prevention and investigation of hate and/or bias-motivated crimes and training in the recognition of hate and/or bias-motivated crimes.
- Much of this policy is based on Delaware and federal statutes.

CUSTOMIZATION GUIDELINES
Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **INVESTIGATIONS** (Add any specific steps you would like your members to follow.)
- **[DETECTIVE BUREAU] RESPONSIBILITIES** (Add any additional steps you would like your investigators to take.)
CHAPTER 3 – GENERAL OPERATIONS

Standards of Conduct

This policy establishes and defines the standards of conduct expected of all agency members, both on- and off-duty. It does not present an exhaustive list of requirements and prohibitions, but touches on many important topics concerning conduct.

BACKGROUND NOTES

- This policy combines many years of experience and input from many agencies in an effort to address as many foreseeable forms of misconduct as possible.
- It will be important for you to compare this policy with your current code of conduct or disciplinary policy and/or any policies from your human resources department to avoid any conflicts.
- Whether you choose to add to or delete from this policy, this policy will need the review of your collective bargaining agreement since it will clearly affect terms and conditions of employment. However, this policy has already undergone extensive scrutiny by attorneys from all parts of the country. We do not anticipate that you will encounter any major opposition.
- This policy applies to all members, not just law enforcement officers.

CUSTOMIZATION GUIDELINES

We recommend no customization to this policy beyond that required to prevent conflicts with existing human resources policies and collective bargaining agreement.
CHAPTER 3 – GENERAL OPERATIONS

Information Technology Use

This policy addresses your agency’s computer and other technology systems, computer policies and software use, including the agency’s ownership and inspection rights of files, messages and all technology-related information. The intent of this policy is to make it clear that your organization owns the computers and related technology, software and the work product stored on the computers.

BACKGROUND NOTES

- This policy describes the situations under which your organization can inspect or extract information from the agency computers. It also addresses the prohibition against unauthorized duplication of software and the members’ use of the Internet. Make sure you compare this policy against your governing body’s policy on this same subject, if there is an existing policy in place, to ensure there is no conflict.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **INTERNET USE** (Some agencies have chosen to make this section less restrictive.)

We recommend that you not delete or change the content of the following sections:

- **PRIVACY EXPECTATION** (In other policies (Electronic Mail, [Mobile Digital Terminal] Use, Personal Communication Devices, and Speech, Expression and Social Networking) a related section refers to this policy. If you elect to change the content, you must ensure that the changes are consistent and do not conflict with the other policies.)
CHAPTER 3 – GENERAL OPERATIONS

[Department/Office] Use of Social Media

This policy establishes guidelines for the use of social media to connect and communicate with the community.

BACKGROUND NOTES

- Guidelines for the use of social media for employment or criminal investigations are located in the Recruitment and Selection and the Investigation and Prosecution policies. Personal use of social media is covered in the Speech, Expression and Social Networking Policy.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **MONITORING CONTENT** (Note the time frame for review of the agency use of social media.)
- **RETENTION OF RECORDS** (Note the action required by the Custodian of Records regarding public records retention.)
- **TRAINING**
CHAPTER 3 – GENERAL OPERATIONS

Report Preparation

This policy deals with the reporting of law enforcement-related incidents, including preparation, required reporting, special incidents reports and the report approval process.

BACKGROUND NOTES

- Many parts of this policy will require a review and necessary modification to mirror your reporting process.
- There may be additional minimum reporting requirements set forth in Delaware law that are addressed in their own policies.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- ELECTRONIC SIGNATURES (If you have a Records Management System (RMS) with electronic reporting and approval, you may want to accept this section. Agencies using electronic systems to submit reports and/or citations to the prosecuting attorney and/or courts may find that other entities require a policy to be in effect defining the composition and use of electronic signatures. This section will address that. The configuration template for your agency signatures should be customized and added as necessary.)
- REQUIRED REPORTING (Add to this section for incidents specific to your agency.)
- ALTERNATE REPORTING FOR VICTIMS (Confirm that the criteria listed match your process or make changes as needed. If your agency does not utilize alternative reporting methods, such as telephone or online reporting, this section should be deleted.)
- REVIEWS AND CORRECTIONS
CHAPTER 3 – GENERAL OPERATIONS

Media Relations

This policy provides the guidelines for media releases and media access to scenes of disasters, criminal investigations, emergencies and other law enforcement activities. It also identifies the agency’s Press Information Officer (PIO) and that position’s responsibilities.

BACKGROUND NOTES

- Media releases relating to officer-involved shootings and critical incidents are described in the Officer-Involved Shootings and Deaths Policy. The release of such information is governed by the Records Maintenance and Release Policy.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- RESPONSIBILITIES (Your answers to the Questionnaire provide some of the customization for this section, but you should verify that the correct individuals are identified as having responsibility for the PIO function, as well as whether it is a dedicated position or a collateral assignment.)
CHAPTER 3 – GENERAL OPERATIONS

Subpoenas and Court Appearances

This policy addresses subpoena service, acceptance and refusal of subpoenas, and other matters related to appearance in court.

BACKGROUND NOTES

• Much of this policy is derived from Delaware law but there are certain areas that will require comparison to your existing practice.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

• SUBPOENAS (You may need to modify the language if your agency has an electronic subpoena acceptance system versus a paper-based process.)
• STANDBY (This section requires the members to notify the agency of any change of address or phone number for court appearance reasons. If you do not have this requirement or if you have a time-period requirement for the notification (e.g., within 24 hours), modify accordingly.)
• COURTROOM PROTOCOL
• OVERTIME APPEARANCES (This section indicates that overtime is paid in accordance with the collective bargaining agreement for off-duty court appearances. Review your agency’s collective bargaining agreement on this topic and modify this section accordingly.)
CHAPTER 3 – GENERAL OPERATIONS

Part-Time [Officers/Deputies]

This policy covers most areas that pertain to part-time officers, including the appointment process, duties of a part-time officer, training, supervision, carrying of firearms and evaluation. The vast majority of the Policy Manual pertains as much to part-time officers as it does to regular full-time officers; this policy makes that clear.

BACKGROUND NOTES

None

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **DEFINITIONS** (If the definition for “part-time officer/deputy” does not match your agency’s practice or your Department of Human Resources’ rules, modify to match your practice or rules).
- **IDENTIFICATION AND UNIFORMS** (Modify to match your agency’s practice.)
- **COMPENSATION** (Describe the compensation and supplies your part-time officers receive. If your part-time officers are not paid, delete this section. You may also choose to simply reference the appropriate collective bargaining agreement.)
- **EVALUATIONS** (Ensure the evaluation period matches your agency’s schedule.)
CHAPTER 3 – GENERAL OPERATIONS

Outside Agency Assistance

This policy addresses the subject of providing assistance to other law enforcement agencies and requesting assistance from other law enforcement agencies. Key to this policy is ensuring that supervision is aware of the request and that proper documentation is made, if appropriate.

BACKGROUND NOTES

None

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- POLICY
- ASSISTING OUTSIDE AGENCIES and REQUESTING OUTSIDE ASSISTANCE (If your agency is smaller or your practice differs, you may need to make modifications to or remove these sections.)
CHAPTER 3 – GENERAL OPERATIONS

Registered Offender Information

This policy establishes guidelines by which your agency will address issues associated with certain offenders who are residing in your jurisdiction and how your agency will disseminate information and respond to public inquiries for information about registered sex offenders.

BACKGROUND NOTES

None

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **REGISTRATION** and its subsections (Note that these sections are based on Delaware law but may need modification to match your practice.)
- **MONITORING OF REGISTERED OFFENDERS** (Ensure the provided time frame for review matches your practice.)
- **DISSEMINATION OF PUBLIC INFORMATION** (Ensure that your agency has the necessary processes in place, and has determined the notifications to be performed by your agency, as may be recommended in 11 Del. C. § 4121.)
CHAPTER 3 – GENERAL OPERATIONS

Major Incident Notification

The intent of this policy is to ensure that certain members of your agency receive notification regarding incidents that are of significant nature and that meet certain criteria. The policy also addresses the responsibility of various individuals in your organization to make the appropriate notifications.

BACKGROUND NOTES
None

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- CRITERIA FOR NOTIFICATION (Add any additional criteria specific to your agency.)
- [WATCH COMMANDER] RESPONSIBILITIES and its subsections (Ensure that the titles for the individuals responsible are correct.)
CHAPTER 3 – GENERAL OPERATIONS

Death Investigation

This policy deals with all death investigations, not just those that are suspicious in nature. It addresses the Medical Examiner’s responsibility, searching dead bodies, death notification, suspected homicides and required notifications to the Occupational Safety and Health Administration (OSHA) in the event of a death related to the workplace.

BACKGROUND NOTES

• This policy is based on best practice and federal and Delaware law.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

• [MEDICAL EXAMINER/JOP] REQUEST (You may need to add to the list of situations where a call to the medical examiner is required.)
• DEATH NOTIFICATION

We recommend that you not delete or change the content of the following sections:

• EMPLOYMENT-RELATED DEATHS OR INJURIES (Note that the death does not have to occur at the workplace for the requirement to apply, only that there is a work-related connection to the death.)
CHAPTER 3 – GENERAL OPERATIONS

Private Person’s Arrest

This policy provides guidance for the handling of private person’s arrests.

BACKGROUND NOTES

- This policy is based on state law and is designed to help protect you civilly in these sometimes heated disputes between citizens.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- PRIVATE PERSON’S ARREST FORM (If needed, change the name of the form identified in this section.)
CHAPTER 3 – GENERAL OPERATIONS

Limited English Proficiency Services

This policy outlines the requirements of accommodating individuals who are considered limited English proficiency (LEP) individuals. This policy describes numerous situations where your agency can provide meaningful and timely assistance to LEP individuals through a variety of services, where available. This policy also describes dealing with LEP individuals in arrest situations, custodial interrogations and bookings. Training and documentation requirements are also covered.

BACKGROUND NOTES

- On August 11, 2000, the President signed Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency." The Executive Order requires federal agencies to examine the services they provide, identify any need for services to those who are LEP and develop and implement a system to provide those services so LEP persons can have meaningful access to them. These requirements were also imposed on local agencies that receive federal grant funding. We feel the requirements are reasonable and appropriate for agencies.

- We have received questions from agencies concerned about the inability to provide all of the services to LEP individuals that are described in the policy. This policy describes the four-factor analysis to determine the balance between providing reasonable and meaningful access to various rights, obligations, services and programs, while not imposing undue burdens on your agency or your members. The important thing to remember here is what is reasonable and practical. The Department of Justice (DOJ) does not expect every agency to be able to comply with every service. As an example, an agency that serves a population with no Korean individuals would not be expected to have its most frequently used forms translated into the Korean language. Conversely, a city with an ethnicity reflecting a 30 percent Korean population would want to translate those same forms into the Korean language. The same logic would apply to simply having an on-call translation service versus having translators on staff or signage posted in your agency. Agencies having specific questions regarding their responsibilities under this Act are encouraged to contact the DOJ Civil Rights Division.

- This policy is continually monitored and improved based on agency reviews by the U.S. DOJ’s Civil Rights Division and other stakeholders.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **LEP COORDINATOR** (In list item (g), please note that the DOJ Office for Civil Rights gives your agency discretion in developing procedures for evaluating the linguistic proficiency of your staff. Your agency may want to look to the local courts or college linguistic departments for assistance in developing your own standards and assessments.)

- **EMERGENCY CALLS TO 9-1-1** (This section assumes that your agency has direct control over your communications center. If this is not the case, you should work closely with the dispatch entity that services your area to ensure compliance or delete this subsection from your policy.)
CHAPTER 3 – GENERAL OPERATIONS

Communications with Persons with Disabilities

This policy provides guidelines for communicating with individuals who suffer from deafness, hearing impairment, speech impairment, blindness, impaired vision, or mental or other disabilities, and who may have difficulty gaining meaningful access to, or understanding, important rights, obligations and services. It describes the variety of services available to persons with disabilities as well as guidelines for arrest situations, custody interrogation, booking, training and documentation.

BACKGROUND NOTES

• This policy is substantially based on the Americans with Disabilities Act (ADA) and the Rehabilitation Act and should not be materially modified without first consulting your legal resource. Additional aspects of the policy were developed based on input from the U.S. Department of Justice (DOJ) and other stakeholders.
• Incidents involving lack of communication with impaired individuals have given rise to civil liabilities. This policy provides guidelines to protect your agency against such liability.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

• QUALIFIED INTERPRETERS (We recommend that an interpreter be requested within 15 minutes when indicated. Please change if this is inconsistent with your practice.)
• TRAINING (While we recognize the impact on agency resources that training requirements can have, it is important to note that in order to provide equal access as required, training of your personnel is necessary to reduce liability. We have intentionally left this requirement rather open by referring to “periodic training.” You should use a training schedule and curriculum that is appropriate for your agency based on available resources and types of contacts likely to be encountered.)
• CALL-TAKER TRAINING (The ADA does not specify how call-takers must be trained but we have included the elements that DOJ considers essential to proper training (see http://www.ada.gov/911ta.htm). If you do not have direct control over your communications center, you should ensure compliance with DOJ training recommendations or delete this content from your policy.)
CHAPTER 3 – GENERAL OPERATIONS

Chaplains

This policy provides guidelines for agencies that use chaplains to provide counseling and emotional support to members, their families and the public. It addresses the requirements and selection process for chaplains, as well as duties, responsibilities, command structure and operational guidelines.

BACKGROUND NOTES

- This policy is based on best practice from hundreds of law enforcement agencies and is intended to be customized to meet your agency’s needs.
- The policy reinforces the secular nature of the chaplain program, while making clear that chaplains should assist those agency members seeking spiritual support. Chaplains may share their faith but not in a manner that is unsolicited or apt to create conflict.
- It is generally recommended that chaplains do not serve in any other capacity at the same agency because of the conflicts that may arise. PRIVILEGED COMMUNICATIONS outlines this recommendation and clarifies the role of the agency chaplain regarding certain communications. Be sure that any chaplain serving with your agency is fully aware of how this applies in Delaware.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **ELIGIBILITY** (Some agencies modify the requirement regarding years of service.)
- **SELECTION AND APPOINTMENT**
- **IDENTIFICATION AND UNIFORMS** (You may want to describe your uniform or simply refer to your Uniforms and Civilian Attire Policy. If your chaplains do not wear uniforms, you can delete this section or take this space to describe their appropriate attire.)
- **CHAPLAIN COORDINATOR**
- **DUTIES AND RESPONSIBILITIES**
- **TRAINING** (If there are state or national training standards or programs that you prefer, tailor this section accordingly. It is recommended, however, that chaplains meet a minimum training requirement.)
CHAPTER 3 – GENERAL OPERATIONS

Public Safety Video Surveillance System

This policy is for agencies that operate and maintain public safety video surveillance systems that may or may not be monitored by law enforcement personnel. It explains the purpose of the cameras and provides guidelines for their operation and for the storage of captured images.

BACKGROUND NOTES

None

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency's practice:

- **PLACEMENT AND MONITORING**
- **CAMERA MARKINGS**
- **VIDEO SURVEILLANCE AUDIT** (We recommend an annual audit of the system; alter this as needed.)
CHAPTER 3 – GENERAL OPERATIONS

Child and Dependent Adult Safety

This policy provides law enforcement officers with guidelines for minimizing the impact to a child or dependent adult when it becomes necessary to take action involving a parent or guardian. It describes the officer’s role before and after an arrest is made.

BACKGROUND NOTES

• This policy is consistently reviewed and updated to incorporate current best practice to help guide your members when handling arrests of persons who may be guardians or caregivers for children or dependent adults.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

• PROCEDURES DURING AN ARREST
• AFTER AN ARREST
CHAPTER 3 – GENERAL OPERATIONS

Service Animals

This policy addresses the obligations of the agency and its members to protect the rights of persons assisted by service animals and to provide equal access for persons with service animals.

