

New York State  
Division of Criminal Justice Services

**Law Enforcement  
Accreditation Council**

**Policy Manual**

**June 2014 Edition**



**NEW YORK STATE LAW ENFORCEMENT ACCREDITATION COUNCIL**  
**Policy Manual**

*June 2014 Edition*

<b>Name of Policy</b>	<b>Description</b>	<b>Date</b>
<b>Use of Program Logo and Agreement</b>	Describes rules and restrictions on logo use. Agreement must be signed by all chief law enforcement officers upon initial accreditation or reaccreditation beginning 3/8/12.	Issued: 2-21-90 <b>Revised: 3-8-2012</b>
<b>Application for Initial Accreditation</b>	Describes the process for submitting the Agency Application and Participation Agreement.	Issued 6-19-14
<b>Assessment Procedures</b>	Describes pre-assessment requirements, logistics of assessment team, supplemental assessments.	Issued: 12-6-90 <b>Revised: 9-13-12</b>
<b>Role of the Accreditation Council in Monitoring Program Operations</b>	This policy proposes specific roles for individual council members who attend program functions.	Issued: 12-6-90 <b>Revised 3-8-2012</b>
<b>Use of Technology to meet Accreditation Training Standards</b>	Outlines specific guidelines regarding the use of technology to supplement training requirements.	Issued: 12-6-90 <b>Revised: 3-8-2012</b>
<b>Role of Commentaries</b>	Describes commentaries and the council's expectations regarding implementing the same.	Issued: 6-6-91 <b>Revised: 3-8-2012</b>
<b>Agency Preparation for Assessment</b>	Describes 'best practices' for readying an agency for assessment.	Issued: 9-24-98 <b>Revised: 6-7-11</b>
<b>Assessment Reports</b>	Outlines guidelines that assessment reports should follow.	Issued: 6-18-92 <b>Revised 3-8-2012</b>
<b>Implementation of Applicable Standards Prior to Assessment</b>	Describes requirements agencies must meet prior to an on-site assessment.	Issued: 9-18-92 <b>Revised 3-8-2012</b>
<b>Reaccreditation (including Critical Standards)</b>	Maintenance is a critical part of the accreditation process and plays an important role in preparing the agency for reaccreditation. This policy outlines that process.	Issued: 9-17-92 Revised 6-7-11 Revised 6-13-13 <b>Revised 6-19-14</b>
<b>Agency Responsibilities Following Accreditation</b>	Describes the expectation of accredited agencies throughout the five-year period of accreditation.	Issued: 12-10-92 <b>Revised 3-8-2012</b>
<b>Annual Compliance Surveys</b>	Describes the purpose and importance of Annual Compliance Surveys and the graduated sanctions for failure to submit the survey on time.	<b>Issued: 6-7-11</b>
<b>Program Standards That Do Not Apply to Every Agency</b>	Describes the rare situations in which an agency may be allowed to consider a standard 'not applicable'.	Issued: 3-12-98 <b>Revised 3-8-2012</b>
<b>Selection of Program Assessors</b>	Describes the qualifications required and the procedure for selecting assessors.	Issued 12-2-2010 <b>Revised 3-8-2012</b>

**POLICY STATEMENT  
OF THE NEW YORK STATE  
LAW ENFORCEMENT ACCREDITATION COUNCIL**

**USE OF THE PROGRAM LOGO**

**Statement of Authority and Responsibility**

The Accreditation Program Planning Committee designed an official logo for the New York State Law Enforcement Accreditation Program in 1987. The State Division of Criminal Justice Services filed papers with the Library of Congress to copyright the logo in 1989. DCJS thus has both the right and the obligation to assure that the logo is only used for appropriate purposes.

**Guiding Philosophy**

Officials of law enforcement agencies that earn accreditation can take great pride in their accomplishment. Many chief executive officers may thus wish to use the program logo on their stationery, annual reports, public displays, etc. as a way of letting the community know that they have successfully implemented a wide range of professional standards. Such publicity can be of great value for both the agency and the program as a whole. Consequently, DCJS is willing to let accredited agencies use the logo for legitimate purposes.

**Policy**

Upon accreditation, the chief law enforcement officer must submit a written request to the Office of Public Safety (OPS) indicating specifically how the logo will be used and/or distributed by his or her agency. Reaccredited agencies that have previously been approved to use the logo may continue that use as approved. However, if at any point in time during an agency's period of accreditation the chief law enforcement officer wishes to use the logo for a different purpose, he or she must submit another written request describing the new use.

All chief law enforcement officers of accredited agencies requesting use of the logo or currently using the logo will be required to sign the "Use of Program Logo Agreement" upon their agency's accreditation or reaccreditation.

DCJS will approve requests submitted for legitimate law enforcement purposes. The copyright symbol beneath the logo must be included in all instances. The agency may be asked to submit a copy of the document containing the logo to program staff at OPS.

DCJS will e-mail several different versions of the logo to the agency whenever a request is approved. The logo must be used in its entirety as provided by DCJS. A cover letter will specify both the purpose for which the logo's use has been authorized and any restrictions that may apply.

No agency will be authorized to use the logo on items that are offered for sale (e.g. hats, t-shirts, etc.). Permission to use the logo will be denied in situations where the name of an accredited agency does not appear in the immediate vicinity of the logo since approving the use of a free standing logo may result in situations where it is presented out of context or in ways which imply that there is an official program endorsement where none actually exists.

The Deputy Commissioner of the Office of Public Safety, in consultation with agency counsel, will approve or reject requests to use the logo and will confer with the chairman of the council prior to rendering a decision whenever the proposed use is unusually complex or controversial. Since most accredited agencies do submit requests to use the logo, the council will only be made aware of situations in which a specific request could not be approved as submitted.

### **Withdrawal from the Program**

As outlined in the "Use of Program Logo Agreement", approval to use the logo will be automatically revoked if the agency loses its accredited status. The chief law enforcement officer of any agency that withdraws from the program, voluntarily or otherwise, will be reminded of this requirement through a letter from OPS. The chief elected official of the municipality served by the police department shall be included in any correspondence that OPS staff sends to the agency regarding the withdrawal from the program.

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This policy was approved by the State Law Enforcement Accreditation Council on February 21, 1990.  
Revisions approved by the council on March 8, 2012.

State Division of Criminal Justice Services  
Law Enforcement Accreditation Council

**USE OF ACCREDITATION PROGRAM LOGO AGREEMENT**

**THIS AGREEMENT** is entered into between the **NAME OF DEPARTMENT**, hereinafter referred to as the “Agency” and the New York State Division of Criminal Justice Services, hereinafter referred to as the “Division”

**WHEREAS**, enabling legislation established the New York State Law Enforcement Accreditation Council (hereinafter referred to as the “Council”) within the Division;

**WHEREAS**, the Council provides overall direction over the New York State Law Enforcement Accreditation Program (hereinafter referred to as the “Accreditation Program”);

**WHEREAS** the Accreditation Program provides formal recognition that an agency meets or exceeds general expectations of quality in the field. The program has four principal goals:

- To increase the effectiveness and efficiency of law enforcement agencies utilizing existing personnel, equipment and facilities to the extent possible;
- To promote increased cooperation and coordination among law enforcement agencies and other agencies of the criminal justice system;
- To ensure the appropriate training of law enforcement personnel; and
- To promote public confidence in law enforcement

**WHEREAS**, the Accreditation Program Planning Committee designed an official logo for the Council in 1987, a copy of which is attached hereto as exhibit A (hereinafter referred to as “Logo”);

**WHEREAS**, the Division filed papers with the Library of Congress to copyright the Logo in 1989;

**WHEREAS**, the Division has both the right and obligation to assure that the Logo is only used for appropriate purposes;

**WHEREAS**, the Agency wishes to use the Logo to let the community know that it participates in the Accreditation Program and has successfully implemented a wide range of professional standards;

**WHEREAS**, the Division has determined that such publicity can be of great value for both the Agency and the Accreditation Program as a whole, and is willing to let the accredited Agency use the Logo for legitimate purposes upon written request;

**NOW, THEREFORE**, in consideration of the foregoing and of the mutual promises hereinafter set forth, the Agency and the Division agree to the provisions and terms set forth in this Agreement and to be bound by them in the execution of the Agreement. Each party agrees as follows:

### **Appropriate Use of Logo**

The Agency agrees that all uses of the Logo shall be subject to the approval of the Division and that the Logo must be used in its entirety as provided by the Division. The Agency agrees not to use the Logo in a form and/or manner deemed inappropriate by the Division. The Agency further agrees to supply the Division with samples of all uses of the Logo upon request. If at any point during the Agency's period of accreditation, the Agency wishes to use the Logo for a different purpose, the Agency shall submit another written request. The Agency shall comply with all applicable laws and regulations and obtain all appropriate approvals pertaining to the use of the Logo.

