Law Enforcement Agency Accreditation Council

New York State
Law Enforcement Accreditation Program

Policy Manual

September 2019

New York State Division of Criminal Justice Services
80 South Swan Street, Albany, New York 12210

NEW YORK STATE LAW ENFORCEMENT ACCREDITATION COUNCIL

Policy Manual
September 2019 Edition

Name of Policy	Description	Date
Use of Program Logo and Agreement	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.	**Revised 3-3-2016**
Application for Initial Accreditation	Describes the process for submitting the Agency Application and Participation Agreement.	**Issued 6-19-2014**
Assessment Procedures	Describes pre-assessment requirements, logistics of assessment team, supplemental assessments.	**Revised 4-2-2018**
Role of the Accreditation Council in Monitoring Program Operations	This policy proposes specific roles for individual council members who attend program functions.	**Reviewed 12-17-2015**
Use of Technology to meet Accreditation Training Standards	Outlines specific guidelines regarding the use of technology to supplement training requirements.	**Reviewed 12-17-2015**
Role of Commentaries	Describes commentaries and the council's expectations regarding implementing the same.	**Revised 9-17-2015**
Agency Preparation for Assessment	Describes 'best practices' for readying an agency for assessment.	**Revised 9-17-2015**
Assessment Reports	Outlines guidelines that assessment reports should follow.	**Reviewed 12-17-2015**
Dissemination of Written Directives	Describes requirements agencies must meet with regard to having written directives in place 90 days prior to an on-site assessment. Supersedes *Implementation of Applicable Standards Prior to Assessment* adopted 9-2002 and revised 3-2012.	**Issued 9-17-2015**
Reaccreditation (and Critical Standards)	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.	**Revised 9-5-2019**
Agency Responsibilities Following Accreditation	Describes the expectation of accredited agencies throughout the five-year period of accreditation.	**Revised 9-17-2015**
Annual Compliance Surveys	Describes the purpose and importance of Annual Compliance Surveys and the graduated sanctions for failure to submit the survey on time.	**Reviewed 12-17-2015**
Program Standards That Do Not Apply to Every Agency	Describes the rare situations in which an agency may be allowed to consider a standard 'not applicable'.	**Revised 9-17-2015**
Selection of Program Assessors	Describes the qualifications required and the procedure for selecting assessors.	**Revised 9-17-2015**
Site Visits	Describes the conduct of Law Enforcement Accreditation Unit site visits to accredited agencies.	**Issued: 12-18-2014** **Revised 6-7-2018**

NEW YORK STATE | Law Enforcement Agency Accreditation Council

POLICY STATEMENT

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 (the Division) 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 for use of the program logo by accredited agencies. 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.
1st Revision approved by the council on March 8, 2012.
2nd Revision approved by the council on March 3rd, 2016.

Division of Criminal Justice Services

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 in1989;

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

NEW YORK STATE LAW ENFORCEMENT ACCREDITATION PROGRAM
ACCREDITED AGENCY

Law Enforcement Agency Accreditation Council

POLICY STATEMENT

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.

Law Enforcement Agency Accreditation Council

POLICY STATEMENT

ASSESSMENT PROCEDURES

Preparation for Assessment

1. All policies and procedures developed to meet program standards must be in place, disseminated to staff, 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 continue arrangements for an on-site assessment. If deficiencies are found in four or more program files, the agency will be asked to resubmit an additional ten files to OPS staff for another review. If OPS staff identifies problems in four or more files during the second ten-file review, the agency will be contacted to discuss their readiness for their assessment.

8. Based on the results of two ten-file reviews, OPS staff reserves the right to recommend that an agency's initial assessment be deferred.

9. An agency seeking accreditation is expected to submit program files and any necessary amendments in a timely manner following any 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.

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.
Revision dates: March 12, 1992; June 7, 2011; September 13, 2012; December 17, 2015; April 2, 2018

NEW YORK STATE | Law Enforcement Agency Accreditation Council

POLICY STATEMENT

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.
Reviewed on December 17, 2015.

NEW YORK STATE | Law Enforcement Agency Accreditation Council

POLICY STATEMENT

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.

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.
Reviewed December 17, 2015.

6-6-1991
Revised 9-17-2015

Law Enforcement Agency Accreditation Council

POLICY STATEMENT

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. The standards don't generally mandate the exact policy or procedure that must be adopted by the law enforcement agency; therefore, 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**"** which:

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

The commentary is intended to be informational only.

This policy was approved by the State Law Enforcement Accreditation Council on June 6, 1991.
Revisions approved by the council on March 8, 2012.
2nd revision approved by the council on September 17, 2015.

NEW YORK STATE | Law Enforcement Agency Accreditation Council

POLICY STATEMENT

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 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 become 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. Many program managers welcome an opportunity to assist members of other law enforcement agencies who are working toward accreditation by sharing what they have learned about the program. In addition, they can provide useful information about what to expect from the assessment process.