BACKGROUND NOTES

• This policy is required under the American with Disabilities Act (ADA) of 1990 for any agency receiving federal assistance. Even if your agency is not a recipient of federal assistance, we strongly recommend that you adopt it.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

• DEFINITIONS (Check local laws or ordinances for definitions of a service animal that may be more encompassing than those of the ADA, and modify accordingly.)
CHAPTER 3 – GENERAL OPERATIONS

Volunteers

This policy is provided for agencies that use volunteers to supplement paid staff. It addresses eligibility, recruitment, selection and appointment, duties, training, supervision and annual evaluations.

BACKGROUND NOTES

None

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **DEFINITIONS** (Some agencies classify reserves as volunteers while others classify volunteers as compensated employees. Edit the definition to reflect your classification.)
- **ELIGIBILITY and SELECTION**
- **VOLUNTEER COORDINATOR** (Make sure you identify a person in your organization to take on the duties of this position. This section prescribes an annual evaluation for overall use of volunteers; modify as needed.)
- **EVALUATIONS** (This section prescribes an annual evaluation for overall use of volunteers; modify as needed.)
- **VEHICLE USE** (As a best practice, we recommend prohibiting volunteers from operating agency vehicles under emergency conditions. If your agency does permit volunteers to operate vehicles in a different manner, remove this content from the policy.)
CHAPTER 3 – GENERAL OPERATIONS

Native American Graves Protection and Repatriation

This policy provides guidelines to help members ensure the protection and security of ancient or historic grave sites, Native American human remains, funerary objects, sacred objects or objects of cultural patrimony on federal lands.

BACKGROUND NOTES

- This policy is designed to help agencies be in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC § 3001).

CUSTOMIZATION GUIDELINES

We recommend no customization to this policy.
CHAPTER 3 – GENERAL OPERATIONS

Off-Duty Law Enforcement Actions

This policy is intended to provide guidelines for officers with respect to taking law enforcement action while off-duty, which can place an officer and others at great risk and must be done with careful consideration. While initiating action off-duty is generally discouraged, situations may arise that pose an imminent threat, thereby putting officers in the position of taking action. This policy addresses carrying firearms off-duty, making the decision to intervene and other considerations.

BACKGROUND NOTES

None

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **POLICY** (The guidance in this section is considered best practice and is based on actual incidents from law enforcement agencies, but can be modified if needed.)
CHAPTER 3 – GENERAL OPERATIONS

Seasonal [Officers/Deputies]

This policy covers most areas that pertain to seasonal officers, including the appointment process, duties of a seasonal officer, training, supervision, carrying of firearms and evaluation. The vast majority of the Policy Manual pertains as much to seasonal officers as it does to regular full-time officers; this policy makes that clear.

BACKGROUND NOTES

None

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **DEFINITIONS** (If the definition for “seasonal officer/deputy” does not match your agency’s practice or your Department of Human Resources’ rules, modify to match your practice or rules.)
- **IDENTIFICATION AND UNIFORMS** (Modify to match your agency’s practice.)
- **COMPENSATION** (Describe the compensation and supplies your seasonal officers receive. If seasonal officers are not paid, delete this section. You may also choose to simply reference the appropriate collective bargaining agreement.)
- **FIREARMS** (If your agency does not arm your seasonal officers with firearms, or if your agency arms them in a more limited manner than described here, you can delete or modify to match your practice.)
- **EVALUATIONS** (Ensure the evaluation period matches your agency’s schedule.)
- **FIELD TRAINING** (If your seasonal officers are not put through any Field Training Officers training you can delete this section.)
Chapter 4 – Patrol Operations
CHAPTER 4 – PATROL OPERATIONS

Patrol

This policy is provided for agencies that have a uniformed patrol function. It defines the functions of the patrol unit and describes the information-sharing process, including crime analysis. If your organization does not have a patrol function, you should delete this policy.

BACKGROUND NOTES

None

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- INFORMATION SHARING (Make adjustments if you do not have a formal briefing.)
- CROWDS, EVENTS AND GATHERINGS (If you are seeking funding for the Neighborhood Stabilization Program, this section is required. If you are not seeking funding for this program, delete this section.)
CHAPTER 4 – PATROL OPERATIONS

Racial or Bias-Based Profiling

This policy is provided for any agency that has an enforcement function. It defines and discusses the philosophy of racial or bias-based profiling and covers agency policy, training and documentation.

BACKGROUND NOTES

- Given the ongoing public attention to this issue, you are advised to include this policy in your manual as a proactive measure to any inquiry by the public, media or grand jury.
- Many agencies refer to this topic as bias-based policing, while others refer to it as racial profiling. We have combined the title to meet all agencies’ needs.
- The definition of racial or bias-based profiling has been expanded to include other classifications that should not be used as factors in providing differential treatment of individuals when providing law enforcement services.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **ADMINISTRATION** (If you participate in a specific tracking system, add that here or create a new section.)
CHAPTER 4 – PATROL OPERATIONS

[Briefing]

This policy is provided for agencies that conduct a briefing or roll call training period before the beginning of each shift. It discusses the philosophy of briefing or roll call and includes the tasks that should be accomplished. If you do not have a patrol function or a briefing period, you should delete this policy.

BACKGROUND NOTES

- Briefing or roll call is also a great time to review your Daily Training Bulletins.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- [BRIEFING] (Add to the list of items included in briefing.)
CHAPTER 4 – PATROL OPERATIONS

Crime and Disaster Scene Integrity

This policy is provided for agencies that respond to crime and/or disaster scenes. The policy outlines the responsibilities of members responding to these events and the considerations while on-scene for the preservation of the scene and the protection of evidence. If your organization does not respond to these types of events, you should delete this policy.

BACKGROUND NOTES

None

CUSTOMIZATION GUIDELINES

We recommend no customization to this policy.
CHAPTER 4 – PATROL OPERATIONS

[Crisis Response Unit]

This policy is provided for agencies that have a crisis response unit (CRU), also called a Special Weapons and Tactics (SWAT) team or a special response team. This policy addresses operation of a tactical team and a negotiation team, including the three CRU capability levels, the organizational procedure recommendations, the operational procedures, the management and mobilization of the CRU and training. If you do not have a CRU, you should delete this policy.

BACKGROUND NOTES

- This policy is not intended to be a complete CRU manual, but it does cover many of the significant points needed to be in compliance with generally accepted best practice.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **POLICY** (If your agency participates in a regional team or a team managed through a joint powers agreement, you may have to make adjustments to address your agency obligations and commitment (e.g., staffing, equipment) to the team.)
- **CAPABILITIES** (Make adjustments if your agency titles teams differently.)
- **MANAGEMENT AND SUPERVISION** (Check titles of supervisors and managers to ensure they match your organization.)
- **EQUIPMENT INSPECTIONS** (We recommend a quarterly inspection of CRU equipment. Modify if this is not your practice.)
- **SELECTION OF TACTICAL MEMBERS**
- **TACTICAL TRAINING** (This section recommends monthly training and establishes firearms qualification standards for SWAT officers. If your agency trains to a different standard based on your capability level, make that change here.)
- **NEGOTIATION TEAM ADMINISTRATIVE GUIDELINES** (If you do not have a separate negotiation team, delete this section and its subsections, as well as any references throughout policy.)
- **SELECTION OF NEGOTIATION MEMBERS**
- **NEGOTIATION TRAINING**
- **INITIAL TRAINING** (We recommend new CRU officers not be not be deployed until they have successfully completed an approved basic CRU course or its equivalent. Modify if your standard is different.)
CHAPTER 4 – PATROL OPERATIONS

Ride-Along

This policy is for agencies that authorize ride-alongs and covers the requirements, approval process and hours of operation for ride-alongs.

BACKGROUND NOTES

- In this policy, the term “ride-along” includes riding as a passenger with an officer on patrol or observing the workday of members engaged in other agency functions.
- OFF-DUTY PARTICIPATION is included due to problems encountered by several agencies that did not otherwise regulate this issue.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- ELIGIBILITY
- AVAILABILITY (Modify the hours that you permit individuals to ride.)
- REQUESTS TO PARTICIPATE (Check that the individual who is responsible for maintaining and scheduling participation is correct.)
- PROCEDURES (Modify the time frame for how often a person can participate in a ride-along and the list of exceptions.)
- OFF-DUTY PARTICIPATION (You may omit this section or make it more restrictive, to the point of even prohibiting the practice.)
- MEMBER RESPONSIBILITIES (Review to ensure that you have correctly identified the individual who is responsible for maintaining and scheduling ride-alongs. Note: Do not modify list item (f); it is mandatory because the courts have imposed liability on agencies for permitting non-law enforcement personnel (e.g., media ride-alongs) into a residence without consent of the owner (Wilson v. Layne (98-83) 526 U.S. 603 (1999) 141 F.3d 111).)
CHAPTER 4 – PATROL OPERATIONS

Hazardous Material Response

This policy is provided for agencies that respond to hazardous materials incidents. The policy outlines the responsibilities of members responding to these events and the considerations while on-scene. It also covers the reporting of exposures and the supervisor’s responsibilities. If your agency does not respond to these types of events, you should delete this policy.

BACKGROUND NOTES

None

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **CONSIDERATIONS** (If your agency does not have access to a local automated community notification system you may delete this resource. You may also consider adding the Department of Natural Resources and Environmental Control (DNREC)’s 24-hour reporting phone number for purposes of contacting the DNREC Emergency Response Team and facilitating DNREC’s activation of the Environmental Release Notification System (DERNS).)
- **REPORTING EXPOSURE** (Review chain of command to ensure it matches your practice.)
- **SUPERVISOR RESPONSIBILITIES** (If your agency equips supervisors or other members with special safety equipment, make sure that this section is in line with your practice.)
CHAPTER 4 – PATROL OPERATIONS

Hostage and Barricade Incidents

This policy is provided for agencies that may respond to critical and often rapidly evolving hostage and barricade incidents. It discusses the philosophy of hostage negotiations, the first responder’s and supervisor’s responsibility and the required reporting.

BACKGROUND NOTES

- This policy is not intended to be a comprehensive policy on hostage negotiations but we do provide information that might be helpful to the first responder.
- Hostage and barricade incidents are discussed with a degree of separation to differentiate between incidents that involve criminal suspects and those involving persons who may be resisting law enforcement for other reasons (e.g., mental illness).

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- EMERGENCY COMMUNICATIONS (Review and insert specific procedures to allow eavesdropping and/or control of telephone lines during emergency situations. Also include any directives regarding the appointment of your agency’s hostage and barricade communication specialist. If you do not use these tactics, remove this section.)
- FIRST RESPONDER CONSIDERATIONS
- BARRICADE SITUATION and HOSTAGE SITUATION (The lists in these sections are not all-inclusive nor in any particular order; customize as needed.)
- SUPERVISOR RESPONSIBILITIES (The list of options for the initial on-scene supervisor is not all-inclusive nor in any particular order; customize as needed. If your agency does not utilize a Crisis Response Unit (CRU), you will need to make adjustments to this section.)
- [CRISIS RESPONSE UNIT] RESPONSIBILITIES (If your agency does not utilize a CRU, you will need to remove this section.)
CHAPTER 4 – PATROL OPERATIONS

Response to Bomb Calls

This policy provides guidelines for the initial response to bomb threats, reports of explosive materials and explosion/bombing incidents.

BACKGROUND NOTES

- Most of the procedure and protocol in this policy is taken from the best practice of many agencies.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- FOUND DEVICE (This section provides guidelines for handling an incident involving a suspected explosive device. We use national-level training standards as the guideline for limiting or eliminating radio transmissions within the evacuation area. However, if your local or regional bomb team has a different protocol, you should modify this to coincide with that practice.)

- NOTIFICATIONS (Add to or delete from the list of individuals who need to be notified in the event of an explosion incident.)

We suggest you compare this policy to any protocol you may have if you use the assistance of another agency in handling these specialized calls.
CHAPTER 4 – PATROL OPERATIONS

Crisis Intervention Incidents

This policy has been developed to assist your agency in responding to incidents involving persons who are experiencing a mental health crisis.

BACKGROUND NOTES

- Because mental illness is a recognized disability, and to comply with the requirements of the Americans with Disabilities Act (ADA) and the Rehabilitation Act, law enforcement agencies must provide the same level of services and protections to people with mental disabilities, or to those who are experiencing a mental or emotional crisis, that they provide to anyone else. The ADA requires that agencies make reasonable adjustments and modifications to their policies, practices and procedures on a case-by-case basis.
- We have included training requirements in this policy. While we recognize the impact that training can have on resources, courts have held that agencies with sufficiently regular contact with people in crisis, such that a policy has been created to guide officer interactions, are required to train officers on such policies or risk liability.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- COORDINATION WITH MENTAL HEALTH PROFESSIONALS (Consider including references to your local Crisis Intervention Service Center, Crisis Intervention staff or the Statewide Mobile Crisis Unit if desired.)
- TRAINING (Determine the specific training content and frequency. If your agency attends crisis intervention team for law enforcement training or other training offered by the Division of Substance Abuse and Mental Health you may wish to add it here.)
## CHAPTER 4 – PATROL OPERATIONS

### Emergency Detentions
This policy is provided for agencies that respond to situations where an officer may need to take an individual into custody for a psychiatric evaluation or for re-hospitalization. This policy addresses the authority for the custody or re-hospitalization, considerations of the officer on-scene, transportation, restraints, documentation and the confiscation of firearms and other weapons.

### BACKGROUND NOTES
- The majority of this policy is based on current law.

### CUSTOMIZATION GUIDELINES
Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **TRANSPORTATION** (If the receiving facility does not require notification when an officer is en route, you should remove this language.)
CHAPTER 4 – PATROL OPERATIONS

Summons Releases

This policy is provided for agencies that can release individuals on a promise to appear in court/summons. It describes the statutory requirements, procedures and the authorized reasons not to release on a promise to appear in court. It does not address related issues regarding juveniles or release restrictions pertaining to domestic violence. These topics are addressed in the Temporary Custody of Juveniles and Domestic Violence policies.

BACKGROUND NOTES

- This policy is based on statutory law.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- RELEASE FOLLOWING FINGERPRINTING AND PHOTOGRAPHING (This section discusses the procedure to issue a promise to appear in court once an individual is brought to jail. If you allow the officer to make this decision, you should modify this language accordingly.)
CHAPTER 4 – PATROL OPERATIONS

Foreign Diplomatic and Consular Representatives

This policy provides guidelines for officers when considering a physical arrest or detention of a foreign diplomat or consular representative.

BACKGROUND NOTES

- While you might not utilize this policy with any great frequency or think that agency members will encounter one of these situations, the improperly handled foreign national is one of those situations that can put your agency on the front page of the newspaper more quickly than almost any other high-profile action.
- As indicated in the policy, Lexipol recommends quick communication with the U.S. Department of State for all of these contacts. The U.S. Department of State provides 24/7 contact telephone numbers for law enforcement; these are included in the policy.
- The U.S. Department of State also provides a manual for law enforcement on this subject. We recommend a current version be readily available in your agency. Even with this guide, the issues are a bit complex; nothing can replace having a knowledgeable U.S. Department of State representative on the telephone. Law enforcement officers will normally need this help to sort through whether a person really has immunity, in addition to what can and cannot be done.

CUSTOMIZATION GUIDELINES

The law and processes involved in these situations are very specific. We recommend no customization to this policy.
CHAPTER 4 – PATROL OPERATIONS

Rapid Response and Deployment
This policy is provided for agencies that have frontline responders and the need for rapid response to critical incidents. The policy describes the philosophy for rapid response along with policy and procedures, including the decision to advance on a suspect.

BACKGROUND NOTES
- This policy is based on best practice of many agencies.

CUSTOMIZATION GUIDELINES
Please review the following sections carefully and customize accordingly to meet your agency’s practice:
- POLICY
- CONSIDERATIONS, FIRST RESPONSE and PLANNING (Review the procedural portions to ensure they match your operation.)
- TRAINING (Review to ensure this section matches your training plans.)
CHAPTER 4 – PATROL OPERATIONS

Immigration Violation

This policy is provided for agencies that could potentially have any enforcement contact with illegal immigrants. It describes the philosophy and policy for handling immigration incidents, including working with Immigration and Customs Enforcement (ICE) for identification, notification and determination of immigration status.