The Agency will not be authorized to use the Logo on items that are offered for sale (e.g. hats, t-shirts, etc.). Permission to use the Logo will be denied in situations where the name of the accredited Agency does not appear in the immediate vicinity of the Logo since approving the use of a free standing Logo may result in situations where the Logo is presented out of context or in ways which imply that there is an official program endorsement where none actually exists.

**Term**

This Agreement shall continue in force and effect during the Agency’s period of accreditation and, if reaccredited, the Agency may continue to use Logo as approved by the Division.

**Termination**

This Agreement shall terminate if Agency’s accredited status expires or is otherwise lost.

**Effect of Termination**

Upon termination of this Agreement, Agency agrees to immediately discontinue all use of the Logo and to destroy all Agency materials bearing the Logo. The Division may take steps to confirm that the Logo has been removed.

**General Provisions**

This Agreement contains the entire agreement between the parties hereto with respect to Agency’s use of the Accreditation Program Logo.

The parties signed this Agreement on the day and year appearing opposite their respective signatures.

The Agency

BY: \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_

New York State Division of Criminal Justice Services

BY: \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_

Exhibit A



**POLICY STATEMENT  
OF THE NEW YORK STATE  
LAW ENFORCEMENT ACCREDITATION COUNCIL**

**APPLICATION FOR INITIAL ACCREDITATION**

Agencies that are interested in becoming accredited for the first time shall complete the Agency Application and Participation Agreement.

The Agency Application outlines the eligibility requirements of the program. It is signed by the chief law enforcement officer of the applicant agency and the chief elected officer of the municipality the agency serves. Sheriffs are not required to obtain the signature of the chief elected official of the county served since the sheriff is a county-wide elected official. The Participation Agreement establishes the terms of the relationship between the applicant agency and the Law Enforcement Accreditation Council including outlining the responsibilities of each.

Submission of the Application and Agency Participation Agreement does not legally bind the agency to participate in the Accreditation Program.

A new Application and Agency Participation Agreement must be submitted if:

1. The chief law enforcement officer of the agency has changes;
2. The chief elected official has changed;
3. More than five years has passed since they were submitted to the DCJS Office of Public Safety.

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This policy was approved by the New York State Law Enforcement Accreditation Council on **June 18, 2014**.

**POLICY STATEMENT  
OF THE NEW YORK STATE  
LAW ENFORCEMENT ACCREDITATION COUNCIL**

**ASSESSMENT PROCEDURES**

**Preparation for Assessment**

1. All policies and procedures developed to meet program standards must be in place and fully implemented for at least 90 days prior to an agency requesting an on-site assessment.
2. An agency that has questions about the standards or assessment process should contact the Law Enforcement Accreditation Program Unit within the New York State Division of Criminal Justice Services Office of Public Safety (OPS) well in advance of a request for an on-site assessment so that the questions can be resolved in a timely manner. There should be no surprises, confusion or misunderstanding about what is expected when the assessors arrive on-site to conduct the assessment.
3. Prior to scheduling an on-site assessment, agency program staff should review the council's policy entitled *Agency Preparation for Assessment* to become familiar with the purpose and limitation of the 'mock assessment' process. Copies of this policy can be obtained through OPS program staff. While mock assessments are not mandatory, the council strongly encourages those readying their agency for an assessment to have one conducted prior to the official on-site assessment.
4. Only a chief law enforcement officer of an agency may request an on-site assessment. The request must be submitted in writing and be directed to the Deputy Commissioner of OPS (or Deputy Commissioner). When making the request, the chief law enforcement officer must certify that all revisions in the procedure manual have been distributed to appropriate personnel, that orientation of all personnel to the new procedures has been completed, and that any new forms required pursuant to the procedures are both available and in use.
5. OPS staff will send the chief law enforcement officer a list of potential assessors and begin to make arrangements for an on-site assessment. The chief law enforcement officer may request the disqualification of a potential assessor for cause (e.g. conflict of interest) by advising OPS staff in writing which of the potential assessors would not be an acceptable member of their agency's assessment team and why.
6. Prior to scheduling the assessment, the person identified as the assessment team leader (responsible for coordinating the assessment) shall identify ten standards and require the agency program staff to submit copies of the program files for those standards. The files will be reviewed in accordance with the criteria set forth in the Standards and Compliance Verification Manual.

7. If all 10 files appear to be in order, OPS staff will make arrangements for an on-site assessment. If deficiencies are found in up to three program files, the agency will be asked to resubmit the deficient files with the necessary amendments. If the assessment team leader identifies problems in four or more files, the agency will be asked to resubmit the deficient files with the necessary amendments and may be required to submit files for additional standards to be determined by the team leader.
8. An assessor conducting the 'ten-file review' reserves the right to recommend that an agency's initial assessment be deferred for a period of three to six months based on deficiencies in 5 or more of the original ten files.
9. An agency seeking accreditation is expected to submit program files and any necessary amendments in a timely manner following the team leader's request.

### **Formation of an Assessment Team**

1. OPS staff will select an assessment team, taking into consideration any input received from the agency. All persons selected as assessors shall have successfully met all training requirements established by OPS for new assessors.
2. Whenever possible, OPS shall make a concerted effort to ensure that the assessment team is balanced according to the members' expertise, professional affiliations (police department, sheriff's department, etc.) and the sizes of the agencies that they represent.
3. Whenever possible, at least one member of the assessment team shall be from an agency of the same approximate size as the agency being assessed.
4. Whenever possible, the person designated to be the team leader shall have had prior experience as a member of an assessment team.
5. Whenever possible, no more than one incumbent chief or sheriff shall be assigned to an assessment team.
6. Under no circumstances shall an agency be assessed by anyone who is or has been affiliated with a department that has already been assessed by a member of the agency that is applying for accreditation.

### **Contracting for an Assessment**

1. Every agency that requests an assessment shall be required to enter into a formal agreement with the Division of Criminal Justice Services (DCJS) before the assessment is conducted.

## **Scheduling**

1. The chief law enforcement officer must be present and available to address potential problems throughout the period of the on-site assessment.
2. The on-site assessment must be completed at least 45 days prior to the meeting at which the council will consider an agency's request for accreditation. This policy is necessary to ensure that team leaders have the time needed to draft a thorough report and to submit it to OPS for distribution to council members prior to the meeting.
3. In order to permit the processing of all vouchers related to the assessment procedure by the end of the State fiscal year (March 31), whenever possible, no assessments will be scheduled during the month of March.

## **Assessment Reports**

1. A team leader will prepare a report of the accreditation team's findings and recommendations in accordance with a standard format approved by the council and in accordance with the team leader's contract with OPS. Office of Public Safety staff will provide the team leader with an outline and model report to serve as an appropriate guide.
2. A team leader will submit the report to OPS electronically whenever possible. If electronic submission is not possible, the report should be typewritten on plain bond paper. The report must be submitted to OPS within fourteen days of completing the onsite assessment.
3. The assessment team shall recommend an agency for accreditation only if it is satisfied that all applicable standards have been completely and successfully implemented.