3. *Color Code Program Files*

Program assessors examine the file folder for each program standard as part of their efforts to verify that the agency seeking accreditation has met all requirements. Documents contained in these folders include a copy of the standard and the policy or procedure that the agency developed to establish compliance. 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 so those two items can be matched up by color. Color-coding is the preferred method of file maintenance; it not only makes for an easier assessment by providing assessors with the ability to immediately home in on the section(s) of the policy that pertains to the standard, it provides an at-a-glance method for program managers to confirm that policies are complete and no portion of the standard 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 that are aligned with the standards are in place and implemented; 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 undergo 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.**

DCJS can provide agencies seeking accreditation with a list of both assessors and staff from accredited agencies that may be 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.
2nd Revision approved 9/17/15.

Law Enforcement Agency Accreditation Council

POLICY STATEMENT

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.

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.
Reviewed December 17, 2015

Law Enforcement Agency Accreditation Council

POLICY STATEMENT

DISSEMINATION OF WRITTEN DIRECTIVES

Any written directive intended to demonstrate compliance with New York State Law Enforcement Accreditation Program standards must be in place and disseminated to all affected agency personnel no less than 90 days prior to the anticipated date of the on-site assessment. Dissemination may be accomplished through various means, including the issuance of a policies and procedures manual to each individual; or through electronic communications. Documentation, such as an initialed record of acknowledgement or a read-receipt for email communications, must be available to assessors to demonstrate that all written directives have been appropriately distributed to affected agency staff.

The intent of this policy is to ensure that there is sufficient time for staff to become familiar with the agency policies and also receive related training if necessary. The 90-day period also allows for the identification of potential issues that may develop when attempting to adjust past practices. Finally, the timeframe gives agency personnel a sufficient amount of time to compile the supporting documentation needed to demonstrate to the assessment team that the agency has been complying with the standards for the required 90-day period prior to an assessment.

The chief law enforcement officer must take great care to ensure that written directives are distributed in accordance with this requirement.

This policy supersedes the council policy *Implementation of Applicable Standards Prior to Assessment* dated September 17, 1992 and revised on March 8, 2012.

This policy was approved by the New York State Law Enforcement Accreditation Council on September 17, 2015.

Law Enforcement Agency Accreditation Council

POLICY STATEMENT

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 Office of Public Safety staff will request an application for reaccreditation approximately six (6) months prior to the agency's expiration date.

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.

   c. 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.

   d. 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.

   e. 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.

   f. 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.

   g. 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 – System and Responsibility), 7.3 (Property Audit and Inventory Management), 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.

   h. 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.

   <u>Compliance Audit Procedure</u>

   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 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 <u>all current standards</u> 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.)

This policy was approved by the State Law Enforcement Accreditation Council on September 17, 1992.
1st revision - 12/3/2009
2nd revision – 6/7/11 (Revisions added the compliance audit for reaccreditations of 2 or more times.
3rd Revision – 6/13/13 (Revisions align the policy with the newly implemented compliance audit procedure.)
4th Revision – **6/19/14** (Revisions align the policy with changes to Part 6035 and provide additional clarification.)
5th Revision – **6/18/15**, Effective upon the release of Version 8 of the Standards and Compliance Verification Manual (9/2015).
6th Revision – 9/17/15, Critical Standards Only
7th Revision – 12/8/16
8th Revision – 9/5/19, Critical Standards Only

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. These 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 Program Standards in order to maintain their accredited status.

ADMINISTRATIVE STANDARDS

2.3 – Written Directives
2.7 – Responsibility and Authority
5.3 – Safeguarding Cash
6.2 – Safeguarding Agency Weapons
7.1 – Evidence and Non-Agency Property Management
7.3 – Property Audit and Inventory Management
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 – Use of Force - General
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
50.1 – Criminal Investigations
58.2 - Disaster Plans

Approved by the Law Enforcement Accreditation Council on June 7, 2011.
Revisions approved by Law Enforcement Accreditation Council on 6/18/2015 and 9/17/15, and 9/5/19.

Law Enforcement Agency Accreditation Council

POLICY STATEMENT

AGENCY RESPONSIBILITIES FOLLOWING ACCREDITATION

1. Accredited agencies are expected to maintain compliance throughout the period of accreditation with all 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. During the period of accreditation, if agency operations change with regard to standard(s) previously determined to be "not applicable", the accredited agency is expected to make any necessary revisions to the written directive (if required by the standard); the implementation of the standard; and the proof provided to establish compliance. For example, if a collective bargaining agreement is renegotiated to allow performance evaluations to be conducted, the agency will be required to begin meeting Standard 13.1 in full. (See Council policy entitled *Program Standards that do not Apply to Every Agency.*)

3. Accredited agencies are expected to comply with any new 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 compliance with the standards, the types of records that should be maintained, 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. 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 each Annual Compliance 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 a review of the selected standards reveal that the agency may not be in 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. At least once during the period of accreditation, OPS staff is required to conduct a site visit to accredited agencies to determine if compliance is being maintained. Accredited agencies are required to work with OPS program staff to accommodate this visit. (See council policy entitled *Site Visits*.)