BACKGROUND NOTES

None

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **U VISA AND T VISA NONIMMIGRANT STATUS** (Note that federal law allows temporary immigration benefits to victims of certain crimes, including human trafficking, and provides for law enforcement to supply a certification or declaration as part of a petition for a U visa or T visa. Modify this section to ensure that the oversight and decision-making process is at the appropriate level of the organization. This will help to limit the potential for frivolous or unnecessary requests for these visas, which are very limited in their availability.)

Note: Because of the political considerations in each jurisdiction, it will be important that you carefully review this policy to ensure that it conforms to your community (e.g., greater or lesser participation with ICE).
CHAPTER 4 – PATROL OPERATIONS

Utility Service Emergencies

This policy is for agencies that are responsible for emergency response related to certain public utility problems, such as electrical power, broken water lines and traffic signal maintenance.

BACKGROUND NOTES

None

CUSTOMIZATION GUIDELINES

You'll want to review each section in this policy since practices vary from one jurisdiction to the next regarding how specific types of public utility problems are addressed. Remove any sections and subsections that do not pertain to your agency.

Each subsection you choose to keep under UTILITY SERVICE EMERGENCY should have a procedure describing how your agency responds to these incidents while minimizing the risk of liability. Understand that beginning an activity, such as traffic control, may create an obligation to continue that activity until the situation is resolved.
CHAPTER 4 – PATROL OPERATIONS

Aircraft Accidents

This policy is for all agencies, regardless of whether you have an airport in your jurisdiction. It provides guidelines for member responsibilities and notifications in the event of an aircraft crash. The policy covers the responsibilities of first responders, dispatchers, Press Information Officers (PIOs), the Records Manager and supervisors. It also addresses the Federal Aviation Administration (FAA) and National Transportation Safety Board (NTSB) roles and the proper documentation requirement.

BACKGROUND NOTES

- This policy is based on best practice plus Delaware law and FAA and NTSB regulations.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **NOTIFICATIONS** (Modify the list of entities to be notified in the event of an aircraft crash if needed.)
- **MEDIA RELATIONS** (Delete if you do not have a dedicated PIO or modify to describe an employee in your organization who has PIO responsibilities.)
CHAPTER 4 – PATROL OPERATIONS

Field Training

This policy is provided for agencies that conduct formal training for newly hired or appointed officers. This policy addresses the administration of field training, the selection process, the training of Field Training Officers (FTOs), the FTO coordinator responsibilities, evaluations of trainees and documentation.

BACKGROUND NOTES

None

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- FTO COORDINATOR (You may also choose to identify a rank for the FTO coordinator.)
- SELECTION PROCESS (Most agencies accept the given criteria but some have modified list item (b), based on their agency’s size, to lower the required years of experience.)

We recommend use of FTO training materials. If your materials are titled differently (e.g., your agency uses an FTO manual), be sure to make the change in the appropriate sections.
CHAPTER 4 – PATROL OPERATIONS

Air Support

This policy is for agencies that have the need for occasional air support from an outside law enforcement agency. This policy addresses the types of calls where air support may be requested and who is authorized to make such a request.

BACKGROUND NOTES

- If you have your own air support program, you undoubtedly have a separate operating manual, and this policy is not designed to replace that. That being said, this policy can still be a guide for your officers as to when to request air support.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- REQUEST FOR AIR SUPPORT (This section is written to require a supervisor or officer in charge to be the individual authorized to request air support. If your command structure does not have this requirement, you can make that change here.)
- CIRCUMSTANCES FOR REQUESTS (Review and add or delete from the requirements on this list to match your agency’s practice.)
CHAPTER 4 – PATROL OPERATIONS

Contacts and Temporary Detentions

This policy provides guidelines for conducting field interviews (FIs) and pat-down searches and/or photographing individuals who are temporarily detained in the field but not arrested.

BACKGROUND NOTES

- This policy is the result of protracted litigation in federal court with the American Civil Liberties Union (ACLU). Its inclusion in your manual should help you avoid similar litigation.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency's practice:

- FIELD PHOTOGRAPHS TAKEN WITHOUT CONSENT (If you utilize any sort of consent form or data on field photographs—we recommend that you do—you may need to make some changes here.)
- DISPOSITION OF PHOTOGRAPHS
CHAPTER 4 – PATROL OPERATIONS

Criminal Organizations

This policy provides guidelines for appropriately utilizing criminal intelligence systems and temporary criminal information systems to assist in investigating criminal organizations/enterprises and their members or affiliates. This policy covers the purpose and use of temporary information files, information collection criteria, file content, retention and dissemination, but does not include the analytical process of criminal intelligence.

BACKGROUND NOTES

- Perhaps even more so than field interview (FI) photos, labeling an individual as a member of a street gang carries a potential for civil litigation. This policy incorporates specific language and definitions taken directly from related statutes; we caution you against changing these provisions.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- CRIMINAL INTELLIGENCE SYSTEMS (Identify what individual/unit will be responsible for intelligence information gathered by your agency.)
- TEMPORARY INFORMATION FILE
- FILE CONTENTS (Check with legal counsel before making any adjustments to the retention period timeline.)
- FILE REVIEW AND PURGING (Retain the purging provisions, but review the time frames for retention and purging so they match your practice.)
- RELEASE OF INFORMATION (Review and change as necessary the individuals involved in release of information.)

If your agency chooses to approve the use of a criminal intelligence system, it is important to ensure that it is consistent with 28 CFR 23.20.
CHAPTER 4 – PATROL OPERATIONS

[Watch Commander]s

This policy is provided for agencies that staff a position of Watch Commander. It addresses the philosophy of the Watch Commander position and emphasizes the importance of having a more senior individual available to make critical decisions. If your agency does not have this position, you should delete this policy.

BACKGROUND NOTES

None

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- DESIGNATION AS ACTING [WATCH COMMANDER]
- [WATCH COMMANDER] RESPONSIBILITIES (The list of Watch Commander duties should be modified to be consistent with the essential job duties of your city/county job description for the position, with the terms of any collective bargaining agreement and with your agency’s practice.)
CHAPTER 4 – PATROL OPERATIONS

Mobile Video Recorder

This policy is provided for agencies that use Mobile Video Recorder (MVR) cameras in their law enforcement vehicles. If you do not use these cameras, you can delete this policy.

This policy addresses the responsibilities of the members using the system, including the required activation. Additionally, portions are included to cover handling the media, preserving images and audio for evidence and review procedures of captured images and audio.

BACKGROUND NOTES

- If your agency uses only the audio recorder, delete this policy and refer to the Portable Audio/Video Recorders Policy.
- Many agencies using this policy have found that it not only meets their needs but it passes the scrutiny of most law enforcement unions or associations.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency's practice:

- **[OFFICER/DEPUTY] RESPONSIBILITIES** (This section directs officers to properly equip themselves and to follow established procedures for testing and use of the equipment. You should ensure that you have the proper written procedures and training in place to address this.)
- **REQUIRED ACTIVATION OF THE MVR** (This section directs officers to activate their systems any time they believe the recording would be appropriate or valuable. It also lists situations where activation is advisable. We recommend that you retain this best practice list; however, you may choose to add or delete situations based upon your current practice.)
- **SUPERVISOR RESPONSIBILITIES** (This section covers supervisory remote activation of MVR systems and may not be consistent with your system’s technological capability. Make adjustments here as needed.)
- **RECORDING MEDIA STORAGE AND INTEGRITY** (This section may not apply if you are using digital media that is transmitted. If that is the case, you should remove this portion or modify it accordingly.)
- **SYSTEM OPERATIONAL STANDARDS** (This section is based on best practice and addresses evolving technology. Modify or delete this section if it is not applicable to your agency.)
- **MVR TECHNICIAN RESPONSIBILITIES** (Delete this section if it is not applicable to your agency.)
CHAPTER 4 – PATROL OPERATIONS

[Mobile Digital Terminal] Use

This policy is provided for agencies that use mobile digital terminals (MDTs) or computers (MDCs) in their vehicles. It addresses the philosophy of MDTs/MDCs and describes their use and considerations for members using these devices. If you do not have MDTs/MDCs, you should delete this policy.

BACKGROUND NOTES

None

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **USE WHILE DRIVING** (This is a controversial topic. The included wording is designed to give your agency some latitude in operating the unit for a short duration while in motion, but with that latitude comes some risk. You should look at this topic carefully and adjust where the balance works for your agency.)
- **DOCUMENTATION OF ACTIVITY**
- **STATUS CHANGES** (You are encouraged to make the appropriate changes to match your current practice, but should avoid any practice that could create confusion about the status or whereabouts of a member in the field.)
- **EMERGENCY ACTIVATION** (If your MDT/MDC system isn’t equipped with emergency activation capability, delete this section.)
- **MALFUNCTIONING [MDT/MDC]** (Many agencies have required members to take a different vehicle with a functioning MDT/MDC if their vehicle has a malfunctioning MDT/MDC. If you do not have that luxury, you can modify or delete this portion.)

We recommend that you not delete or change the content of the following sections:

- **PRIVACY EXPECTATION** (If you do elect to change this content, you should make sure the language is consistent in the Electronic Mail, Information Technology Use, Personal Communication Devices, and Employee Speech, Expression and Social Networking policies.)
CHAPTER 4 – PATROL OPERATIONS

Portable Audio/Video Recorders

This policy provides guidelines for member use of portable audio/video recording devices, such as body-worn cameras. It applies to both uniformed and non-uniformed personnel who carry audio or video recorders in the performance of their duties.

BACKGROUND NOTES

- This policy ensures consistency with best practice and Delaware law.
- The use of personally owned recorders for agency-related purposes exposes the member and the agency to unnecessary challenges, including public records retention, evidence spoilage and destruction, and improper disclosure issues, and should be restricted. This policy makes clear that the use of personally owned portable recorders is prohibited without express authorization.
- This policy also addresses situations where, due to increased audio and video presence, members find themselves recording in highly private situations. Members are given criteria in which to decide when the privacy concerns outweigh the law enforcement concerns and how to respond to requests to stop recording.
- This policy incorporates the issues identified by the Delaware Legislature in House Concurrent Resolution Number 46. This policy has also been reviewed in light of the Delaware Police Chief’s Council’s (DPCC) model policy on body-worn cameras which resulted from House Concurrent Resolution Number 46. This policy additionally covers recording situations in addition to those involving body-worn cameras. Specific Lexipol recommendations as it may relate to the DPCC’s body-worn camera policy are noted below as necessary.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **COORDINATOR** (Lexipol has reviewed DPCC’s model policy and this policy is consistent.)
- **MEMBER RESPONSIBILITIES** (While Delaware law allows law enforcement officers acting within the scope of their regular duties to intercept oral communications as part of video recordings without notification to the other party, Lexipol recommends notification of recording to others as a matter of best practice when practicable. The DPCC model policy on body-worn cameras requires notification unless “unsafe, impractical or impossible.” Lexipol notes this language is not set by law and you may choose to modify it as a matter of best practice.)
- **ACTIVATION OF THE AUDIO/VIDEO RECORDER** (This section describes the circumstances in which we believe the recorder should be activated, and closely mirrors the Mobile Audio/Video Policy. This Lexipol content is somewhat more expansive than the DPCC’s model policy content.)
- **IDENTIFICATION AND PRESERVATION OF RECORDINGS** (This section describes circumstances in which members should consider tagging. The language of this section is
intentionally broad and as such covers the enumerated situations listed in the DPCC’s model policy on body-worn cameras.)

- **REVIEW OF RECORDED MEDIA FILES** (Review the list of the situations where a review of the recordings would be appropriate and modify if you wish to expand the list. You should also review the responsibility of the Custodian of Records to determine if the release of certain recordings may unnecessarily compromise an individual’s privacy so that it is in compliance with your agency protocol. The DPCC model policy makes reference to the Delaware Law-Enforcement Officer’s Bill of Rights (DELEOBR). As the DELEOBR applies to many other situations, it should be incorporated in a more general role in a personnel policy. See Lexipol’s Personnel Complaints Policy.)
CHAPTER 4 – PATROL OPERATIONS

Public Recording of Law Enforcement Activity

This policy provides guidelines related to encounters with members of the public who are photographing or video and/or audio recording your personnel, as well as guidelines for situations where the recordings may be evidence. The policy also includes guidance for the legal and response issues related to such recordings.

BACKGROUND NOTES

- This policy is based on best practice and federal law.
- It is important that your personnel are aware that the recording of law enforcement performing their duties is common and is federally protected free speech under the First Amendment. While some may think it is unpleasant or inconvenient to have someone recording their every move, it is not unlawful.
- It is important that a great deal of restraint be exercised in these situations. Officers should not resort to using arrests for discretionary offenses, such as interference, failure to comply or disorderly conduct, as a means of preventing someone from exercising his/her right to free speech. For these reasons, we have included a high degree of supervisory oversight in the policy.
- The protections and limitations for such activity has been a hotly contested issue in courts around the country and has been the subject of many lawsuits. Lexipol strongly recommends that your agency train sufficiently on this policy so that your personnel understand the importance of the guidelines it contains.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- [OFFICER/DEPUTY] RESPONSE
- SUPERVISOR RESPONSIBILITIES

The following sections are based on federal law and we recommend that you not delete or change the content:

- RECORDING LAW ENFORCEMENT ACTIVITY
- SEIZING RECORDINGS AS EVIDENCE
CHAPTER 4 – PATROL OPERATIONS

Bicycle Patrol

This policy is provided for agencies that use dedicated bicycle patrols. However, many agencies have also been successful in modifying this policy to meet their needs if they do not have dedicated bicycle patrol but have patrol bicycles available for occasional use.

This policy covers selection and training of bicycle patrol officers, uniforms and equipment, and responsibilities of the officers and supervisors.

BACKGROUND NOTES

None

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- PURPOSE AND SCOPE (Ensure the description of the program matches your operation.)
- BICYCLE PATROL COORDINATOR (Modify or delete if you choose not to have a dedicated coordinator or if this does not apply to your agency. If this section is kept, check the inspection time frame to ensure consistency with your practice.)
- PATROL BICYCLE (While Delaware law does not require police emergency vehicles to operate lights and sirens under all response circumstances or that police bicycles incorporate them, we recommend their inclusion. Should your agency choose not to have lights or sirens, you can remove this content as they are not required by state law.)
- MAINTENANCE
- UNIFORMS AND EQUIPMENT (Tailor this section to your current specifications and ensure consistency with the Uniforms and Civilian Attire Policy.)
- TRAINING (Modify this section if your budget and resources require a different practice.)

We recommend that you not delete or change the content of the following sections:

- [OFFICER/DEPUTY] RESPONSIBILITIES (Content is based on Delaware law.)
CHAPTER 4 – PATROL OPERATIONS

Automated License Plate Readers (ALPRs)

This policy is provided for agencies that utilize mobile and/or fixed Automated License Plate Readers (ALPRs).

BACKGROUND NOTES

- This is a technology that is of great interest and concern to privacy advocates. We have crafted policy language that addresses such concerns and allows flexibility in the manner in which the ALPR is utilized by your agency, while still ensuring the privacy concerns of individuals.
- Research and best practice on the use of ALPR, the collection and retention of ALPR data and the safeguards regarding access to and use of stored data supports our detailed policy.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- ADMINISTRATION (If your agency does not assign the administration of ALPR data to the Administrative Division (i.e., your agency assigns to another division or position), make the changes accordingly.)

We recommend that you not delete or change the content of the following sections:

- DATA COLLECTION AND RETENTION (Also ensure systems and processes are provided for collection, storage and retention within your agency. These are often system-specific procedures that exist separately from the Policy Manual. You may consider adding your system-specific policy needs here as well.)
- ACCOUNTABILITY
- RELEASING ALPR DATA
CHAPTER 4 – PATROL OPERATIONS

Homeless Persons

This policy provides reasonable guidelines for the interaction between officers and the homeless community, while observing the individual’s constitutionally afforded rights.