## **Supplemental Assessments**

1. In some instances, the assessment team may determine that an agency did not demonstrate full compliance with all applicable standards during the on-site assessment. The team leader will prepare a written explanation in such instances and mail it to the Deputy Commissioner of OPS within five business days of concluding the assessment. The explanation will identify the standards in question and shall discuss the reason(s) for the finding of non-compliance. The Deputy Commissioner shall then contact the chief law enforcement officer of the agency that was assessed to discuss an appropriate resolution.
2. If the chief law enforcement officer believes that his agency did, in fact, demonstrate full compliance with one or more of the standards in question, the issue shall be submitted to the council for resolution. The chief law enforcement officer or his/her designee shall have the right to address the council and to respond to the council's concerns.
3. If the chief law enforcement officer agrees that the agency did not demonstrate compliance, the Deputy Commissioner shall determine the type of supplemental

assessment activity that is appropriate. This decision shall be based upon the number of **standards** that have not been met, the nature of the non-compliance, and their reason(s) why compliance could not be demonstrated at the time of the on-site assessment. In some instances, the chief law enforcement officer may be directed to mail additional documentation to the team leader. In cases that are complicated or which require a more thorough review, the Deputy Commissioner may instead require a second on-site visit by one or more of the assessors who conducted the initial assessment. The Deputy Commissioner shall prescribe in writing the type of necessary follow-up after consulting the program manager of the DCJS accreditation unit, the team leader, or other officials as deemed necessary. A copy of this decision shall be sent to the chief law enforcement officer and all members of the assessment team.

4. When an agency requires a second on-site assessment, OPS shall select the assessor(s) who will conduct it and shall instruct him/her to schedule an appropriate date and time with the agency's chief law enforcement officer.

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This policy was approved by the New York State Law Enforcement Accreditation Council on December 6, 1990.  
1st Revision was approved on March 12, 1992.  
2nd Revision was approved June 7, 2011.  
3<sup>rd</sup> Revision was approved September 13, 2012.

**POLICY STATEMENT  
OF THE NEW YORK STATE  
LAW ENFORCEMENT ACCREDITATION PROGRAM**

**ROLE OF THE ACCREDITATION COUNCIL IN MONITORING PROGRAM OPERATIONS**

The Law Enforcement Accreditation Council serves as the policy making body for the Accreditation Program and has sole authority to accredit law enforcement agencies. As such, it is imperative that council members remain objective and unbiased with regard to specific program activities that have the potential to be brought to the council for a vote. Still, in order to become more educated about the program itself, the council may wish to participate in events and training offered by the Office of Public Safety (OPS) to promote this initiative. The following policy statement proposes specific roles for individual members who attend program functions either as representatives of the entire council or to expand their own personal knowledge of the program.

**Conference Presentations and Training Workshops**

OPS staff members may occasionally be called upon to present informational overviews of the Accreditation Program at regional meetings and conferences. The Office of Public Safety also provides training workshops for new assessors and for the command staff and program managers of agencies seeking accreditation. Council members may wish to attend any presentation and/or training that they believe will enhance their understanding of the intricacies of the program. In addition, council members may wish to add to a discussion to share his or her perspective as a member of the council but should take special care to emphasize that their opinions do not necessarily reflect that of the council as a whole.

**Technical Assistance**

OPS Accreditation Unit staff members will occasionally provide on-site technical assistance to aid participating agencies when it is impractical to do so over the phone. Council members should not be present at these meetings because of the potential of certain issues discussed being brought before the council for action. The exception to this would be if it is a council member's agency receiving the technical assistance, in which case that council member would be recused from any vote that may come before the council regarding their agency.

**Assessments**

Council members should not be present for any on-site assessments as it is in clear conflict with their role as a member of the authoritative body awarding accreditation. The

exception to this would be if it is a council member's agency being assessed or reassessed, in which case that council member would be recused from the vote to consider accreditation.

### **Accreditation Ceremonies**

Agencies that are deemed to be in compliance with all program standards will be presented with a formal Certificate of Accreditation by the current chairperson of the council, Commissioner of DCJS, and Deputy Commissioner for the DCJS Office of Public Safety at the quarterly meeting of the Accreditation Council. The chief law enforcement officer and agency program manager will be invited to attend the meeting to receive their certificate and may extend the invitation to other members of their department or elected officials within the municipality they serve. If no one from an agency being accredited can attend the meeting, the certificate will be mailed. Chief law enforcement officers that are unable to attend the meeting may also request to have their certificate presented at the next scheduled meeting of the Accreditation Council.

### **Program Activities Not Addressed in this Policy**

Council members who wish to attend a function that is not addressed in this policy or who have questions of a substantive policy nature should contact the council chairman. The chairman will then confer with the Deputy Commissioner in charge of OPS (or his/her designee) about the best way to proceed. Direct contact with program staff should be limited to matters of a routine or informational nature such as the logistical arrangements that are being made for an upcoming meeting of the Council.

### **Protocol**

Council members who are interested in attending a program function should notify the council chairman. The chairman will then advise the Deputy Commissioner for OPS or the DCJS Accreditation Program Manager so that arrangements can be made to provide the council member with the necessary scheduling information.

Council members who participate in discussions while attending a program function or training must inform those present that the opinions expressed are their own and do not necessarily reflect the views of the entire council. Upon completion of their participation in a specific event, the council member may choose to submit a report to the Deputy Commissioner for the Office of Public Safety to document their observations and experience with regard to participating.

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This policy was approved by The State Law Enforcement Accreditation Council on December 6, 1990  
Revisions to this policy were approved by the Law Enforcement Accreditation Council on March 8, 2012.

**POLICY STATEMENT  
OF THE NEW YORK STATE  
LAW ENFORCEMENT ACCREDITATION COUNCIL**

**THE USE OF TECHNOLOGY TO MEET ACCREDITATION PROGRAM TRAINING STANDARDS**

The New York State Law Enforcement Accreditation Council has adopted the following policy regarding the use of technology to meet Accreditation Program training standards. The policy encompasses satellite programming, videotape training prepared by individual police department and private vendors, and the use of internet-based training such as webcasts, podcasts, live meetings, etc.

1. The chief executive officer (or his designee) and/or an instructor certified in the content area being covered through the technology-based training must preview all training prior to its delivery. This is necessary to ascertain that any proposed training has been developed by a legitimate law enforcement training source, that the training meets departmental needs and expectations, and that it is compliant with program standards.
2. The certified instructor should determine if supplementary information is needed to clarify or enhance certain components of the training. If so, the agency must make arrangements to convey the necessary information (e.g., arrange for an appropriate roll call briefing, prepare a handout, etc.) to training participants.
3. A certified instructor does not have to be present when officers are participating in any type of technology-based training. However, participants should be provided with the name of the appropriate certified instructor to contact in the event they have questions or need clarification once they receive the training.
4. It will be the responsibility of the chief law enforcement officer to develop a mechanism for determining the effectiveness of any technology-based training provided within the department.
5. The agency will be expected to maintain adequate records documenting the delivery of all technology-based training. Records should include the title of the training; the agency or organization responsible for developing and distributing the training; the name and qualifications of the presenter; the number of training hours awarded through participation; the nature of any follow-up training required (if the additional time will be used to meet part of the agency's annual 21 hour in-service training requirement); the date of the training, and a list of those who participated.

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This policy was approved by the State Law Enforcement Accreditation Council on December 6, 1990  
Revisions were approved by the council on March 8, 2012.

**POLICY STATEMENT  
OF THE NEW YORK STATE  
LAW ENFORCEMENT ACCREDITATION COUNCIL**

**THE ROLE OF COMMENTARIES IN ESTABLISHING THE INTENT OF  
ACCREDITATION PROGRAM STANDARDS**

The accreditation program standards agencies must comply with have been developed by the Law Enforcement Accreditation Council with input from various experts in the field of law enforcement. They represent a variety of areas within police administration, training, and operations that must be addressed through policies or procedures in order for the agency to be considered for accreditation. Because the standards don't generally mandate the exact policy or procedure that must be adopted by the law enforcement agency, chief law enforcement officers have plenty of flexibility to address each standard in a way that best suits their respective departments.

Some standards are clear and concise and require no additional information to clarify their intent. For instance, Standard 1.1 - "The agency has a written mission statement that defines its role." - requires no further explanation in terms of what's expected to meet this standard.

Other standards are more complex and do require additional information with regard to the intent of the standard. This clarification is provided in the form of a "**Commentary**". Of the 133 standards currently in place, 96 include commentaries that:

- Provide an explanation as to why a particular standard is in place and how the standard will improve a certain function within the department;
- Provide corresponding legal information related to the standard;
- Provide historical information that is pertinent to understanding the intent of the standard, or;
- Offer suggestions or recommendations for what should be included in any policy or procedure developed to address that particular standard.

More often than not, the commentary is informational only. However, on occasion the commentary will include additional requirements that should be considered when determining how to meet the standard. If a commentary is written in a way that indicates something is mandatory (e.g. "the agency *must*....."), the assessment team will consider the requirements within the commentary as well as the standard when determining compliance.

Finally, while in most cases suggestions or recommendations made in the commentary are optional (e.g. “the agency *should*...”), agencies will be encouraged to implement as many of the recommendations as they can in order to maximize the effectiveness of each policy and/or procedure.

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This policy was approved by the State Law Enforcement Accreditation Council on June 6, 1991.  
Revisions approved by the council on March 8, 2012.

**POLICY STATEMENT  
OF THE NEW YORK STATE  
LAW ENFORCEMENT ACCREDITATION COUNCIL**

**AGENCY PREPARATION FOR ASSESSMENT**

The Accreditation Council urges all agencies seeking accreditation to prepare carefully for the on-site assessment. Thorough preparation greatly increases the likelihood that an assessment will come to a successful conclusion with a minimum of stress and last minute problems. Careful preparation also ensures that an agency will derive maximum benefit from the accreditation process.

There are several ways in which agency officials can ensure that all applicable requirements are met prior to the assessment. Several of these strategies are listed below. The Council encourages program managers to consider each of these options to determine which ones might best support local efforts to get accredited.

**1. *Develop a Strong Working Relationship with Program Staff at the Office of Public Safety***

The NYS Division of Criminal Justice Services, Office of Public Safety (OPS), employs professional staff to support the Accreditation Program on a full-time basis. Many agency managers have found it helpful to take advantage of their expertise and have worked closely with program staff throughout the policy development process. Program managers can avoid common mistakes and ensure that the standard file folders are prepared correctly the first time by establishing a dialogue with OPS long before the final stages approach. OPS staff will do their best to provide assistance, schedule assessments, and process other requests in a timely manner. The Council nevertheless encourages officials of participating agencies to submit their requests to OPS well in advance of any target deadlines. Doing so will greatly enhance the likelihood that OPS will be able to honor the agency's request in a thoughtful, professional manner expected by the Council.

**2. *Seek Guidance From Other Accredited Agencies***

Program managers of accredited agencies represent a valuable resource for officials who are still in the process of working toward accreditation. The CEO's of several accredited agencies have additionally agreed to enter into formal mentor relationships whereby the program manager or other appropriate staff member meets regularly with the officer seeking assistance to discuss progress and brainstorm problems as they emerge. The names and phone numbers of appropriate contact persons are available upon request from OPS.

**3. *Color Code Program Files***

Program assessors examine a folder for each program standard as part of their efforts to

verify that the agency seeking accreditation has met all applicable requirements. Documents contained in these folders include a copy of the standard and the policy or procedure that the agency developed to establish compliance. Many agencies have found it beneficial to color code this material. Color coding is a process whereby each bullet or key requirement of a standard is highlighted in a distinct color along with the corresponding section of the appropriate policy or procedure. Proceeding in this manner helps to ensure that policies are complete and that no requirement is inadvertently overlooked.

4. **Have a Mock Assessment Conducted**

A **mock assessment** is an important component of successfully achieving accreditation. During a mock assessment, a knowledgeable person, other than the agency program manager, reviews the file folders prepared for each program standard. The mock assessment process includes verifying that the overall format of the folder is consistent with program expectations; policies and procedures are in place to implement applicable standards; and the folders contain adequate supporting documentation. The process may also mirror the official assessment to include random interviews with agency personnel and a tour of the facility to inspect evidence security and/or other important variables. This exercise can be helpful because an objective third party will often identify a weakness or omission that is not readily apparent to someone who has been closely involved with preparing the agency policies and program files for the accreditation assessment. The process also allows time to identify and correct potential problems in a thoughtful manner before the assessors arrive on-site.

The Accreditation Council **strongly encourages** all agencies seeking accreditation to invest in undergoing a mock assessment in the months leading up to the actual assessment. Analysis has shown that the assessment process for agencies that did NOT have a mock assessment was more difficult and lengthier than those that did. While findings and recommendations made pursuant to a mock assessment must be regarded as advisory in nature and may not be used to challenge a negative finding in an official assessment, **the mock remains one of the best tools available to ensure that an agency is fully prepared for the rigors of the accreditation assessment process.**

Agencies seeking initial accreditation can obtain contact information from the DCJS Accreditation program staff for both assessors and staff from accredited agencies that are available to conduct a mock assessment.

NOTE: Final judgment concerning agency compliance with applicable standards is reserved for the Accreditation Council in cooperation with the designated program assessors. Their decision will not be influenced by the results of a mock assessment.

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This policy was approved by the New York State Law Enforcement Accreditation Council on **September 24, 1998**.  
**Revisions were approved by the council on 6/7/11.**

**POLICY STATEMENT  
OF THE NEW YORK STATE  
LAW ENFORCEMENT ACCREDITATION COUNCIL**

**ASSESSMENT REPORTS**

1. Assessments are pass/fail exercise. It is thus inappropriate for a team leader to note in his/her report that a given policy demonstrates marginal compliance with the applicable standard. The policy either complies with the standard or it does not.
2. Team leaders must follow the format of the sample assessment report provided by OPS. Reports that deviate from this format will be returned for appropriate revisions.
3. Non-binding recommendations must not be included in the assessment report. If an agency has complied with the standard in question, no further discussion is warranted regarding the ways in which a policy or procedure could be made better. Suggestions can be offered verbally in an informal manner, but such suggestions are unofficial and are not relevant to the documented assessment.
4. Team leaders should not offer subjective comments in their reports even when the comments reflect favorably on the agency being assessed. It would thus be inappropriate to state that a particular procedure or manual can serve as a model for other departments.
5. Assessors must focus exclusively on issues of compliance with the standards. They should not make recommendations on matters that are subject to collective bargaining, or any other issue that is not directly addressed by the standards.
6. Team leaders must contact OPS to discuss any questions or problems that may arise during the assessment so that the matter can be addressed accordingly and accurately recorded in the report. Whenever possible, matters of questionable compliance should be discussed with the OPS manager who oversees the accreditation program.
7. It is unnecessary to note in the report that the Council did not waive any standards for the agency being assessed but should most definitely be mentioned when a standard has actually been waived. Assessors should also be careful not to confuse waivers with rulings from the Deputy Commissioner that a standard is not applicable. A waiver can only be issued by two-thirds vote of the Council and is granted when a given standard is applicable but cannot be fully implemented because of extraordinary circumstances at the agency. By contrast, a standard is “not applicable by function” when an agency either does not perform the function that the standard addresses (e.g., the agency does not use technical aids for the detection of deception.); or a collective bargaining agreement or

municipal law prohibits an agency from complying with a standard (i.e. performance evaluations cannot be completed because the union contract prohibits them.) In cases where a standard is “not applicable by function”, the program files should still contain a written directive (when called for by the standard); and either proof of the agency’s inability to comply (such as a copy of the collective bargaining agreement or a memo from the chief indicating that the agency does not have the capacity to comply with the standard) or a description of how a standard is met even if the agency itself does not complete the function (such as an agreement with the sheriff’s office or another neighboring agency).