BACKGROUND NOTES

- Homelessness presents special challenges for law enforcement. Due to a lack of shelters and other resources, some agencies have resorted to targeting the homeless with enforcement action and the destruction of their property as a means to eliminate the problem. These actions, however, often violate constitutional rights.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **LIAISON TO THE HOMELESS COMMUNITY** (Designate a person who has been trained in this subject to help create agency accountability and minimize risk. In most agencies, the liaison position will require a minimal commitment in terms of time (i.e., a collateral duty), yet having a liaison will ensure that at least one person is coordinating efforts and overseeing the agency’s proactive response.)
CHAPTER 4 – PATROL OPERATIONS

Medical Marijuana

This policy is provided for agencies that may encounter individuals cultivating or using marijuana for medicinal purposes. The purpose of this policy is to provide members of your agency with guidelines for handling and distinguishing between claims of medical marijuana use and criminal narcotics violations. It addresses the enforcement of marijuana violations, the medicinal use claims and the return of marijuana. If your organization does not deal with these types of cases, you can remove this policy.

BACKGROUND NOTES

- Most of this policy is based on Delaware law.

CUSTOMIZATION GUIDELINES

We recommend no customization to this policy.
CHAPTER 4 – PATROL OPERATIONS

Medical Aid and Response

This policy provides guidance to law enforcement personnel who encounter people who need medical help. It outlines the responsibilities of those who respond and the considerations while on-scene. Instances of excited delirium, use of an automated external defibrillator (AED) and managing the response of an air ambulance are also covered in this policy.

BACKGROUND NOTES

None

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **TRANSPORTING ILL AND INJURED PERSONS** (We recommend that officers do not provide escorts for EMS. You will need to modify this if it is not consistent with your practice.)
- **PERSONS REFUSING EMS CARE** (We recommend that a determination of forced transport due to mental capacity be made by EMS personnel, not law enforcement. Also, you should determine whether your agency has agreements with EMS or with hospitals regarding signing of treatment refusal and financial responsibility forms. This section uses language prohibiting members from signing these forms, but you should modify if your agency follows a different protocol.)
- **SICK OR INJURED ARRESTEE** (We recommend that officers do not transport arrestees in need of medical treatment. Modify if this is inconsistent with your practice.)
- **AIR AMBULANCE** (You may want to check with your local air ambulance providers regarding specific response protocols.)
- **AUTOMATED EXTERNAL DEFIBRILLATOR (AED) USE** (If your agency does not equip members with AEDs, delete this section.)
- **AED TRAINING AND MAINTENANCE** (The responsibilities addressed in this section are assigned to the Training Manager as a matter of best practice. Modify if your agency assigns these responsibilities to another individual.)
- **ADMINISTRATION OF OPIOID OVERDOSE MEDICATION** (If your agency does not provide opioid overdose medication to your officers/deputies, delete this section.)
CHAPTER 4 – PATROL OPERATIONS

First Amendment Assemblies

This policy provides guidance for responding to public assemblies or demonstrations that involve the exercise of freedom of speech and the right of assembly and association, and where unlawful acts have been committed or are reasonably predicted to occur.

BACKGROUND NOTES

- Agencies struggle with the challenge of policing demonstrations and other types of public gatherings. Failure to adequately prepare for responding to mass demonstrations or other events that require some level of crowd control can result in injuries, property damage and impaired police-community relations. Mismanagement can also lead to civil awards and settlements paid to plaintiffs who allege unconstitutional policing, policies or tactics.
- This policy is based upon the Incident Command System (ICS) protocol and best practice language.
- PLANNED EVENT PREPARATION provides guidance in the planning process and should be used for large gatherings as well as smaller routine events, such as city/county council meetings. Having a good plan for smaller assemblies is important because of the routine nature of the event, where disruptive participants are the exception, rather than the norm.
- We have included training requirements in this policy. While we recognize the impact that training can have on agency resources, courts have held that agencies that engage in crowd-control activities are required to train their officers on such policies. Practical experience across the country has demonstrated the necessity of such training. We have left training as an open matter to be developed and scheduled according to your resources and the type of public gatherings your agency will likely encounter.

CUSTOMIZATION GUIDELINES

We recommend no customization to this policy other than language adjustments based upon your agency size and available resources.
CHAPTER 4 – PATROL OPERATIONS

Civil Disputes

This policy provides members of your agency with guidance for addressing conflicts between persons when no criminal investigation or enforcement action is warranted (e.g., civil matters), with the goal of minimizing the potential for violence or criminal acts.

BACKGROUND NOTES

None

CUSTOMIZATION GUIDELINES

We recommend no customization to this policy.
CHAPTER 4 – PATROL OPERATIONS

Suspicious Activity Reporting

This policy is intended to provide guidance regarding the prevention and investigation of criminal acts and terrorism through the collection and reporting of suspicious activities.

BACKGROUND NOTES

- This policy is based on best practice from a variety of counterterrorism resources. Critical attributes of a successful program include a simple reporting mechanism and a broad-based review (for example general crimes, terrorism, narcotics, gangs) of those reports in order to ensure that suspicious activity that is actionable can be addressed swiftly and appropriately.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- RESPONSIBILITIES (Add additional requirements if needed.)
- REPORTING AND INVESTIGATION
- HANDLING INFORMATION
Chapter 5 – Traffic Operations
CHAPTER 5 – TRAFFIC OPERATIONS

Traffic

This policy describes the philosophy of traffic enforcement and identifies the individuals responsible for the traffic function. It also covers deployment, enforcement and the authority to arrest or issue a citation, as well as the use of high-visibility safety vests. Agencies who do not provide traditional traffic functions may determine that this policy is not required.

BACKGROUND NOTES

None

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **CITATIONS AND SUMMONS** and **PHYSICAL ARREST** (Although Delaware law allows for significant discretionary authority to take physical custody of individuals for violations of the motor vehicle and traffic laws, Lexipol recommends agencies generally avoid adopting such a broad view policy and practice on physical arrest in these cases.)
- **SUSPENDED OR REVOKED LICENSES** (Should not require modification unless you choose to outline a specific process.)
- **TRAFFIC PROCEDURES MANUAL** (While not required by law, Lexipol recommends your agency maintain a procedure manual related to traffic matters. You may modify this section as desired.)
- **CARE AND STORAGE** (Make adjustments for any vehicles that you do not operate.)

We recommend that you not delete or change the content of the following sections:

- **PURPOSE AND SCOPE**
- **DEPLOYMENT**
- **ENFORCEMENT**
CHAPTER 5 – TRAFFIC OPERATIONS

Traffic Collisions

This policy is for agencies that respond to and document traffic collisions that occur in their jurisdictions. It describes the process for taking collision reports, along with the various situations where reporting may or may not be required.

BACKGROUND NOTES

- Much of this policy is based on the Delaware law and best practice and will not need modification.
- Since major collisions can spark considerable interest on the part of the media, we have included NOTIFICATION to ensure that members notify their supervisors of significant collisions.
- If traffic collision investigations are not a task performed by your agency and you intend to remove this policy, we recommend moving the notification and internal reporting portions of INVESTIGATION BY OUTSIDE LAW ENFORCEMENT AGENCY to the Vehicle Use Policy as a new section.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- If you have designated accident investigators or traffic units, you may wish to customize the terms throughout the policy to suit your specific operations.
- POLICY (If your agency contracts investigations to the Delaware State Police or another outside law enforcement agency, describe that arrangement here.)
- NOTIFICATION (Add to the list of scenarios that require supervisor notification if needed, including collisions involving political officials, city/county employees, etc.)
- MINIMUM REPORTING REQUIREMENTS and its subsections (Although Delaware law does not require reports be taken in each of the listed situations, based on best practice, we recommend that reports be taken in these situations. If your agency’s policy differs, make the appropriate changes.)
- [CITY/COUNTY] VEHICLE INVOLVED (References several reports that your agency may not have or may identify them with different titles. Modify as needed.)
CHAPTER 5 – TRAFFIC OPERATIONS

Vehicle Towing

This policy is for agencies that tow a vehicle as the result of a collision, arrest or other traffic-related matter. This policy covers procedures for towing a vehicle by or at the direction of an agency member, including storing disabled vehicles, selecting towing companies, taking vehicle inventories, conducting vehicle searches and completing the appropriate paperwork.

BACKGROUND NOTES

- Surprisingly, towing complaints expose agencies to civil liability claims. We feel this policy will go a long way toward avoiding these claims.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- REMOVAL OF VEHICLES DUE TO A HAZARD (Describes the process for removal of a vehicle. Many agencies allow the driver or responsible person to choose the tow company. If the driver does not know which company to use, your officer should make that decision. This policy assumes that you have established some sort of rotational towing list so that each company is called in order. If you only have one authorized tow company, you can modify the language to reflect that here.)
- ARREST SCENES (Describes the policy on storage at arrest scenes. Most agencies choose to store or impound vehicles versus leaving them at the scene, with certain exceptions. We include some exceptions, but you should expand this list if needed.)
- RECORDS (Modify if someone other than your Records Bureau has the responsibility to enter information from the storage form into a stolen vehicle database.)
- NOTICE OF TOW (Modify if someone other than the Records Bureau is responsible to make the notification. Here Lexipol best practice goes beyond the minimum requirements of Delaware law; we do not recommend any modifications to the items to be included in the notice.)
- TOWING SERVICES

We recommend that you not delete or change the content of the following sections:

- VEHICLES RELATED TO CRIMINAL INVESTIGATIONS
- VEHICLE INVENTORY
- SECURITY OF VEHICLES AND RETRIEVAL OF PROPERTY

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CHAPTER 5 – TRAFFIC OPERATIONS

Vehicle Tow Hearings

This policy is for agencies that tow and/or store vehicles as the result of a law enforcement action. It describes the process to conduct a hearing when a vehicle has been towed by your agency and the registered or legal owner requests a hearing. If you do not tow vehicles, this policy can be deleted.

BACKGROUND NOTES

- The procedures in this policy will work well with little modification for most agencies. If you have a local ordinance regulating the towing and storage of vehicles, review it carefully and make appropriate adjustments to this policy. You should only accept this policy if your city/county does not have an already established hearing process.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- The authority to enact an ordinance, in addition to existing state law, regulating the towing and storage of vehicles comes from Delaware law. Therefore, portions of the policy may need to be revised to match local procedures and requirements.
- HEARING OFFICER (Ensure the process to identify a hearing officer is correctly identified.)
- HEARING PROCESS (Ensure the time frame for the hearing matches your practice.)
CHAPTER 5 – TRAFFIC OPERATIONS

Impaired Driving

This policy is for agencies that have a patrol function and have the responsibility for impaired-driving enforcement.

BACKGROUND NOTES

- This policy is largely based on specific statutory provisions.
- The Delaware legislature has enacted a zero-tolerance policy with regard to alcohol-related driving, which includes laws related to the immediate suspension of a driver’s license. This policy deals with both the collection of evidence in impaired-driving situations and the process associated with the suspension of a driver’s license.
- This policy is a comprehensive outline of the current standards applicable to chemical testing; it does not attempt to cover other objective symptoms of intoxication, the field coordination test or reporting. Because your agency may not wish to be more restrictive in the administration of such tests (you may not be less restrictive), you should carefully review each of the sections in this policy.
- When developing and approving field sobriety tests, you are encouraged to use the National Highway Traffic Safety Administration (NHTSA), local prosecutors and COPT as resources.
- Alcohol dissipation alone does not create an exigency that automatically eliminates the need for a warrant (Missouri v. McNeely 133 S.Ct. 1552 (2013)). Guidance regarding exigency is addressed in BLOOD SAMPLE WITHOUT CONSENT to assist officers with investigations. You may need to work with your local prosecutors and legal counsel to ensure you have meaningful methods of obtaining warrants and identifying and articulating exigent circumstances.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- You should ensure that the proper positions have been identified for task responsibilities throughout the policy.
- BREATH SAMPLES, REPORTING, [RECORDS BUREAU] RESPONSIBILITIES and ADMINISTRATIVE HEARINGS (Ensure the individuals for certain tasks are correctly identified.)
- ARREST AND INVESTIGATION and its subsections
CHAPTER 5 – TRAFFIC OPERATIONS

Traffic and Parking Citations

This policy is for agencies that issue traffic and parking citations. The policy outlines the responsibility for traffic and parking citations and describes procedures for the dismissal, correction and voiding of traffic and parking citations, as well as parking citation appeals.

BACKGROUND NOTES

- The primary intent of this policy is to make clear the agency’s policy on the dismissal, correction and voiding of citations to avoid the appearance of “fixing” tickets. DISMISSAL makes clear that members do not have the authority to dismiss a citation; that authority is reserved for the courts. Even the process of requesting a dismissal needs to be approved by a supervisor and routed to a Division Commander.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- WRITTEN OR VERBAL WARNINGS
- CORRECTION
- JUVENILE CITATIONS (Issuing citations to juveniles varies by agency and court policy. Modify if you have specific rules relating to this or if your agency follows specific procedures for purposes of juvenile diversion.)

We recommend that you not delete or change the content of the following sections:

- DISMISSAL
CHAPTER 5 – TRAFFIC OPERATIONS

Disabled Vehicles

This policy is for agencies that have members who may be in the position to assist motorists with disabled vehicles. This policy describes the members’ responsibilities when they encounter a disabled vehicle and includes actions that are discouraged or prohibited.

BACKGROUND NOTES

None

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- MECHANICAL REPAIRS (This includes flat tire changes.)
- RELOCATION OF DISABLED VEHICLES
- RELOCATION OF MOTORISTS

Review the level of assistance that your agency members can provide. While it generally will be appropriate to assist stranded motorists, you should be careful not to mandate that members render such aid. In other words, we highly recommend that you retain the discretionary language we provide in order to avoid any potential liability you might otherwise impose upon yourself if you were to mandate action by agency members.
Chapter 6 – Investigation Operations
CHAPTER 6 – INVESTIGATION OPERATIONS

Investigation and Prosecution

This policy addresses how to appropriately investigate criminal cases so they are not closed or made inactive without proper justification, as well as risks involved with such investigations.

BACKGROUND NOTES

- Some agencies expand this policy, describing their investigation operation or adding additional procedures.
- Audio and video recordings of interrogations can prove invaluable when the accuracy and volition of such statements are challenged at trial. Many states are adopting legislation requiring recordings in the case of certain crimes. Accordingly, AUDIO/VIDEO RECORDINGS requires, when feasible, the recording of a custodial interrogation of anyone suspected of a violent felony. Additionally, safeguards have been provided to ensure recordings are not destroyed or duplicated without authorization.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- INITIAL INVESTIGATION (Ensure that the procedures listed match your practice.)
- DISCONTINUATION OF INVESTIGATIONS
- IDENTITY THEFT (If your agency uses specific database entries, add that here.)
- MODIFICATION OF CHARGES FILED (Ensure proper positions, responsibilities and titles are identified.)
CHAPTER 6 – INVESTIGATION OPERATIONS

Sexual Assault Investigations

This policy establishes guidelines for the investigation of sexual assaults. It addresses some of the unique aspects of such cases and the effects these crimes have on the victims and the community.

BACKGROUND NOTES

- This policy makes specific recommendations based on national discussions about sexual assault investigations, biological evidence testing, victim statements and case dispositions. You should review these recommendations in light of your community and agency resources.
- In order to provide a comprehensive and coordinated response to the victims of sexual assaults, Lexipol recommends that your agency explore the development of a Sexual Assault Response Team (SART) or become part of an existing multidisciplinary response team. However, this policy will work for your agency regardless of whether you are part of a SART or multidisciplinary response team.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE (We recommend biological samples from all sexual assault cases, even those where the victim knows the suspect, be submitted to a lab for analysis. While this has a solid basis in corroborating a victim’s statement, samples in these cases also address the issue that sexual assault suspects tend to be involved in numerous incidents. Therefore, having the analysis done addresses the ability to link cases and suspects. This section also states that all samples of biological evidence where the victim does not know the suspect be submitted to the lab for analysis. If these practices do not match your agency’s agreement with your laboratory services provider, modify as needed.)