8. Team Leaders are required to share draft copies of the assessment report with other members of the assessment team prior to submitting the report to OPS. Each assessor must have an opportunity to provide appropriate comments and input.
9. Assessors should write “Draft Report” at the top of the report that they initially submit to OPS. The report will be reviewed and acted upon accordingly by the Accreditation Council. The team leader will be required to resubmit a final report in the event the council wishes that certain comments or recommendations be added to the assessment report. All reports must be signed by the team leader.
10. Assessors must share a verbal summary of their findings and recommendations with the agency’s chief law enforcement officer or their designee during the exit interview. The written report should be submitted to OPS and OPS program staff will send a copy of the draft report to the chief law enforcement officer so as to check it for accuracy with regard to staff names or ranks. In the event a chief law enforcement officer takes issue with any other portion of the report, OPS staff will facilitate an understanding between the agency and the team leader. The Office of Public Safety will send a copy of the report to the agency after the Council has officially accepted it only if changes have been made to it since their review.

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This policy was approved by the State Law Enforcement Accreditation Council on June 18, 1992.  
Revisions were approved by the Council on September 13, 2012.

**POLICY STATEMENT  
OF THE NEW YORK STATE  
LAW ENFORCEMENT ACCREDITATION COUNCIL**

**IMPLEMENTATION OF APPLICABLE STANDARDS PRIOR TO ASSESSMENT**

All policies, procedures, forms, logs and other documents developed to comply with accreditation program standards must be distributed to personnel and fully implemented within the agency for at least 90 days prior to the on-site assessment. The intent of this policy is to ensure that there is sufficient time for staff to become familiar with the policies and receive any training necessary to implement them. The 90-day period also allows for the identification of potential issues that may develop when attempting to adjust past practices; and plenty of time to compile supporting documentation to demonstrate to the assessment team that all applicable standards have been implemented.

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This policy was approved by the State Law Enforcement Accreditation Council on September 17, 1992.  
Revisions approved by the council on March 8, 2012.

**POLICY STATEMENT  
OF THE NEW YORK STATE  
LAW ENFORCEMENT ACCREDITATION COUNCIL**

**REACCREDITATION**

1. Reaccreditation is simply the re-awarding of the accredited status when the term of accreditation is set to expire. The process of becoming reaccredited should not be problematic in most cases because accredited agencies are expected to maintain compliance with all standards and keep all program files current throughout the period of accreditation. Agencies are reaccredited following an onsite reassessment or compliance audit and a formal review by the Accreditation Council.
2. Accredited law enforcement agencies wishing to become reaccredited must submit an Application for Reaccreditation in accordance with procedures established by the State Law Enforcement Accreditation Council. The council will accept applications for reaccreditation no more than 12 months prior to the date on which a law enforcement agency's accreditation is scheduled to expire (§ 6035.9 (a) of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York.)
3. Agencies seeking to be reaccredited should notify the Office of Public Safety (OPS) for the purpose of scheduling a reassessment of their program files. Notification should be made at least four, but not more than nine months prior to the date on which their accredited status will lapse.
  - a. Accredited agencies that are seeking reaccreditation **for the first time** will undergo a *complete reassessment* of all of their program files. (*Refer to the council Policy Statement entitled 'Assessment Procedures' - a complete reassessment will be conducted in a manner similar to an initial assessment.*)
  - b. Accredited agencies that are seeking reaccreditation **for the second time or more** will be eligible to undergo a *compliance audit* of their program files.
  - c. The council and/or OPS reserve the right to allow a full reassessment of all program files for agencies seeking reaccreditation for the second time or more if a determination is made that the potential for widespread compliance issues warrants a comprehensive file review (see 7.c.)
4. If the reassessment or compliance audit cannot be scheduled because of extenuating circumstances beyond the agency's control (e.g., a delay in passing the State budget), the agency's accreditation can be extended until such time as the compliance

audit/reassessment takes place and the council has the opportunity to review the findings. The Deputy Commissioner of OPS shall consult with the chairman of the Accreditation Council in such cases and will advise the agency's chief law enforcement officer in writing of any extension that is granted in the agency's accredited status.

5. As part of the reassessment/compliance audit, the assessor can request that documentation pertaining to the accreditation file folders be provided to assist in determining if an agency has been adequately maintaining their files and complying with the standards since last being accredited. This will include:
  - a. The Standard Compliance Reports from the previous assessment/reassessment.
  - b. Proof that the agency has reviewed each standard and considered the most appropriate method of complying no more than 12 months prior to the assessment.
  - c. A copy of the appropriate policy, procedure, form, etc. that was being used at the time of the previous assessment to show compliance with the standard.
  - d. A copy of the appropriate policy, procedure, form, etc. that is being used at the time of the reassessment to show compliance with the standard.
  - e. Copies of any additional policies, procedures, forms, etc. that were used during the period of accreditation and which significantly changed the way in which the agency complied with the standard.
  - f. Sample documentation prepared at various points during the period of accreditation. Appropriate documentation is especially important for those standards which identify specific activities that must be performed periodically. Example of these standards include 1.2 (Goals and Objectives), 5.2 (Accounting), 7.3 (Inventories of Non-Agency Property), and 21.1 (Review of Firearm Use). Assessors may request documentation in addition to that which is included in the file folder where necessary to establish a clear pattern of on-going compliance.
  - g. Information pertaining to any issues that were reported in the agency's Annual Compliance Surveys. The information should be sufficient for assessors to verify that the corrective action plans described in the surveys were successfully implemented.
6. Compliance Audits are conducted for the purposes of reaccrediting an agency that has previously demonstrated full compliance with all current approved standards through both an initial accreditation and a first-time reaccreditation; submitted all required Annual Compliance Surveys; and not had a negative finding through any file review conducted by OPS staff during their term of accreditation (if applicable). Compliance audits will include a full review of all **'critical standards'** (attached **Appendix A**), and a partial review of the remaining **'essential standards'** (**minimum of 20**). Critical

standards will be shared with all currently accredited agencies and those seeking to become accredited.

### **Compliance Audit Procedure**

- a. One assessor will be assigned to conduct a compliance audit of the agency seeking to be reaccredited. Prior to assigning an assessor, the chief law enforcement officer will have the opportunity to review the list of potential assessors. In the event of a conflict of interest, the chief law enforcement officer is required to submit a letter to OPS staff requesting the disqualification(s) and describing the conflict(s) that exists.
- b. Agency program staff will be required to provide the following information to the assessor **prior** to the on-site visit:
  - Program files for the 21 designated critical standards;
  - Program files for a minimum of 20 essential standards, as determined by the assessor assigned to conduct the compliance audit.
- c. The assessor will conduct an off-site review of the information outlined above and will contact the chief law enforcement officer and/or program manager to discuss his/her review. The assessor may request that additional information/documentation be provided if compliance cannot be immediately determined. In some instances, that additional information will be obtained during the on-site review.
- d. Once the assessor is confident the information reviewed off-site is in order, he/she will notify the chief law enforcement officer and OPS staff of his/her intent to go forward with an on-site compliance audit.
- e. OPS staff will assist in coordinating the on-site compliance audit. The on-site audit will include:
  - A review of additional documentation for program files reviewed off-site (if necessary);
  - Interviews with appropriate staff members to verify compliance on standards reviewed on-site (and off-site if applicable); and
  - A tour of certain units/facilities as determined by the assessor.
  - A review of additional program files (above and beyond those reviewed off-site) if requested by the assessor.

**NOTE: The agency undergoing a compliance audit must continue to maintain the program files for all current standards throughout the course of their accreditation and ensure they are complete and up-to-date on the day of the onsite review, whether or not the files are selected for audit.**

- f. Agency staff should be prepared to provide verification that the agency has complied in a timely manner with any standards that may not have applied at the time of the previous assessment but which subsequently became applicable because of changes in agency practices;
  - g. Agency staff should be prepared to provide verification that the agency has complied in a timely manner with any applicable standards that the council adopted following the initial assessment; and
  - h. Assessors shall pay particular attention to any problems that were identified during the period of accreditation and to the efforts that the agency made to address them.
7. The reaccreditation Compliance Audit will generally be conducted by one assessor and will involve one to two days of off-site work and one day of on-site work. However, certain audits may require either more time on-site or an additional assessor in order to ensure a comprehensive and efficient audit of the critical and selected essential files.

#### **Variations in the Compliance Audit Procedure**

- a. If an assessor determines the need to remain on-site an additional day, he/she **MUST** contact the OPS Accreditation Program Manager to request approval and provide justification for the additional time.

**No additional assessor travel costs will be reimbursed without prior approval by DCJS.**

- b. The DCJS Deputy Commissioner for the Office of Public Safety or his or her designee will make the determination of when the compliance audit of an agency due to be reaccredited may warrant the addition of a second assessor, such as in the case of very large departments. When this determination is made, one assessor will be assigned as the team leader. In order to contain program costs, assessors selected may be from within the same training zone as the agency being reassessed or audited, provided, however, that no conflict of interest or appearance of impropriety exists.
- c. A full reassessment of all program files may be conducted in lieu of a compliance audit if: an agency is determined to have experienced difficulty in complying with program standards based on a review of previous assessment reports and annual compliance surveys; an agency has experienced difficulty in complying with standards since the last successful reassessment, or; if other circumstances exist, such as if outside investigations or other difficulties related to accreditation standards are brought to the attention of the council or DCJS staff.

- d. As required by law, DCJS will pay all costs associated with the Compliance Audit. Assessor fees will be outlined in a letter of agreement that all approved assessors must enter into with DCJS.
  - e. Finally, at any point in time an agency can be randomly selected to undergo a full reassessment even after one or more successful compliance audits.
8. The assessor or team leader conducting a compliance audit shall prepare a detailed report of the findings and make appropriate recommendations for the Accreditation Council's consideration.
9. The council may vote on a law enforcement agency's application for reaccreditation prior to their five (5) year expiration date, but only after three (3) years has passed since the date of the most recent accreditation. Circumstances that may necessitate an assessment for early accreditation include, but may not be limited to:
- a) A determination by program staff to ensure an agency is in compliance with program standards and solidify their standing within the program;
  - b) A request by the chief law enforcement officer of an accredited agency who has identified a compelling need for early reaccreditation, and;
  - c) Budgetary considerations and constraints within the program.

A law enforcement agency that is required to undergo a reaccreditation assessment prior to the end of their current five year term will be given no less than 90 days' notice of said assessment. The council will develop policies to establish specific procedures for an agency requesting an extension of their early assessment.

If the council votes to reaccredit an agency at an earlier date, the new five year period of reaccreditation will begin on the date of approval by the council.

(See § 6035.9 (C) of Title 9 of the Official Compilation of the Codes, Rules and Regulations of the State of New York.)

10. Representatives of the law enforcement agencies being considered for reaccreditation shall have the right to address the council, to present evidence in their behalf and to respond to concerns raised by the council (§ 6035.7 (a) of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York.)
11. The council shall make one of four decisions following its review of the agency's application for reaccreditation. The council may:
- a. Reaccredit the agency;
  - b. Reaccredit the agency with provisions for enhanced monitoring;

- c. Defer reaccreditation until certain conditions have been met; or
- d. Deny reaccreditation status.

**The assessor must confer with the current DCJS Accreditation Program Manager if they find during their off-site review that the agency will likely be deferred; denied reaccreditation; or recommended for reaccreditation with enhanced monitoring.**

12. The council's decision shall be based on the totality of relevant circumstances. In making its determination, the council shall consider several factors including but not limited to the following:
  - a. The percentage of standards the audit reveals as being out of compliance at the start of the audit and during the period of accreditation;
  - b. The relative importance of the standards with which the agency did not comply;
  - c. The length of time that the agency was out of compliance;
  - d. The reason(s) why the agency was not in continuous compliance;
  - e. Efforts made by the agency to re-establish compliance with all applicable standards;
  - f. Whether or not agency officials advised the council of the problems that they were experiencing; and
  - g. Whether or not the agency worked with OPS where appropriate to develop a strategy for resolving the problems that prevented full and on-going compliance.
13. Agencies shall be reaccredited for a period of five years (§ 6035.9 (d) of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York.)
14. If the council votes to reaccredit the agency with provisions for enhanced monitoring, the council may impose one or more of the stipulations specified below.
  - a. The agency can be required to develop a new plan for monitoring internal compliance with applicable program standards. The council may further require that this plan be submitted to the council for review and approval.
  - b. The agency can be required to submit periodic reports in addition to the Annual Compliance Surveys that all accredited agencies must prepare.
  - c. The agency can be required to periodically submit documentation to demonstrate continued compliance with selected program standards. The documentation shall be submitted to OPS which will then arrange for review by an experienced assessor.

- d. The agency can be required to schedule additional on-site visits by one or more assessors during the period of reaccreditation. The visits will be as frequent and as narrow or as broad in scope as the Council deems appropriate.
15. If the council votes to defer reaccreditation until certain conditions have been met, the council will provide the agency with written notice specifying the action that needs to be taken, the method that the council will use to verify that all appropriate action has been taken, and a timeframe in which to demonstrate full compliance.
16. If the council votes to deny reaccreditation because of significant or repeated failures to comply with applicable standards, the agency will not be assessed again until a specified period of time has elapsed. The length of this period shall be set by the council at the time of the denial but will in no case exceed three years. If the agency chooses to reapply when it becomes eligible to do so, the assessment shall include a review of agency plans to ensure that the compliance problems encountered in the past will not be repeated.
17. If a decision is made to deny a law enforcement agency's request for reaccreditation, the council shall notify such agency in writing of the reasons for its decision and of the steps that must be taken to become reaccredited (§ 6035.7 (c) of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York.)
18. Law enforcement agencies whose reaccreditation is deferred may have their application reconsidered at the next meeting of the council by filing a written appeal with program staff within 30 calendar days of the initial decision (§ 6035.7 (d) of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York.)

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This policy was approved by the State Law Enforcement Accreditation Council on September 17, 1992.

**1st revision - December 3, 2009**

**2<sup>nd</sup> revision – June 7, 2011** (Revisions altered the procedure for reaccreditations from a complete reassessment to a compliance audit in cases where an agency is requesting to be reaccredited for the second time or more.)

**3<sup>rd</sup> Revision – June 13, 2013** (Revisions align the policy with the newly implemented compliance audit procedure.)

**4<sup>th</sup> Revision – June 19, 2014** (Revisions align the policy with changes to Part 6035 and clarify circumstances under which a full reassessment can be conducted in lieu of a compliance audit.)

Attachment: *Appendix A, Critical Standards*

## **APPENDIX A**

### **New York State Law Enforcement Accreditation Program**

## **Critical Standards**

The following Critical Standards are to be used in conjunction with the LEAC Reaccreditation Policy as a guide for determining which of the 133 Accreditation program standards are required to be reviewed as part of all reaccreditation compliance audits. The list represents the standards that have historically held the highest potential for liability to a law enforcement agency.

***PLEASE NOTE - accredited agencies must establish and maintain compliance with all 133 Program Standards in order to maintain their accredited status.***

### **ADMINISTRATIVE STANDARDS**

- 2.3 - Written Directives**
- 2.7 - Officer Responsibility and Authority**
- 2.9 - Accountability of Supervisory Personnel**
- 5.3 - Safeguarding Cash**
- 6.2 - Safeguarding Agency Weapons**
- 7.1 - Storage of Evidence**
- 7.3 - Inventory Control**
- 8.7 - Records Management System**
- 12.5 - Background Investigation**
- 13.1 - Performance Evaluation System**
- 14.1 - Rules of Conduct**
- 14.4 - Disciplinary System**
- 14.7 - Sexual Harassment**
- 20.1 - Necessary Force**
- 20.7 - Reporting Requirements**
- 25.1 - Internal Affairs Function**

### **TRAINING STANDARDS**

- 33.1 - In-service Training - Length and Content**

### **OPERATIONAL STANDARDS**

- 43.4 - Vehicle Pursuits**
- 44.1 - Domestic Incidents**
- 51.4 - Labeling Evidence (Scenes of Incidents section)**
- 58.2 - Disaster Plans**

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Approved by the Law Enforcement Accreditation Council on June 7, 2011.