We recommend that you not delete or change the content of the following sections:

- DISPOSITION OF CASES (We recommend that dispositions on sexual assault cases are only made after a significant review and approval by a supervisor. This follows a national effort to standardize the way in which sexual assault case disposition is approached, and how cases where victims recant all or part of their reports are handled.)
CHAPTER 6 – INVESTIGATION OPERATIONS

Asset Forfeiture

This policy is for agencies that will encounter a situation where assets are seized as the result of specific designated offenses. It deals primarily with the authority and procedure for the seizure and liquidation of those assets, and the required documentation.

BACKGROUND NOTES

- This policy includes controls and specific oversight by a designated forfeiture reviewer. This is a complex area of the law. A well-trained and knowledgeable member should be responsible for ensuring that cases are handled appropriately and within the requirements of state and federal law. The policy incorporates best practice from across the country and is specifically designed to provide line officers with simple, straightforward guidance to initiate the forfeiture process.

- Many smaller agencies do not process asset forfeitures internally and request assistance from neighboring county or state agencies. Some agencies may participate in task forces (managed by another jurisdiction) that process asset forfeiture transactions. Members from your agency may or may not be involved in these transactions. Regardless of your specific situation, we recommend retaining this policy and modifying it accordingly.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- DEFINITIONS (Ensure titles of positions match your practice. Also, state content language is provided under the definition “Property subject to forfeiture.” Carefully review this language to ensure your practice is consistent. We caution against making changes to this language without a complete review of applicable statute.)

- PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS (Adjust timelines to match your practice.)

- MAINTAINING SEIZED PROPERTY (Modify if the responsibility is assigned to a position other than your property supervisor.)

- FORFEITURE REVIEWER (Ensure the responsibilities of this assignment and the process are consistent with your practice.)

We recommend that you not delete or change the content of the following sections:

- PROPERTY SUBJECT TO SEIZURE
- DISPOSITION OF FORFEITED PROPERTY
CHAPTER 6 – INVESTIGATION OPERATIONS

Informants

This policy is for agencies that use informants. It covers the guidelines and use of informants, including how to deal with juvenile informants and relationships with informants.

BACKGROUND NOTES

- We recognize that the practice of using and controlling informants may vary widely from one agency to the next. Modify this policy to conform to the process used by your agency. If you do not have a detailed process, this policy should cover most of your needs.
- We also strongly recommend that you have an informant agreement. We can provide such a form if you do not already have one.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **INFORMANT FILES** (Ensure that your informant files and the officer/deputy or unit that oversees the use of informants is described here.)
- **FILE SYSTEM PROCEDURE**

We recommend that you not delete or change the content of the following sections:

- **JUVENILE INFORMANTS**
- **INFORMANT PAYMENTS** and its subsections
CHAPTER 6 – INVESTIGATION OPERATIONS

Eyewitness Identification

This policy is for agencies dealing with the various methods of witness identification, including live lineups, photographic lineups and field show-ups. It provides guidance to field and investigative personnel and outlines procedural safeguards to ensure reliability and admissibility of identification evidence in court.

BACKGROUND NOTES

- This policy reflects the most current content based on federal law and best practice.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **EYEWITNESS IDENTIFICATION FORM** (Ensure the process identified matches your practice.)
- **FIELD IDENTIFICATION CONSIDERATIONS**
CHAPTER 6 – INVESTIGATION OPERATIONS

Brady Information

Although the retention, maintenance and access of all personnel files is addressed in the Personnel Records Policy, this policy is designed to specifically address the issues arising out of “Brady information,” whether that information is contained in personnel files or obtained through other sources, such as an investigation.

BACKGROUND NOTES

- *Brady* material is from the *Brady v. Maryland* decision (373 U.S. 83 (1963)). The United States Supreme Court held that the prosecution has an affirmative duty to disclose to the defendant evidence that is both favorable and material to the guilt and/or punishment of the defendant.
- This policy is written to balance the privacy interests of personnel files against your agency’s duty to disclose impeachment and exculpatory information to the defense. It should address your agency’s needs; however, we encourage your agency to establish specific procedures with the prosecutor’s office for handling *Brady* requests and disclosures. Modify this policy as necessary to conform to those agreements.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **DISCLOSURE OF REQUESTED INFORMATION** (Should your practice differ in that the prosecutors do not file a motion to initiate an in camera review, or the judges do not do such reviews, modify the disclosure process to reflect your local practice.)
CHAPTER 6 – INVESTIGATION OPERATIONS

Unmanned Aerial System

This policy is for agencies that utilize unmanned aerial systems (UAS). It provides guidelines for the development of UAS programs and operations, and ensures that privacy concerns are addressed.

BACKGROUND NOTES

- The UAS technology in domestic policing and public safety is a sensitive and rapidly changing issue that is of great interest and concern regarding operational safety, information security and individual privacy. Public access to the images and information is a critical issue in maintaining public support of UAS programs. Public transparency is encouraged within the confines of laws that protect the security of such information and the privacy of criminal suspects and the public.
- The nation’s courts are taking a keen interest in UAS. Lexipol will monitor and respond to legislative or judicial changes that affect this policy. As always, we encourage agencies to work closely with their local prosecutors and agency attorneys with regard to this policy and UAS operations.
- Research on the use of a UAS, the collection and retention of the information and images produced, and the safeguards are considered in this policy.
- U.S. courts have considered the time that police are able to monitor or track criminal suspects in the determination of whether a warrant is required for the technology’s application. We recommend appropriate legal counsel is sought when applying this technology in criminal surveillance.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- PRIVACY (In this section, we address the courts’ standard that the captured and transmitted image is equivalent to unassisted human vision. This standard was established for normal human vision from an altitude of 400 feet. If the UAS is operated within Federal Aviation Administration (FAA) regulations, the standard should be met. You may want to determine if this is consistent with your agency protocols.)

We recommend that you not delete or change the content of the following sections:

- PROGRAM COORDINATOR (Critical to the development of a successful and publicly supported program is the designation of a UAS program coordinator position. We recommend that you do not reduce the program coordinator’s role without due consideration and public involvement.)
- USE OF UAS (UAS uses are varied and each has unique challenges and concerns. We recommend that you do not expand the acceptable uses of the UAS without due consideration and public involvement.)
CHAPTER 6 – INVESTIGATION OPERATIONS

Warrant Service

This policy provides the framework and guidelines for processing search warrants and arrest warrants requiring entry into non-secure locations.

BACKGROUND NOTES

- This is an important policy for agencies due to the complexity of the preparation and issues regarding the service of warrants. There are also significant safety risks and liability risks associated with serving warrants at locations and involving subjects that are also being investigated by other agencies.
- This policy works in conjunction with the Operations Planning and Deconfliction Policy.
- Another critical component of this policy is the use of risk assessment forms to standardize the collection of information and the process of determining the safety risk involved in each warrant.
- This policy provides for entry of information into a regional deconfliction system early in the application process. We recommend that your agency not only participates in deconfliction systems, but that interagency agreements regarding search warrant service mandate that all agencies in the agreement participate in the same deconfliction systems.
- Documenting the warrant service through video, audio or still photographs is extremely important in confirming that the warrants are served consistent with this policy as well as protecting the agency and officers/deputies from unfounded allegations of misconduct and unnecessary damage to property.
- This policy also provides guidelines on dealing with people who are present during warrant service, but may not be involved in the criminal activity at the involved location.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency's practice:

- OPERATIONS DIRECTOR and its subsections (A key element in this policy is the assignment of an operations director who reviews all search warrant applications and risk assessment forms and confers with the handling supervisor regarding the risk assessment and a determination of whether the warrant is a high-risk warrant. The operations director will supervise the preparation for and service of all high-risk warrants. Modify if you have an alternate practice. Note: Agencies may also choose to have more than one operations director, but a balance must be maintained between workload, consistency in decision-making and sufficient independent review of warrant applications and service. If you choose to change the title of this function, modify the language in this policy as well as the Operations Planning and Deconfliction Policy, which is written with the same function title.)
CHAPTER 6 – INVESTIGATION OPERATIONS

Operations Planning and Deconfliction

This policy provides additional guidelines on the planning, deconfliction and execution of large-scale, complex or high-risk operations. It includes the provision of an operations director to assess the risk associated with pending operations, coordinate activities department-wide and coordinate planned high-risk events.

BACKGROUND NOTES

- To ensure officer safety, it is important that all law enforcement agencies integrate systematic event deconfliction into their daily operations, not just large-scale, unusual or high-risk operations.
- This policy works in conjunction with the Warrant Service Policy.
- To mitigate risk, we recommend that your agency ensure that the subjects of investigation, investigative information and operations information have been entered into a regional target deconfliction system. This is important to determine if there is conflicting activity involving the same individuals, groups or locations. Target deconfliction systems include the Regional Information Sharing System (RISS), Officer Safety Event Deconfliction System (RISSafe™), High Intensity Drug Trafficking Areas (HIDTA) and Secure Automated Fast Event Tracking Network (SAFETNet).
- It is important to deconflict across as many different crime-types as possible since many criminals are involved in varied activities. Federal agencies are required to deconflict investigations in certain agency and regional systems. This provides a good opportunity to cooperate and deconflict with local, state, tribal and federal agencies in your area.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **OPERATIONS DIRECTOR** (We recommend the assignment of a command-level member to perform the duties of operations director. For consistency in planning and risk assessment, we recommend that only one member act as the operations director for the agency; however, larger agencies may need to assign more than one because of work volume. If you choose to change the title of this function, modify the language in this policy as well as the Warrant Service Policy, which is written with the same function title.)
- **RISK ASSESSMENT FORM PREPARATION** (It is very important to have a standardized method of collecting operational information and supporting decisions to utilize special teams or tactics as needed. If you do not utilize this terminology, make edits to this section.)
- **HIGH-RISK OPERATIONS** (Review the list of available resources and make any edits necessary to match your local resources.)
- **DECONFLICTION**
Chapter 7 – Equipment
CHAPTER 7 – EQUIPMENT

[Department/Office]-Owned and Personal Property

This policy provides a system of accountability when agency members use property belonging to your agency, city, county, etc. It addresses the care and handling of agency property and outlines the process for reporting lost, damaged or stolen property. It also includes a process for members to seek reimbursement for certain types of personal property that is damaged on the job.

BACKGROUND NOTES

None

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- CARE OF PROPERTY
- FILING CLAIMS FOR PERSONAL PROPERTY (You may choose to expand on the fourth paragraph to ensure that employees do not expect reimbursement for extravagant items that are not required and have been worn and/or damaged on-duty.)
- DAMAGE TO PROPERTY OF ANOTHER PERSON
- DAMAGE BY PERSONNEL OF ANOTHER AGENCY (This most often comes into play on joint agency operations.)

We recommend that you not delete or change the content of the following sections:

- [DEPARTMENT/OFFICE]-ISSUED PROPERTY
CHAPTER 7 – EQUIPMENT

Personal Communication Devices

This policy provides guidelines for the use of agency-issued and personally owned communication devices (PCDs) in and out of the workplace, and provides guidelines to regulate off-duty use by nonexempt Fair Labor Standards Act (FLSA) employees to limit FLSA overtime. This policy contains language on PCD use (including use while driving) and the scope of official use. It is advisable to consult with your agency’s legal or collective bargaining representative regarding the application of this policy prior to adoption.

BACKGROUND NOTES

- The term “Personal Communication Devices,” or PCD, encompasses a broad range of electronic devices that agency members may use, whether issued or not, while on-duty. Although the focus of this policy is cellular telephones, it covers all other PCDs as well (e.g., cell phones, PDAs, pagers, tablets, smart watches).
- You should be aware that your agency may have grant requirements regarding the use of PCDs as a result of the President’s Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- DEPARTMENT-ISSUED PCD (As written, the agency may issue or fund certain PCDs and the associated telephone number remains agency property.)
- PERSONALLY OWNED PCD and USE OF PCD (The language here should be adjusted to meet collective bargaining agreements if needed. However, two court decisions lead us to recommend that you not modify these sections, so be sure to make adjustments only after discussion with your legal counsel. Note that the use of PCDs during working hours, whether personal, agency or a hybrid shared-use funded by both the member and the agency, could result in the messages transmitted or received being discoverable.)
- SUPERVISOR RESPONSIBILITIES
- OFFICIAL USE

We recommend that you not delete or change the content of the following sections:

- PRIVACY EXPECTATION (If you do make changes, you should ensure there is no conflict with the language in the Privacy Expectation section of the Information Technology Use Policy).
- USE WHILE DRIVING
CHAPTER 7 – EQUIPMENT

Vehicle Maintenance

This policy is for agencies that authorize their members to drive agency vehicles and expect those members to maintain those vehicles. It covers the proper maintenance of vehicles, the process for reporting defective vehicles, the appropriate equipment that should be maintained in vehicles, and washing and refueling.

BACKGROUND NOTES

None

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- DEFECTIVE VEHICLES
- PATROL VEHICLES (Modify the list of equipment required to be maintained in marked vehicles as needed.)
- UNMARKED VEHICLES
- VEHICLE REFUELING (This section directs members to refuel their vehicles when the level falls below one-quarter tank. Make adjustments to this language if it does not reflect your practice.)
- WASHING OF VEHICLES
CHAPTER 7 – EQUIPMENT

Vehicle Use

This policy is for agencies that assign vehicles to their members for on- and off-duty use. It covers the use of shift-assigned vehicles, detective vehicles, vehicle security, maintenance and damage.

BACKGROUND NOTES

- This policy reflects the most current content based on federal law and best practice.
- This policy clarifies that, under federal and local tax rules, personal use of a take-home vehicle may be considered a taxable income for the member. This policy alone is not sufficient to ensure that take-home vehicles are not a taxable benefit. If this is a practice you authorize, we highly recommend that you work with your legal counsel to develop an assigned-vehicle agreement that works for your circumstances and complies with federal and local tax rules.

CUSTOMIZATION GUIDELINES

If your agency is subject to meet-and-confer requirements, the affected employee groups should be included in the review process for this policy. Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- USE OF VEHICLES
- INSPECTIONS
- MOBILE DIGITAL TERMINAL/MOBILE DIGITAL COMPUTER (If you make any changes, ensure consistency with the direction in the Mobile Digital Terminal Use Policy.)
- VEHICLE LOCATION SYSTEM (This section provides guidance for the use and care of these systems, also known as automated vehicle location, as well as access to the data. Data access can be a controversial topic, so ensure that this section matches your agency practice.)
- PARKING (If you do not have specially marked parking stalls for your vehicles, you may choose to delete the second paragraph of this subsection.)
- CIVILIAN MEMBER USE (If you have marked vehicles and allow civilian personnel to drive them, you will need to make changes to indicate how these vehicles are designated when civilian members are driving them.)
- INDIVIDUAL MEMBER ASSIGNMENT TO VEHICLES (This section and subsections describe when a member is assigned a specific vehicle and is allowed to take it home.)
- UNSCHEDULED TAKE-HOME USE (You may want to change the 60-minute drive time parameter that is established here.)
- ASSIGNED VEHICLES (Lexipol discourages personal use of vehicles but it is addressed in this policy. If your agency allows incidental or other personal use, this language may be modified. Address any collective bargaining agreement where appropriate.)
- UNMARKED VEHICLES
- DAMAGE, ABUSE AND MISUSE
- TOLL ROAD USAGE
CHAPTER 7 – EQUIPMENT

Cash Handling, Security and Management

This policy ensures the proper handling and documentation of cash transactions and the maintenance of accurate records of cash transactions. For agencies that handle cash, this policy helps to protect the integrity of your operations and to ensure the public trust.