**POLICY STATEMENT  
OF THE NEW YORK STATE  
LAW ENFORCEMENT ACCREDITATION COUNCIL**

**AGENCY RESPONSIBILITIES FOLLOWING ACCREDITATION**

1. Accredited agencies are expected to maintain compliance throughout the period of accreditation with all applicable standards that were in effect at the time that the agencies were accredited. (§ 6035.8 [a] of Title 9 of the official Compilation of Codes, Rules, and Regulations of the State of New York).
2. The Deputy Commissioner of the Office of Public Safety (OPS) may determine that some standards do not apply to particular agencies at the time of the assessment. Such agencies are nevertheless expected to comply with these standards during the period of accreditation if the new agency practices subsequently make the standards in question applicable.
3. Accredited agencies are expected to comply with any new applicable standards that the Council adopts following their agency's most recent assessment or compliance audit. Agencies shall comply with all such standards within the timeframe allotted following notification by OPS that the standards have been adopted.
4. The Council recognizes that it is not always feasible to retain copies of all documents that are generated to meet program standards over a five year period. Agencies may thus purge files and discard documents in accordance with established internal procedures. Agencies are nevertheless expected to retain copies of all documentation necessary to demonstrate a clear pattern of compliance throughout the five year period of accreditation.
5. File folders for each standard must contain sample documentation which shows that the agency is complying with the standard in question. For agencies being accredited initially, the folders must contain documentation showing compliance for the three months prior to the initial assessment. Agencies facing reaccreditation must have folders that contain documentation for each year of the five year period of accreditation. The main body of supporting documentation, however, (training records, personnel evaluations, etc.) may be filed in whatever location the chief law enforcement officer determines to be most convenient or appropriate for the agency. Documents that are added to the file folders following the initial assessment should be inserted chronologically and in an organized manner. The Council's policy entitled Reaccreditation, section 5 (a) through (h) lists all the documents that the file folders should contain at the time of the reassessment.
6. Officials of accredited agencies who have questions about standard compliance, types of records that they should maintain, or program requirements in general are expected to contact OPS. Program staff will attempt to resolve these questions as appropriate over the phone or by reviewing materials sent electronically or through the mail if the agency does not have

electronic capability. Upon request of the agency's chief law enforcement officer, program staff will conduct an on-site review of program records or other relevant documents to help resolve any problems that may exist.

7. The chief law enforcement officers of accredited agencies shall be required to submit an Annual Compliance Survey in a format approved by the Accreditation Council. (§ 6035.8 [c] of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York). OPS will send a reminder and a blank copy of the survey to each accredited agency prior to the due date. However, accredited agency staff may begin completing the Annual Compliance Survey independent of the reminder by OPS program staff. (The council policy entitled "Annual Compliance Surveys" describes the purpose of the survey and the timeframe in which they are due to be completed.)
8. After submission of the first Annual Compliance Survey and as a part of each succeeding survey, the Accreditation Council may require accredited agencies to submit documentation which clearly demonstrates the agencies' on-going compliance with selected standards. These standards shall be selected by the Office of Public Safety with the concurrence of the Accreditation Council and may change from year to year. Program staff at OPS will review the documentation and shall request additional proof where necessary to verify full compliance. Should review of the selected standards reveal that the agency may not be in on-going compliance, the agency may request and/or OPS shall offer to review the agency's accreditation files. In all cases, OPS shall prepare a written report of its finding and recommendations. The report shall be submitted to the Accreditation Council, and a copy will be forwarded to agency officials for their records.
9. Accredited agencies that are unable to continue complying with any of the standards in effect at the time that they were accredited shall notify OPS program staff within 30 days regarding the nature of and reason for their non-compliance. The Accreditation Council shall determine what action should be taken on a case-by case basis. (§ 6035.8 [b] of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York). Program staff shall work with agency staff to develop a corrective action plan or to ensure such plan is developed.
10. The Council shall have the authority to suspend or revoke a law enforcement agency's accreditation for disregarding applicable standards or committing serious violations of program rules and regulations. Law enforcement agency representatives shall be given an opportunity to appear before the Council prior to any such suspension or revocation. (§ 6035.8 [d] of Title 9 of the Official Compilation of Codes, Rules and Regulations of the State of New York).
11. This policy **supersedes** the Council's policy of March 7, 1991 entitled "Agency Compliance with Program Standards Following Accreditation."

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This policy was approved by the State Law Enforcement Council on December 10, 1992.  
Revisions to this policy were introduced to the council on September 13, 2012.

**POLICY STATEMENT  
OF THE NEW YORK STATE  
LAW ENFORCEMENT ACCREDITATION COUNCIL**

**ANNUAL COMPLIANCE SURVEYS**

**Submission of Annual Compliance Survey**

All Accredited and Reaccredited law enforcement agencies must demonstrate continued compliance with accreditation program standards in order to maintain their accredited status. As such, the Law Enforcement Accreditation Council recognizes the importance of the accurate completion and timely submission of the **Annual Compliance Survey (ACS)**, an important requirement for all accredited agencies.

**Accuracy and Timeliness**

Because Annual Compliance Surveys are instrumental in keeping the Office of Public Safety (OPS) Accreditation Unit program staff and the Accreditation Council up-to-date on the status of an accredited agency's compliance with program files and standards, **it is imperative that they are submitted on time each year.**

Equally as important is that the information provided on the ACS accurately portrays the agency's experiences with regard to complying with accreditation program standards. An accredited agency will rarely be penalized for disclosing areas of non-compliance, provided they can demonstrate a good faith effort to implement a corrective action plan that will bring the agency back into compliance. In fact, early identification and reporting of problems will allow both the agency program manager and OPS accreditation program staff to address and resolve them early. On the contrary, failure to report problems with compliance may mean a difficult reaccreditation process or the potential for being denied reaccreditation.

**Annual Compliance Survey Schedule**

<b>Month Agency Accredited:</b>	<b>ACS Due By:</b>	<b>Presented for Approval at Meeting in:</b>
<b>March</b>	<b>January 15<sup>th</sup></b>	<b>March</b>
<b>June</b>	<b>April 15<sup>th</sup></b>	<b>June</b>
<b>September</b>	<b>July 15<sup>th</sup></b>	<b>September</b>
<b>December</b>	<b>October 15<sup>th</sup></b>	<b>December</b>

The schedule shown above accommodates a timeline that will allow OPS program staff to review the surveys and then present them to the Accreditation Council members, who approve all compliance surveys at their quarterly council meetings.

## Delinquent Annual Compliance Surveys

Graduated sanctions are in place depending on how late an Annual Compliance Survey is in being submitted. These sanctions grow more severe the more delinquent the survey is.

### Sanctions for Delinquent Annual Compliance Surveys

Delinquency	Sanction
Received up to 2 weeks <b>before</b> the Accreditation Council meeting:	The Accreditation Council may add it as a New Business Item and vote to approve it. A note will be made in the DCJS program file that the survey was late in being submitted.
Received within 2 weeks of the Accreditation Council meeting:	Council will be notified that the ACS was submitted too late to be voted on that quarter; a note will be placed in the DCJS program file.
Received after the appropriate council meeting, but within 4 weeks of the next scheduled quarterly meeting:	Council will vote on it at that next quarterly meeting. Council will send a letter to the agency chief executive officer (CEO) acknowledging the delinquency; note placed in DCJS program file.
<b>One full quarter delinquent:</b> (not received in time to be placed on agenda of the next scheduled quarterly meeting)	Council will vote to send a letter to the CEO of both the law enforcement agency and the municipality (see attached letter) informing of the delinquency and warning of consequences; note placed in DCJS program file.
<b>Two full quarters delinquent:</b> (not received in time to be placed on the agenda of the meeting held 6 months after the one the survey should have been approved at)	<b>The Council may vote to rescind the Accreditation status from the delinquent agency.</b>

### Appeal Process

An appeal can be made *only* if an agency is in danger of losing their accredited status. The appeal process is:

- 1) The agency CEO must send a letter to the Office of Public Safety Accreditation Program Manager outlining the reason(s) why the ACS has not been submitted and requesting that the Accreditation Council reconsider rescinding the agency's accredited status.
- 2) Whenever possible, documentation that provides additional information or that supports the reason(s) should be submitted with the letter.
- 3) OPS staff will forward the letter to the Accreditation Council for their review.

- 4) The Accreditation Council will either deny the appeal or uphold the appeal and provide a deadline for submitting the ACS.

**The Accreditation Council reserves the right to ask both the CEO and accreditation program manager of the agency requesting the appeal to attend the council meeting and present their case to the council before rendering a decision.**

**ALL appeals must be received no more than 45 days prior to the Council meeting during which the vote to rescind accreditation will take place.** OPS Program staff will send several notices of deadlines to the CEO of affected agencies throughout the delinquency.

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This policy was approved by the Accreditation Council on June 7, 2011.

**POLICY STATEMENT  
OF THE NEW YORK STATE  
LAW ENFORCEMENT ACCREDITATION COUNCIL**

**PROGRAM STANDARDS THAT DO NOT APPLY TO EVERY AGENCY**

Agencies are routinely expected to implement all program standards in order to become accredited. Exceptions to this rule are granted only when:

1. A local law or agreement takes precedence. Program standards and definitions approved by the New York State Law Enforcement Agency Accreditation Council are not intended to replace or circumvent any legal requirement that may apply to individual agencies. The Council recognizes that State and local laws, Codes, Rules and Regulations, and current bargaining agreements are binding in nature and supersede program standards and definitions.
2. Implementation is not feasible because a standard clearly does not apply to a particular organization. A standard may thus be deemed “not applicable by function” if it is based on a premise that is inconsistent with the agency’s method of operation. Standard 42.4, for example, addresses the operation of special purpose motorized vehicles, vessels and aircraft. This standard does not apply to agencies that only use patrol vehicles.
3. The standard applies but has been specifically waived by the Accreditation Council (see section 6035.4 of the Accreditation Program Rules and Regulations).

In each of these cases, an agency that receives an exemption will still be expected to establish a file folder for the relevant standard(s). The folder shall include a written directive (when called for by the standard); and either proof of the agency’s inability to comply (such as a copy of the collective bargaining agreement or a memo from the chief indicating that the agency does not have the capacity to comply with the standard) or a description of how a standard is met even if the agency itself does not complete the function (such as an agreement with the sheriff’s office or another neighboring agency). The documentation should clearly demonstrate why implementation was not required or not possible.

Some standards address functions that an agency may not perform but which are performed by others on the agency’s behalf. Standard 50.6, for example, governs the use of technical aids for the detection of deception. This standard does not apply to agencies that never use aids of this type. Agencies that do use them, however, are responsible for verifying that the examiners are properly trained regardless of where the examiners are employed. Specific procedures must be in place to ensure that all requirements set forth in the standard are being met.

Officials who feel that a standard does not apply to their agency are encouraged to contact the Office of Public Safety (OPS) prior to the assessment. If OPS program staff agrees, the agency will be invited to write a letter to program personnel officially seeking a finding that the standard is not applicable. Program staff will respond in writing, and agency officials should place the letter in the appropriate standard folder.

Assessors may also determine that a standard does not apply. Assessors who reach such a conclusion during their on-site visit shall confer with OPS program staff and place a note in the appropriate standard file folder. In addition, the team leader shall include a discussion of the team's finding in the report that is submitted for the Accreditation Council's review.

The assessment team leader shall call Accreditation Program staff at OPS while still on-site if the assessors are uncertain about whether or not a particular standard applies. Staff will then issue their opinion after speaking with the team leader and, if necessary, the Deputy Commissioner in charge of the Office of Public Safety and an official of the agency being assessed. If the chief law enforcement officer does not agree with a finding that a given standard does apply, he/she may appeal verbally or in writing when the Council meets to consider the agency's application for accreditation. The decision of the Council shall be final.

Finally, it is important to note that a "not applicable" ruling is only valid under the circumstances that were reviewed at the time the ruling is given. If the circumstances should change in a way that would make the standard apply, the agency must implement all procedures necessary to establish full compliance with the standard in question. Officials are also expected to make an appropriate note of the change and their subsequent actions in the agency's next Annual Compliance Survey.

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This policy was approved by the State Law Enforcement Accreditation Council on March 12, 1998. Revisions to this policy were introduced to the council on September 13, 2012.

**POLICY STATEMENT  
OF THE NEW YORK STATE  
LAW ENFORCEMENT ACCREDITATION COUNCIL**

**SELECTION OF PROGRAM ASSESSORS**

**ASSESSORS**

Assessors act as the on-site independent consultants of the Accreditation Council and the Division of Criminal Justice Services to an agency seeking accreditation or reaccreditation. The primary responsibility of assessors is to determine if the agency is in compliance with all applicable program standards. Once the on-site assessment has been completed, assessors document their findings and recommendations so that the Accreditation Council can make an informed decision about whether to grant accreditation.

There are three types of assessor positions; assessor, team leader and compliance auditor. All three review agency procedures and supporting documentation to assure that each standard has been addressed in an appropriate manner. A team leader is also responsible for coordinating the assessment process. A team leader will make assignments, supervise other assessors, and serve as the team's contact person with the Division and the law enforcement agency being assessed. A team leader also advises the chief executive officer of the team's findings prior to leaving the agency and prepares a report on the assessment team's findings for review by the Division and Accreditation Council. A team leader may be summoned before the council to present the team's findings.

**A. Qualifications**

A successful applicant for the position of assessor, team leader, or compliance auditor will have worked as a sworn police officer in an accredited law enforcement agency for a minimum of five years. Applicants must: 1) have served as the agency program manager during a successful assessment or reassessment; 2) have at least one year of experience overseeing the agency's accreditation process as a supervisor, or; 3) have been previously approved by the council as an assessor. Both active and retired officers are eligible to apply.

Ideally, an assessor should have experience in all three disciplines covered in the program standards: administration, training and operations. All applicants must have strong computer skills; good writing skills; and excellent interpersonal skills. An applicant selected for a team leader position will be required to complete a minimum of two assessments as an assessor before being assigned as a team leader.

## **B. Selection**

The Accreditation Council shall approve all applications for assessor positions. The Office of Public Safety's (OPS) Accreditation Program will initially review all submitted applications for responsiveness to the Request for Applications (RFA). All applications shall then be submitted to the council for consideration. The council reserves the right to waive the review of an application, if the applicant has been previously approved.

### **Selection Instruments and Prerequisites:**

The following documents and prerequisites will be utilized in the review of assessor and team leader qualifications:

- a. A completed Law Enforcement Accreditation Assessor Application;
- b. A current resume indicating five years of law enforcement experience with an accredited agency, PLUS: 1) experience as the agency program manager during a successful assessment or reassessment; 2) at least one year of experience overseeing the agency's accreditation process as a supervisor, or; 3) prior experience as an assessor for the New York State Law Enforcement Accreditation Program.
- c. A writing sample (for applicants interested in the team leader and compliance auditor positions only).

OPS Accreditation Program staff are authorized to contact the chief executive officer of the primary agency listed by the applicant to verify employment information.

## **C. Training**

An applicant newly approved by the Council must complete a training course for assessors before being assigned to conduct an assessment. This course will address such topics as program structure, the assessment process, file folders, proofs of compliance and program rules and regulations. In addition, active assessors will be required to participate in occasional refresher training when offered by OPS.

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This policy was approved by the State Law Enforcement Accreditation Council on December 2, 2010.  
First Revision approved at the meeting held March 1, 2011.  
Second Revision approved by the council on March 8, 2012.