BACKGROUND NOTES

None

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **PETTY CASH FUNDS** (Ensure that the proper positions and responsibilities are identified.)
- **PETTY CASH AUDITS** (Confirm that the time frames match your practice.)
- **OTHER CASH HANDLING** (Confirm that the threshold value matches your value.)
CHAPTER 7 – EQUIPMENT

Personal Protective Equipment

This policy provides guidelines to ensure that your members are equipped with the personal protective equipment (PPE) appropriate for their job duties and that they receive appropriate training to use such devices. In addition, fit testing guidelines are included to ensure that respiratory PPE fits and works properly and the testing complies with law. This policy will apply to all members whose job duties could require the use of PPE due to exposure to hazards.

BACKGROUND NOTES

- This policy is based on federal and state law in addition to best practice standards.
- This policy does not address ballistic vests or protection from communicable disease; those issues are addressed in the Body Armor and Communicable Diseases policies.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- [OFFICER/DEPUTY] RESPONSIBILITIES
- HEAD AND BODY PROTECTION (Ensure consistency with your equipment issue practices.)

We recommend that you not delete or change the content of the following sections:

- HEARING PROTECTION
- EYE PROTECTION
- RESPIRATORY PROTECTION and RESPIRATORY PROTECTION USE
- GAS MASK
- RESPIRATOR FIT TESTING
- RESPIRATORY MEDICAL EVALUATION QUESTIONNAIRE
- TRAINING
Chapter 8 – Support Services
CHAPTER 8 – SUPPORT SERVICES

Crime Analysis

This policy is for agencies that have any form of crime analysis, regardless of whether it is a dedicated function or a collateral duty. It describes the goal of crime analysis and includes potential data sources, crime analysis factors and distribution of information.

BACKGROUND NOTES

• If your agency has a dedicated crime analysis unit, you may choose to expand this policy to include its operation and responsibilities.
• Note that in the Organizational Structure and Responsibility Policy, crime analysis is included as part of the Investigation Division.
• Because this policy is more philosophical than operational, you will find that you can retain it even if you do not have a member assigned to this function.

CUSTOMIZATION GUIDELINES

We recommend no customization to this policy.
CHAPTER 8 – SUPPORT SERVICES

[The Communications Center]
This policy is for agencies that operate a communications or dispatch center, even if you contract out this service. It discusses communication operations and other elements, such as communications call logs and law enforcement officer identification numbers.

BACKGROUND NOTES

- This policy is based on best practice.
- If your agency does not have a separate communications policy manual, you can expand this policy to cover specific policies in the communications center.

CUSTOMIZATION GUIDELINES
Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- POLICY (Describes the operation when an agency dispatches in-house. If this is not your practice, modify to indicate how and where your communications center operates.)
- [COMMUNICATIONS SUPERVISOR] (Add to or delete from the list of duties, depending on the size of your agency.)
- EMERGENCY CALLS and NON-EMERGENCY CALLS (If your agency has call-pending procedures that require notification for calls that have been waiting for more than an established time period, modify these sections.)
- DOCUMENTATION (Add to or delete from the list of items a dispatcher is required to log so that it matches your practice.)
CHAPTER 8 – SUPPORT SERVICES

[Property Bureau]

This policy is for agencies that book and/or retain property and evidence. This policy covers proper collection, storage and security of evidence and other property; the protection of the chain of custody; and those who are authorized to remove and/or destroy property.

BACKGROUND NOTES

- Agencies vary in their property processing and storage procedures, so please review this policy closely to ensure it matches your practice and procedures. If your agency has a dedicated property manual (which we recommend) you may limit this section to the procedures applicable to field and/or processing personnel.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- [PROPERTY BUREAU] SECURITY and its subsections
- PROPERTY HANDLING
- PROCESSING AND PACKAGING (If you are using a bar code system, you can include that here.)
- EXCEPTIONAL PROCESSING (Modify if your agency has a dedicated bomb squad or other agency that handles storage and transfer of explosives and flammables. Also add to or delete from the list of items that may require special handling as needed.)
- CONTROLLED DANGEROUS SUBSTANCES
- RECORDING OF PROPERTY
- PROPERTY CONTROL and its subsections (These sections are designed for a paper-based system. If you have a different manual system or a computer-based system, make the appropriate changes.)
- RELEASE OF PROPERTY (Adjust time period and values to meet local ordinances or rules.)
- BIOLOGICAL EVIDENCE (Many cases have shown the importance of retaining biological evidence. Law enforcement agencies are forced to balance evidence storage resources with prosecution goals, victim and defendant rights and the potential for exculpatory information coming to light. This section establishes retention periods and includes a requirement to notify all stakeholders prior to the destruction of biological evidence. Note that it provides a 90-day period for response to the notification. However, if you want to establish a different period, we recommend that it be done after consultation with your agency’s legal adviser.)
- INSPECTION OF THE [PROPERTY BUREAU]
CHAPTER 8 – SUPPORT SERVICES

[Records Bureau]
This policy is for agencies with a dedicated Records Bureau or a records section staffed by members as a collateral duty. This policy discusses the agency’s Records Bureau procedural manual (if you do not currently have a Records Bureau procedural manual, we recommend that you consider developing one). It also discusses file access and requests for police case reports by members of your agency.

BACKGROUND NOTES
- This policy is based primarily on best practice.

CUSTOMIZATION GUIDELINES
Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- [RECORDS MANAGER] (Add to or delete from the list of responsibilities, if needed.)
- [RECORDS BUREAU] (Add to or delete from the list of responsibilities, if needed.)
- FILE ACCESS AND SECURITY
- ORIGINAL CASE REPORTS (Discusses a checkout log for original reports, which we recommend that you do not release to anyone. In the event you need to release an original report, you should have a practice in place to identify to whom and why the report was released. Detail that process here.)
CHAPTER 8 – SUPPORT SERVICES

Records Maintenance and Release

This policy provides guidelines for the maintenance and release of agency reports and records, the processing of records requests and subpoenas, and restrictions on the release of records.

BACKGROUND NOTES

- The release of records and other information is regulated in large part by state and federal statutes. This policy incorporates those statutes, so you should use caution when modifying.
- The release of names and other information related to officer-involved shootings and deaths, and other critical incidents, is addressed in the Media Relations Policy.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- PROCESSING REQUESTS FOR PUBLIC RECORDS
- SUBPOENAS AND DISCOVERY REQUESTS (Indicate whether you refer requests to the District Attorney, County Attorney, Attorney General, City Attorney or the court, or whether you deal with these directly within your agency (we recommend you refer them elsewhere). Also, confirm who may accept subpoena duces tecum or recovery requests.)
- RELEASED RECORDS TO BE MARKED

We recommend that you not delete or change the content of the following sections:

- RELEASE RESTRICTIONS (Addresses the federal restrictions on disclosure in accordance with the Driver’s Privacy Protection Act (18 USC § 2721; 18 USC § 2722).)

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CHAPTER 8 – SUPPORT SERVICES

Protected Information
This policy provides guidelines for the access, transmission, release and security of protected information, such as Criminal History Record Information (CHRI), as well as the protected information that is used in the day-to-day operation of your agency. It does not address the public records information covered in the Records Maintenance and Release Policy.

BACKGROUND NOTES
- The law provides for relatively strict regulation of protected information. Because of the serious penalties and consequences to your agency for violating these restrictions, you are advised to adhere to this policy as it is written.
- In RESPONSIBILITIES, the direction is to adopt the U.S. Department of Justice’s Criminal Justice Information Services (CJIS) Security Policy or create your own security policy that complies with it. This must be done or your agency will have trouble with a CJIS audit.

CUSTOMIZATION GUIDELINES
We recommend no customization to this policy.
CHAPTER 8 – SUPPORT SERVICES

Jeanne Clery Campus Security Act

This policy addresses the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) regulations for campus police departments or those police agencies that contract to provide campus security.

BACKGROUND NOTES

- The policy is based on federal regulations.
- If your agency does not provide security or police services for a post-secondary institution, delete this policy.
- Most institutions with a campus setting have a campus police or security department. This policy is written primarily for such situations. Some institutions choose not to provide these services and instead contract with a private company to handle all, or portions of, campus security. Others have agreements with municipal, county or state law enforcement agencies for security services. It does not matter whether the security staff is paid by the institution or by a contractor, or whether the institution has one security officer or an entire police department. Any of these arrangements requires the institution to comply with the Clery Act.
- All public and private post-secondary institutions that participate in Title IV Federal Student Aid programs must comply with the regulations of the Clery Act. This policy identifies the actions a law enforcement agency must take in order to assist a college or university in its compliance with the Clery Act.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- POLICY, PROCEDURE AND PROGRAM DEVELOPMENT (Because of the potential for portions or all of the campus security elements to be handled by non-institution staff, we recommend that you customize the assignment of responsibilities that may require more specificity and identification.)
CHAPTER 9 – CUSTODY

Temporary Custody of Adults

This policy addresses the safety and security of adults in custody at your facility before they are released, transported to another facility or moved to a residential setting within your facility. Agencies that keep adults in custody for extended periods of time will need additional policies and procedures.

BACKGROUND NOTES

- This policy uses “temporary custody” to refer to the time period when a person is held at the agency for processing before release or transfer.
- This policy assumes that persons are taken into custody in the field and held in temporary custody at the station.
- Under Article 36 of the Vienna Convention, consular notification requirements apply when a foreign national is “arrested or committed to prison or to custody pending trial or is detained in any other manner.” The term “detained in any other manner” is not defined but the U.S. Department of State believes that it generally should be understood to cover any situation in which a foreign national’s ability to communicate with or visit consular officers is impeded as a result of actions by government officials limiting the foreign national’s freedom. While there are no specific exceptions for short detentions, the Department of State recognizes that consular notification requirements may not be practicable, for example, when a foreign national is arrested on misdemeanor charges and released within hours. As a practical matter, consular officers will generally be more concerned about arrests for serious crimes and with detentions that last long enough to prevent the foreign national from communicating with his/her consular officers in essentially the same manner as he/she could if not detained.

CUSTOMIZATION GUIDELINES

This policy will require careful review of all sections to ensure it reflects your agency’s practice. Please pay special attention to the following sections when customizing:

- GENERAL CRITERIA AND SUPERVISION (If your agency’s practice is to hold a person in temporary custody for longer than six hours, we recommend contacting your legal counsel to review that practice.)
- ENTRY RESTRICTIONS (Note that this section may be required for agencies participating in an accreditation program.)
- SCREENING AND PLACEMENT (If your agency keeps multiple adults in custody in the same locked cell or room, review the list items in (b) carefully. These steps are especially important for mitigating the risks that inevitably occur when multiple adults are placed in a shared cell without constant “eyes on” supervision.)
- CONSULAR NOTIFICATION (Review the information from the U.S. Department of State on this topic in light of your agency’s operations and work with your legal adviser to determine whether to accept or reject this section. Even the Department of State recognizes some gray areas regarding when consular notification may need to be made. If you keep adults in your facility for more than 24 hours, accept this subsection. If your turn-around time is brief or you
do not book adults at your station at all, you may be able to delete it. Anything in between these two requires a thorough discussion. Note also that consular notification is not as onerous as it sounds, so being overly cautious is not generally burdensome. There is not that much involved beyond faxing a form to a consulate and/or allowing the person you have in custody to make a telephone call. Finally, although it is the arresting officer’s obligation to ensure notification, many agencies have agreements with their local jails to ensure notification occurs.)

We recommend that you not delete or change the content of the following sections:

- **SUPERVISION IN TEMPORARY CUSTODY** (This is a Lexipol best practice to mitigate assault and harassment claims. You should speak to legal counsel before deleting this content.)
CHAPTER 9 – CUSTODY

Temporary Custody of Juveniles

This policy is for agencies whose duties include the detention and arrest of juveniles. This policy provides guidance for assisting agency compliance with the Juvenile Justice Delinquency Prevention Act (JJDPA). It covers constitutional rights admonishment, temporary custody requirements, types of custody, secure and non-secure detention, monitoring juveniles, booking, release of information, and intoxicated and substance-abusing minors. It also requires notification of certain internal and external agencies following suicide attempts or deaths/serious injuries of juveniles as well as agency reviews of such incidents.

BACKGROUND NOTES

- This policy encourages the custody of juveniles to be as brief as reasonably possible. Review your procedures to ensure they support this approach.
- The JJDPA reflects an obvious concern on the part of the federal government and state inspectors that juveniles in your custody not be treated as adult criminals and definitely not be housed with them. This policy strikes a balance by ensuring safety while providing a more appropriate standard of custody for juveniles than an adult might require.
- A significant portion of this policy is based on legal requirements. Even though you may not have a designated juvenile holding area, all the rules pertaining to juveniles still apply, such as the time of custody or providing food.
- Guidance on contacting juvenile abuse victims is covered in the Child Abuse Policy. Guidance on juvenile records is in the Records Maintenance and Release and Protected Information policies.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency's practice:

- **JUVENILES WHO SHOULD NOT BE HELD** (Intoxicated, seriously injured, emotionally disturbed and violent juveniles present a heightened risk and should not be held in agency facilities. This section also refers to medical evaluation and constant supervision.)
- **LOCKED ENCLOSURES** (Personal observation of juveniles is required every 15 minutes and juveniles should not be secured to a stationary object for more than 60 minutes. Make sure this content matches your practice. Audio/video system monitoring is referenced; make adjustments here if your agency does not have monitoring equipment.)
- **FIRST TIME OFFENDERS OF CERTAIN OFFENSES** (Review the civil citation program and remove if not appropriate for your agency; if retained, it will likely need further agency-specific adjustments and specific direction for your members.)
CHAPTER 9 – CUSTODY

Custodial Searches

This policy is for agencies that detain individuals in temporary custody. It covers procedures that conform to laws regarding custody searches, physical body cavity searches and strip searches.

BACKGROUND NOTES

- Custodial searches have led to a significant amount of litigation and present a risk to your agency. This is especially true for strip and body cavity searches. This policy is a critical step toward mitigating associated risks.
- This policy includes requirements as outlined in the final standards of the Prison Rape Elimination Act (PREA). Although there are no direct consequences to local entities for not complying with PREA, litigants and courts may look to these standards since they apply specifically to holding cells or other secure enclosures that are primarily used to temporarily confine those who have been arrested or detained or are being transferred to or from court or jail.

CUSTOMIZATION GUIDELINES

With the exception of identifying particular personnel uniquely involved in such searches within your agency (e.g., jailer, booking officer), it is highly recommended that you not customize this policy.
CHAPTER 9 – CUSTODY

Prison Rape Elimination

This policy provides guidelines for complying with the Prison Rape Elimination Act of 2003 (PREA), which adopts national standards for the detection, prevention, reduction and punishment of sexual abuse and sexual harassment.

BACKGROUND NOTES

• The U.S. Department of Justice has implemented PREA standards to facilitate a change in organizational culture by institutionalizing policies and practices that place a priority on efforts to combat the sexual abuse that can occur in confinement settings.

• Although there are no direct consequences to local entities for not complying with PREA, litigants and courts may look to these standards since they apply specifically to holding cells or other secure enclosures that are primarily used to temporarily confine those who have been arrested or detained or are being transferred to or from court or jail.

CUSTOMIZATION GUIDELINES

We recommend no customization to this policy. Please note the following in your review:

• **PREA COORDINATOR** (PREA requires an annual review of the staffing plan. In addition, a list of mandatory requirements is included in (f). If your agency does not investigate allegations of sexual abuse internally, you are required to request that the investigating agency follow these requirements.)

• **INCIDENT REVIEWS** (The timeline for conducting a review of a sexual abuse incident is regulated by PREA.)

• **DATA REVIEWS** (If your agency does not have a website to make the mandated annual report and make the aggregated data available to the public, reasonable alternate means must be employed to provide public access.)
CHAPTER 9 – CUSTODY

Transporting Detainees

This policy provides guidelines for safe and secure transport of detainees. It covers restraints, transporting disabled individuals, using transport vans, prohibitions while transporting and escapes while transporting.

BACKGROUND NOTES

- Your failure to have such a policy or to comply with the provisions of this policy could result in liability for your agency.

CUSTOMIZATION GUIDELINES

This policy will require careful review of all sections to ensure it reflects your agency’s practice. Please pay special attention to the following sections when customizing:

- GENERAL PROCEDURES (Restraints, positioning, welfare checks and searches.)
- PROHIBITIONS (Leaving the vehicle and participating in pursuits.)
Chapter 10 – Personnel
CHAPTER 10 – PERSONNEL

Recruitment and Selection
This policy is a guideline for recruiting and selecting desirable and qualified employees.

BACKGROUND NOTES
- When making modifications to this policy, use caution to ensure that you do not violate any statutory standards or in some way discriminate against an applicant.

CUSTOMIZATION GUIDELINES
Please review the following sections carefully and customize accordingly to meet your agency's practice:

- **RECRUITMENT** (Internet technology, such as an agency website and/or social networking sites, are recommended. Remove these references if you do not use this technology.)
- **SELECTION PROCESS**
- **NOTICES** (The Fair Credit Reporting Act requires that you must verify accessing of candidate credit history/information with third-party providers of background information, as this triggers candidate notification protocols.)
- **DISQUALIFICATION GUIDELINES** (The list of candidate information and records that may be considered when disqualifying a candidate complies with the revised Equal Employment Opportunity Commission (EEOC) Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions under Title VII (No. 915.002). Confer with your human resources and/or legal counsel to ensure that your hiring policies are in compliance.)
- **STANDARDS FOR [OFFICERS/DEPUTIES]** (Make sure that you do not violate any statutory standards or in some way discriminate against an applicant when modifying the COPT recommended characteristics for the selection of officers.)

We recommend that you not delete or change the content of the following sections:

- **REVIEW OF SOCIAL MEDIA SITES, DOCUMENTING AND REPORTING and RECORDS RETENTION** (These sections provide best practice guidelines consistent with nationwide standards and are designed to help avoid legal problems that affect candidate privacy interests.)
CHAPTER 10 – PERSONNEL

Performance Evaluations

This policy addresses the philosophy and guidelines for agency evaluations of personnel. It covers the frequency of evaluations, types of evaluations, evaluation criteria and review of evaluations.

BACKGROUND NOTES

- Due to the variety of agency evaluation systems, the majority of agencies have found that they need a fairly high degree of modification of this policy.
- Collective bargaining agreements may govern performance evaluations and should be reviewed to ensure there is no conflict with this policy.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- TYPES OF EVALUATIONS (Review the two types of performance evaluations here and modify if your evaluation types are different.)
- RATINGS (These are general industry standard; if you have different categories, change these and add your agency’s criteria.)
- EVALUATION PROCESS (Make adjustments to the time frames, if necessary, for consistency with your practice.)
- EVALUATION FREQUENCY (Make adjustments to the time frames for issuing evaluations if your agency has different standards.)
- CHAIN OF REVIEW
- RETENTION AND DISTRIBUTION (Ensure your retention and distribution process, as well as the location of final evaluations, is consistent here and in the Personnel Records Policy.)
CHAPTER 10 – PERSONNEL

Special Assignments and Promotions

This policy outlines the required and desirable qualifications for promotion and selection to special assignments.

BACKGROUND NOTES

None

CUSTOMIZATION GUIDELINES

Ensure that there are no conflicts between this policy and any policy your human resources department may have on this subject or with any collective bargaining agreement. In addition, please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **SPECIAL ASSIGNMENT POSITIONS** (Ensure that any positions and titles that are appropriate to your agency are listed accurately and that the requirements, evaluation criteria and process match your practice.)
CHAPTER 10 – PERSONNEL

Grievances

This policy addresses the philosophy and purpose for a grievances procedure and it includes the definitions and procedure to file a grievance, including appropriate investigation.

BACKGROUND NOTES

- Much of the language in this policy is likely described in your agency’s collective bargaining agreement. The procedure may be particularly useful for agencies that do not have a separate procedure in place.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- PURPOSE AND SCOPE
- GRIEVANCE DEFINED
- PROCESS (You may choose to remove the language here and state that the agency’s grievance process is spelled out in the collective bargaining agreement. If so, delete the remaining portions of this policy. If you choose to keep this section, pay attention to the timelines and personnel involved in the grievance process.)
- GRIEVANCE RECORDS (Check that the designated location for records storage is correct.)

We recommend that you not delete or change the content of the following sections:

- GRIEVANCE AUDITS (This section identifies the person responsible for training and annual review of the grievances from the previous calendar year to evaluate whether policy/procedure changes or additional training will help avoid future grievances. This audit is sometimes a requirement for agencies seeking accreditation. Although it is not a requirement for non-accredited agencies, it is considered a best practice and we suggest you leave the language in your manual.)
CHAPTER 10 – PERSONNEL

Anti-Retaliation

This policy addresses retaliation issues in the workplace.

BACKGROUND NOTES

- Many federal laws, including the Affordable Care Act, contain strong anti-retaliation provisions. The courts have also expanded their definition of retaliation and the Equal Employment Opportunity Commission (EEOC) is aggressively pursuing employee retaliation complaints. For the past several years, complaints of retaliation filed with the EEOC have risen to the top of the list as the most commonly filed complaint of discrimination. Factors that result in employer liability include lack of access to a meaningful complaint process, poor documentation of the complaint investigative process and inadequate training.
- We have included training requirements in this policy. While training can have an impact on agency resources, agencies that provide a mechanism for members to raise concerns about improper practices and alleged retaliation, and that properly train their supervisors and members, minimize associated liability.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- RECORDS RETENTION AND RELEASE (These types of files generally fall under the control of internal affairs or administration. As such, you may want to adjust the language to assign responsibility to the position that is consistent with your practice.)
- TRAINING (We have left training as an open matter to be developed and scheduled according to the resources available. We recommend adding frequency and content as applicable to your agency.)
CHAPTER 10 – PERSONNEL

Reporting of Arrests, Convictions and Court Orders

This policy provides guidelines for requiring all members to promptly notify the agency of any past and current criminal convictions.

BACKGROUND NOTES

- There are state and federal restrictions against firearms possession by those subject to protection orders or who have convictions related to domestic violence.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- REPORTING
CHAPTER 10 – PERSONNEL

Drug- and Alcohol-Free Workplace

This policy is written to comply with the Drug-Free Workplace Act requirement for federal grantees and addresses purchasing, manufacturing, distributing, dispensing, possessing or using alcohol on-duty, using prescribed medication and using employee assistance programs, as well as other related issues.

BACKGROUND NOTES

• You may need to meet and confer with bargaining units before adopting this policy.

CUSTOMIZATION GUIDELINES

You should compare this policy against similarly worded regulations issued by your city/county human resources department to ensure there are no conflicts. You should also make sure there is no conflict with any collective bargaining agreement. In addition, please review the following sections carefully and customize accordingly to meet your agency’s practice:

• EMPLOYEE ASSISTANCE PROGRAM (You may choose to identify by name any applicable employee assistance programs available to your employees.)
• SCREENING TESTS (You will need to amend this if your agency has different testing requirements or permissions in any collective bargaining agreement.)
• SUPERVISOR RESPONSIBILITIES (If you have additional or different requirements, make modifications.)
• DISCIPLINE (As a general rule, any changes regarding drug and alcohol testing may require meet-and-confer or bargaining. A timeline of 72 hours has been provided for the employee to provide proof of medicating as directed; make changes if your timeline differs.)

We recommend that you not delete or change the content of the following sections:

• MEMBER RESPONSIBILITIES (The timeline is a federal requirement and should not be altered.)
• COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT (The 30-day timeline is based on federal law.)
CHAPTER 10 – PERSONNEL

Sick Leave

This policy is for agencies that have an established practice for the use of sick time for their employees. It addresses sick leave abuse, notification requirements prior to the use of sick leave and return-to-work requirements, such as when a physician’s note should be required.

BACKGROUND NOTES

- Make sure you compare this policy against any collective bargaining agreement to avoid conflicts in the language. If your agency uses a single leave bank (sick leave and vacation leave combined) you may need to make modifications throughout, but we recommend you still include the policy in your manual to address state and federal requirements pertaining to medical leaves. Most agencies have a separate human resources policy on the use of sick leave, so you should consult your policies on this subject in order to avoid conflicts.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency's practice:

- USE OF SICK LEAVE (You may choose to identify the name of the form that employees use to document their sick leave.)
- NOTIFICATION (Identify the person to whom employees report their intent to use sick leave and make adjustments if your agency has a minimum time frame for notification.)
- EXTENDED ABSENCE (A physician’s note is required if an employee is absent for more than three days; make the change if your standard is different.)
- SUPERVISOR RESPONSIBILITIES (List item (b) is included to show when the clock starts for Family and Medical Leave Act (FMLA) leave purposes.)
CHAPTER 10 – PERSONNEL

Communicable Diseases

This policy addresses guidelines for agency personnel to assist in minimizing the risk of contracting and/or spreading communicable diseases and to minimize the incidence of illness and injury. It addresses basic risk-reduction measures associated with communicable diseases including exposure prevention and mitigation as well as general precautions and immunizations. It also addresses appropriate treatment, counseling and privacy measures should a member be exposed to a communicable disease.

BACKGROUND NOTES

- Communicable disease regulations can get hyper-technical and heavy on medical terms. This policy provides only two definitions, both written in simple terms so that a lay person is able to identify and report a suspected exposure. In this way, a medical professional can become involved, review the facts and provide the appropriate treatment (if any).
- It is also important to train your members on what constitutes an exposure.
- Your agency should identify an Exposure Control Officer (ECO), even if the person is assigned as a collateral duty (which is the case in most agencies).
- This policy provides the framework for an exposure control plan and identifies mandates related to that plan. This policy is not intended to replace an exposure control plan. Specific procedural mandates should be addressed in an exposure control plan.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency's practice:

- **EXPOSURE CONTROL OFFICER** (Identify your ECO here.)
CHAPTER 10 – PERSONNEL

Smoking and Tobacco Use

This policy provides guidelines on smoking and tobacco use while on-duty, including the prohibited uses.

BACKGROUND NOTES

- Many agencies have a separate human resources policy on the use of tobacco products. Make sure you review those policies to avoid any potential conflict.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- SMOKING AND TOBACCO USE (Modify if your agency decides to allow the use of electronic or vapor cigarettes and other nicotine delivery systems, and be sure to check local regulations as this is an evolving area and laws are subject to change.)
CHAPTER 10 – PERSONNEL

Personnel Complaints

This policy provides guidelines for reporting, investigation and disposition of complaints regarding the conduct of agency members. It covers acceptance and documentation of complaints, the supervisor’s responsibility in the process and the procedure for investigating complaints.

BACKGROUND NOTES

- This policy helps agencies comply with the Peace Officers’ Bill of Rights.
- In **ADMINISTRATIVE INVESTIGATION PROCEDURE**, use of polygraph devices is prohibited. Legally, these devices may be used. However, Lexipol does not favor their use for members. Polygraphs are plagued by a lack of scientific reliability that undermines confidence in their use as an investigative tool. They are generally not admissible in criminal proceedings (there is a different burden of proof) due to the lack of scientific reliability. Since this significantly negates their use from an evidentiary standpoint, why use them? Nationally, law enforcement leaders generally wish to avoid ordering a member to submit to an exam that is deemed unreliable. It tends to reflect poorly on the agency and can destroy confidence in the investigative process internally and externally. Ultimately, the collective experience has been that the outcome of the test does not carry much weight, regardless of whether it was favorable to the member or validated his/her honesty or integrity. For these reasons, most law enforcement executives avoid, and employee bargaining groups negotiate to prohibit, their use.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **COMPLAINT CLASSIFICATIONS** (The category “incomplete” recognizes that some complaints cannot be investigated due to the lack of cooperation or availability of the complaining party. This is an optional category that will permit you to reduce formal complaints.)
- **COMPLAINT FORMS** (You may need to change the location or delete the reference to the agency website if you keep these forms elsewhere or do not have or provide access via the agency website.)
- **DOCUMENTATION** (Modify the audit time frame if needed.)
- **SUPERVISOR RESPONSIBILITIES** (Ensure the chain of command matches your agency’s practice.)
- **ADMINISTRATIVE INVESTIGATION FORMAT**
- **COMPLETION OF INVESTIGATIONS** (Make sure the timing and process follows your practice.)
- **CHIEF OF POLICE/SHERIFF RESPONSIBILITIES** (It is recommended that a member have five days to respond to the Chief of Police/Sheriff after receiving a notice of discipline. Modify the language if your time interval is different.)
• PROBATIONARY EMPLOYEES AND OTHER MEMBERS (The disclaimer content regarding the rights of at-will and probationary employees and members may need to be altered to suit your agency’s practice.)
CHAPTER 10 – PERSONNEL

Seat Belts

This policy addresses the safety of those members of your agency, both police officers and non-sworn, who drive agency-owned vehicles. This policy discusses your agency's philosophy on the use of seat belts, their required use and the law enforcement exception. This policy makes it clear that members should wear their seat belts unless extraordinary circumstances would make doing so more dangerous.

BACKGROUND NOTES

- This policy is required for many law enforcement agencies per state law.
- Traffic accidents continue to be a leading cause of death for law enforcement officers.

CUSTOMIZATION GUIDELINES

We recommend no customization to this policy.
CHAPTER 10 – PERSONNEL

Body Armor

This policy discusses your agency’s philosophy on the use of body armor and outlines the situations in which the use of body armor may be required.

BACKGROUND NOTES

- This policy is mandatory for jurisdictions that, during the process of applying for the U.S. Department of Justice’s Bulletproof Vest Partnership (BVP) grant funds, have certified that they have a written mandatory-wear policy in place for all uniformed officers.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- POLICY (If your agency does not supply vests to officers, modify this section.)
- ISSUANCE (If your agency does not supply vests to officers, modify this section.)
- USE (Although officers should wear body armor at all times, many agencies do not mandate use. If your agency does not require body armor use, modify this section accordingly.)
CHAPTER 10 – PERSONNEL

Personnel Records

This policy incorporates laws relating to the confidentiality and discovery of confidential personnel files and governs the maintenance, retention and access to personnel files in accordance with established law.

BACKGROUND NOTES

None

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **[DEPARTMENT/OFFICE] FILE** (Some of these records may be held by your agency’s city/county human resources rather than in your agency’s files. Modify what records are maintained at your agency and identify records maintained elsewhere, and their locations, if necessary.)
- **CONFIDENTIALITY AND SECURITY** (Modify the locations where you maintain personnel records, if necessary.)
- **REQUESTS FOR DISCLOSURE** (Modify how you process requests for disclosure and customize the titles of those responsible.)
- **RETENTION AND PURGING**
CHAPTER 10 – PERSONNEL

Request for Change of Assignment

This policy is for agencies offering different assignments that allow for lateral movement opportunities and where there is an established procedure to request a change of assignment.

BACKGROUND NOTES

- If you do not have a specific form for making change of assignment requests and would like to develop one, Lexipol can help obtain a sample form in order for you to create your own.

CUSTOMIZATION GUIDELINES

If your agency does not have a request for change of assignment form or if your agency is small enough where this process is not practical, delete this policy. If you keep this policy, please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **SUPERVISORS** (If the supervisor does not have an opportunity to review and make comments, make changes here, paying particular attention to the suggested chain of command.)
CHAPTER 10 – PERSONNEL

Commendations and Awards

This policy addresses the procedure for recognizing exceptional performance, who may make commendations, the type of commendable actions and the appropriate reporting procedure.

BACKGROUND NOTES

- Some agencies have chosen to expand this policy to include a variety of awards and more specific criteria to achieve these awards. This policy can accommodate an expanded description if you choose.

CUSTOMIZATION GUIDELINES

If you do not have a formal system for commendations and awards, delete this policy. If you keep this policy, please review the following sections carefully and customize accordingly to meet your agency’s practice:

- If you do not recognize acts by individuals from the community, delete such content throughout the policy.
- DEPARTMENT/OFFICE MEMBER DOCUMENTATION and COMMUNITY MEMBER DOCUMENTATION (Modify as needed who can recommend commendation and the documentation required.)
- PROCESSING DOCUMENTATION
- AWARDS
CHAPTER 10 – PERSONNEL

Fitness for Duty

This policy addresses member fitness and ability to perform job functions. It also addresses member and supervisor responsibilities related to fitness, physical and psychological examinations, duty status and appeals.

BACKGROUND NOTES

None

CUSTOMIZATION GUIDELINES

We recommend no customization to this policy.
CHAPTER 10 – PERSONNEL

Meal Periods and Breaks

This policy covers employee requests for meal breaks and their authorized 15-minute breaks.

BACKGROUND NOTES

- Consult with your human resources policies and any collective bargaining agreement to ensure there is no conflict with the content in this policy.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **MEAL PERIODS** (Make modifications depending on whether you require your officers and dispatchers to remain on-duty during their meal periods. Make modifications if your agency requires members to make a request for a meal period and restricts members to a specific geographical area during that time. If your agency is not responsible for meal periods and breaks for dispatchers (i.e., the communications center is outsourced) reference to dispatchers should be removed.)

- **BREAKS** (Adjust where and when breaks may be taken accordingly.)
CHAPTER 10 – PERSONNEL

Lactation Breaks

This policy is based on both state and federal law and addresses the topic of mandatory lactation breaks for members who choose to express milk for their infant children, including the subjects of providing a reasonable amount of break time and providing an appropriate location to store expressed milk.

BACKGROUND NOTES

- The federal provisions for lactation breaks are mandatory.
- Check with your human resources policies and the collective bargaining agreement on this topic to ensure there is no conflict.

CUSTOMIZATION GUIDELINES

We recommend no customization to this policy.
CHAPTER 10 – PERSONNEL

Payroll Records

This policy addresses the process of completing employee payroll records.

BACKGROUND NOTES

• Some procedures for recording payroll records may be dictated through your human resources department or governed by the city/county process.
• Even if your payroll records are governed by your human resources department, you can still retain this policy and refer to your human resource department’s process and identify the responsibilities internally.

CUSTOMIZATION GUIDELINES

If this policy does not apply, delete it. Otherwise, please review the following sections carefully and customize accordingly to meet your agency’s practice:

• RESPONSIBILITIES (Modify whether the person responsible for completing a payroll record is the member or the supervisor.)
• TIME REQUIREMENTS

We recommend that you not delete or change the content of the following sections:

• RECORDS (These maintenance requirements are federally mandated.)
CHAPTER 10 – PERSONNEL

Overtime Compensation

This policy addresses the topic of overtime and employee requests for overtime compensation.

BACKGROUND NOTES

- Your agency may not deny compensation because an employee fails to submit a timely overtime request. You may discipline the employee for failing to follow policy requirements regarding overtime processing or the compensation may be delayed through no fault of the employer, but compensation may not be denied.

CUSTOMIZATION GUIDELINES

Compare this policy to any similar policy maintained by your human resources department and to your agency’s collective bargaining agreement to ensure there are no conflicts. If your collective bargaining agreement does not provide compensatory time, delete references to it throughout the policy. In addition, please review the following sections carefully and customize accordingly to meet your agency’s practice:

- SUPERVISOR RESPONSIBILITIES (Modify this section if your agency does not require an immediate supervisor to verify overtime.)
- ACCOUNTING FOR PORTIONS OF AN HOUR (If needed, modify the method for accounting for portions of an hour (i.e., rounding using a decimal point system).)
CHAPTER 10 – PERSONNEL

Outside Employment and Outside Overtime

This policy is for agencies that may authorize their employees to work for another employer on off-duty time. It reduces risk to an agency by closely monitoring the authorization of outside employment. This policy addresses the process for obtaining approval, the appeal process by an employee, revoking approval for outside employment or outside overtime, prohibited outside employment, security-type employment, use of agency resources and disabled employees working outside employment or outside overtime.

BACKGROUND NOTES

- This policy is based on case law and the best practice of hundreds of agencies.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- REQUEST AND APPROVAL (The language here refers to a form to request approval for outside employment. If you do not have a form in use, we may be able to assist you in obtaining a sample for you to use when crafting your own application.)
- SECURITY AND POLICE OFFICER OUTSIDE EMPLOYMENT (Although some agencies authorize outside security-type employment, we highly recommend against this practice. If you do authorize outside security employment, modify this section accordingly.)
- REVIEW OF FINANCIAL RECORDS (Review this section against your agency standards and your collective bargaining agreement.)
- OUTSIDE OVERTIME (Delete this and other references to outside overtime if your agency does not provide opportunities for outside overtime.)
- REQUESTS FOR SPECIAL SERVICES (Modify this content if your agency is regulated by a collective bargaining agreement.)
CHAPTER 10 – PERSONNEL

Occupational Disease and Work-Related Injury Reporting

This policy addresses the subject of occupational disease and work-related injury. It provides the process for reporting and documenting such diseases and injuries. This policy outlines the responsibilities of the member, the supervisor, the Division Commander and the Chief or Sheriff.

BACKGROUND NOTES

- Review any human resources policies you might have on this topic to avoid conflicts.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **SUPERVISOR RESPONSIBILITIES** (If you have an internal form that supervisors complete for all injuries, make that change here. The state employee injury reporting forms must still be completed in accordance with Delaware law.)
- **OTHER DISEASE OR INJURY** (This section refers to the report of injury form. Modify the name of the form as needed.)
CHAPTER 10 – PERSONNEL

Personal Appearance Standards

This policy deals with the subject of grooming standards, the wearing of jewelry and the often-controversial subject of tattoos and body piercing.

BACKGROUND NOTES

- Although some model policies consist of five or more complex pages on the subject, this policy adopts a simple approach.
- Grooming standards, such as facial hair and fingernails, are relatively standard and have been adopted by most agencies as is. However, emerging trends in visible body art and varying social mores often conflict with traditional appearance standards, raising questions among administrators on how to address the issue.
- While some more conservative and traditional agencies may choose to prohibit all visible tattoos and piercings (other than ear), most agencies are taking a more modern approach by prohibiting only the display of offensive tattoos and piercings other than limited ear piercings.
- We recommend you consult your human resources department to ensure there is no conflict.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- FACIAL HAIR (Modify the language here if your agency authorizes any form of beards.)
- JEWELRY
- TATTOOS
- BODY PIERCING OR ALTERATION
CHAPTER 10 – PERSONNEL

Uniforms and Civilian Attire

This policy addresses the requirements for employee uniforms and includes the wearing of the uniform, agency-issued identification, mourning badges, uniform classes, insignia and patches, civilian attire and optional uniform equipment.

BACKGROUND NOTES

- No attempt has been made to list every specific piece of uniform or equipment. You can add to the listed items as needed.
- We recommend maintaining uniform and equipment specifications. These can be added to the appendix or referenced in this policy.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- POLICY (This content identifies the agency’s policy on supplying uniforms. It may be modified as needed, but note that it may be required for agencies participating in an accreditation program. As a matter of course, how uniforms and equipment are supplied is often dealt with in the collective bargaining agreement.)
- INSIGNIA, PATCHES AND BADGE
- UNIFORM CLASSES (We list the three fairly universal uniform classes, but review and make changes as needed.)
- SPECIALIZED ASSIGNMENT UNIFORM
- CIVILIAN ATTIRE
CHAPTER 10 – PERSONNEL

Explorers

This policy addresses the Explorer program and discusses education requirements, responsibility for an Explorer program (such as program coordinator and advisers), ride-alongs and uniforms.

BACKGROUND NOTES

- If you do not have an Explorer program, you should delete this policy.
- If you have a Cadet program instead of Explorers, you can change “Explorer” to “Cadet” throughout and modify any content that does not match your agency’s operation.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **EXPLORER COORDINATOR** (Ensure the titles of individuals responsible for the program have been properly identified.)
- **ROTATION OF ASSIGNMENTS** (If you do not rotate Explorers through assignments, delete or modify this content.)
- **RIDE-ALONGS** (Ensure that your internal procedures match those detailed here.)
CHAPTER 10 – PERSONNEL

Conflict of Interest

This policy protects the agency from conflicts or perceived conflicts occurring when certain relationships develop or are already present. This policy describes the philosophy of conflicting relationships, work restrictions for members involved in relationships and the member’s and supervisor’s responsibilities.

BACKGROUND NOTES

- Consult with your human resources department to ensure this policy does not conflict with any related policy.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- PROHIBITIONS (This section includes a list of prohibitions that have been commonly adopted as well as state-specific prohibited activities and relationships. You can add to or delete from this list if you choose. However, the state-specific prohibitions should not be changed.)
CHAPTER 10 – PERSONNEL

Badges, Patches and Identification

This policy is for agencies that issue badges, patches, identification cards and business cards to their members. It covers unauthorized use, lost badges, badges for retirees and the use of the badge or likeness by employee groups.

BACKGROUND NOTES

None

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **LOST BADGE, PATCH OR IDENTIFICATION CARD** (Modify the reporting process, if necessary.)
- **BADGES** (If your agency does not issue or authorize flat badges, or if your agency authorizes the purchase of a second or flat badge, make changes here.)
- **RETIREE BADGES** (Honorably retired members may be allowed to keep their badges upon retirement. If this is true for your agency, it is recommended that these badges be permanently mounted or encased to eliminate the retiree’s ability to carry the badge. If your agency does not allow honorably retired members to keep their badges, you need to delete this section or modify it accordingly.)
CHAPTER 10 – PERSONNEL

Temporary Modified-Duty Assignment

This policy addresses temporarily reassigning employees to modified duty due to illness, injury or other condition. It covers the general considerations for temporary modified-duty assignments, including the procedures for requesting and approving such assignments, provisions for employees who are pregnant or on probation, and the importance of employees maintaining their training and certifications while on temporary modified-duty status.

BACKGROUND NOTES

- Compare this policy with any language in the collective bargaining agreement and any policies your human resources department may have.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **GENERAL CONSIDERATIONS** (Modify the time frame allowed for a temporary modified-duty assignment if your practice differs.)
- **PROCEDURE** (Identify the person who your employees should notify and include any suggested or required time frames.)
CHAPTER 10 – PERSONNEL

Performance History Audits

This policy addresses the collection and review of data designed to assist supervisors in evaluating the performance of their employees. Performance history audits help identify commendable performance as well as early recognition of training needs and other potential problems. If you do not use a performance auditing system, this policy can be removed and added at another time.

BACKGROUND NOTES

- Compare this policy against any language in the collective bargaining agreement and consult your human resources department to ensure there are no conflicts.
- The performance indicators referred to in this policy can be collected manually or as part of a software package offered by a third-party vendor.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- **RESPONSIBILITIES** (Ensure the unit assigned responsibility for collecting data reflects your practice.)
- **PERFORMANCE INDICATORS** (Verify that the indicators match your current practice.)
CHAPTER 10 – PERSONNEL

Speech, Expression and Social Networking

This policy addresses issues associated with member use of social networking sites (e.g., Facebook, Twitter, Myspace) and provides guidelines for the regulation and balance of member speech and expression in other communication mediums with the legitimate needs of the agency. It addresses all known communication mediums where a member could potentially have a platform to abuse the limitation on speech or expression. This policy helps the member understand the balance between the individual member’s rights and the agency’s needs and interests when exercising a reasonable degree of control over its members’ speech and expression.

BACKGROUND NOTES

- Members are increasingly engaging in public speech and expression in public forums. This policy does not apply to protected speech. The key here is to recognize the member’s right to constitutionally protected speech or expression versus abusing these rights. Language related to important case decisions has been included in the policy to add clarity to the current thinking of the courts.
- This policy establishes the agency’s standing in all messages and attachments transmitted over its networks and intranet systems. The lack of such a formalized policy has been the basis for rulings against agencies on matters of an employee’s expectation of privacy.
- Agencies are reminded that they should work with their human resources department or legal counsel to ensure that any meet-and-confer requirements are met.
- This policy is not designed to address an agency’s interest in hosting its own social networking site to increase public awareness. However, the same restrictions outlined in the policy would, in most cases, be applicable to agency social networking sites.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS (Modify if your city/county has a different policy relating to endorsements of political candidates.)
- TRAINING (Training should be provided. However, this is subject to your agency’s available resources. Modify this section with time frames and content of training as appropriate to your agency.)

We recommend that you not delete or change the content of the following sections:

- PRIVACY EXPECTATION (If you elect to make changes to this content, your changes should be consistent with the section on privacy expectation in the Information Technology Use Policy.)
CHAPTER 10 – PERSONNEL

Illness and Injury Prevention

This policy establishes an ongoing and effective plan to reduce the incidence of injury and illness for your agency. It specifically applies to illnesses and injuries that result in lost time beyond the date of the incident or that require medical treatment beyond first aid.

BACKGROUND NOTES

- This policy provides the essential framework plan for the reduction of illness and injury but it may be supplemented by procedures outside the Policy Manual.
- These guidelines should be followed and adopted by all personnel. Supervisory and management personnel should be charged with ensuring that these guidelines and directives are implemented.
- In some states, government employees are not covered by strict workplace safety rules, while others adopt federal Occupational Safety and Health Administration (OSHA) regulations. Regardless, each agency should implement and maintain an effective plan to reduce the incidence of illness and injury. If you do not already have such a program in place, now would be a good time to do so.
- Review any city/county safety efforts to ensure there is no conflict with this policy, as those take precedence.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- [ADMINISTRATION] [DIVISION COMMANDER] RESPONSIBILITIES and HAZARDS
  (Checklists or forms to document hazards and corrective actions are included here. We have used generic terms for such documents. You should replace these terms with the specific checklist and form names used by your agency. Sample forms that are designed to be a starting point for you to develop agency-specific forms are available in the Lexipol Support and Discussion Forum.)
CHAPTER 10 – PERSONNEL

Line-of-Duty Deaths

This policy provides detailed information on important actions to be taken in the event of the death of a member occurring in the line of duty. These actions include notifications, support for survivors and agency members, and interaction with the media.

BACKGROUND NOTES

- Agencies must make survivor notifications before the information makes it to social media. The ability to control information and move quickly enough to avoid survivors being inadvertently notified by unofficial means is severely compromised by the speed of modern communications. Do not underestimate the impact of performing survivor notifications ineffectively.
- In DEFINITIONS, the definition of line-of-duty death is a definition for this policy only. Refer to the Department of Justice criteria for line-of-duty deaths with regard to survivor benefits.
- In NOTIFYING [DEPARTMENT/OFFICE] MEMBERS, agencies are encouraged to make personal or telephone notification to employees. Hearing of a colleague's death on the evening news can be devastating. In order to accomplish this, larger agencies will need to pre-plan their communication strategy.
- In [DEPARTMENT/OFFICE] LIAISON, organizing under National Incident Management System (NIMS) guidelines is recommended for coordinating the agency response. We also recommend the use of state and national resources focused on responding to line-of-duty deaths.

CUSTOMIZATION GUIDELINES

Please review the following sections carefully and customize accordingly to meet your agency’s practice:

- NOTIFYING SURVIVORS (Member emergency contact information is referenced. Agencies differ in the amount of information requested from members. Regardless of the extent of the information, agencies should ensure that the information is routinely updated, is secure and is available in the event of a line-of-duty death. You may consider such information as: member’s next of kin and their health issues; special notification instructions; specific wishes for funeral arrangements; and other information that will be helpful in the event of a member’s death. Understand that this information includes confidential personal data and requires restricted access.)
- BENEFITS LIAISON (The agency administrator should add any local programs that are available and appropriate in list item (c) regarding survivor assistance.)
- LINE-OF-DUTY DEATH OF A LAW ENFORCEMENT ANIMAL (This section is for agencies that use or are planning to use law enforcement animals (e.g., canines, mounted patrol equines). This section should be deleted if your agency does not use law enforcement animals.)