10. 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.

11. The Council shall have the authority to suspend or revoke a law enforcement agency's accreditation for disregarding 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).

12. This policy **supersedes** the Council's policy of March 7, 1991 entitled "Agency Compliance with Program Standards Following Accreditation."

This policy was approved by the State Law Enforcement Council on December 10, 1992.
Revisions to this policy were approved by the council on September 13, 2012.
2nd revision approved on September 17, 2015.

6-7-2011
Reviewed 12-17-2015

NEW YORK STATE | Law Enforcement Agency Accreditation Council

POLICY STATEMENT

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

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

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 <u>before</u> 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.**
One full quarter delinquent: (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.**
Two full quarters delinquent: (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)	**The Council may vote to rescind the Accreditation status from the delinquent agency.**

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.

This policy was approved by the Accreditation Council on June 7, 2011.
Reviewed on December 17, 2015.

3-12-1998
Revised 9-17- 2015

Law Enforcement Agency Accreditation Council

POLICY STATEMENT

PROGRAM STANDARDS THAT DO NOT APPLY TO EVERY AGENCY

Agencies are expected to implement all program standards in order to become accredited. However, the following exceptions may apply:

1. A local law or agreement takes precedence. 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. (Examples of this include Standard 13.1, Performance Evaluations. Some collective bargaining agreements prohibit the use of performance evaluations, thus rendering the agency unable to meet this standard for employees represented through that agreement.)

2. A standard is based on a premise that is inconsistent with the agency's method of operation. (Examples of this include Standard 42.4 which addresses the operation of special purpose motorized vehicles, vessels and aircraft. Agencies that use only patrol vehicles would not be able to meet this standard in the conventional way. In addition, Standard 50.6 governs the use of aids for the detection of deception. Agencies that do not own this type of equipment would not be able to meet this standard in the conventional way.)

3. The standard has been specifically waived by the Accreditation Council (see section 6035.4 of the Accreditation Program Rules and Regulations).

In each of the cases noted above, an agency will still be expected to establish a file folder for the relevant standard(s) and a written directive when called for by the standard. Depending on which exception applies, the agency will also provide:

a) Proof of the agency's inability to comply (such as a copy of the collective bargaining agreement or local law);
b) A copy of an MOU or other agreement that indicates the standard is met through the assistance of another law enforcement agency (e.g. the sheriff's office, NYSP, or a neighboring agency), or:
c) A copy of the waiver provided by the Council.

Agencies are expected to make every effort to comply with all of the standards using all available means and, with the exception of legal and collective bargaining prohibitions, most, if not all, standards can be met even if using non-conventional methods. However, if agency officials still believe that they have no available means for meeting a standard, they must contact the Office of Public Safety (OPS). If OPS program staff agrees that the standard cannot be met at all, they

will provide the agency with a letter to be placed in the program file.

Assessors may also determine that a standard does not apply while conducting their on-site assessment. Assessors who reach such a conclusion shall confer with OPS program staff while still on-site. If OPS program staff agree, the team leader will place a memo in the appropriate standard file folder and make note of the finding in the assessment report that is submitted for the Accreditation Council's review.

If the chief law enforcement officer disagrees with a finding and believes the agency cannot meet a standard, the CLEO 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 if agency operations change with regard to the exceptions noted in this policy, the accredited agency is expected to make all necessary changes to ensure the agency's method of compliance is made whole. (Example – if a collective bargaining agreement changes to allow for performance evaluations, agency officials must immediately make arrangements to begin complying in full with Standard 13.1.) Any such changes must be noted on 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.
1st Revision approved by the Law Enforcement Accreditation Council on September 13, 2012.
2nd Revision approved by the Law Enforcement Accreditation Council on September 17, 2015.

Law Enforcement Agency Accreditation Council

POLICY STATEMENT

SELECTION OF PROGRAM ASSESSORS

Assessors act as independent consultants of the Law Enforcement Accreditation Council (the Council) and the Division of Criminal Justice Services (DCJS) to an agency seeking accreditation or reaccreditation. The primary responsibility of assessors is to determine if the agency is in compliance with 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 different from the assessor in that he or she is responsible for coordinating the assessment process by making assignments, supervising the other assessors, and serving as the team's contact person with DCJS and the law enforcement agency being assessed. A team leader also advises the chief law enforcement officer of the team's findings prior to leaving the agency and prepares a report on the assessment team's findings for review by DCJS and the Council. A team leader may be summoned before the Council to present the team's findings.

A compliance auditor generally works alone in conducting an abbreviated audit of an agency's files in lieu of a full reassessment. The compliance auditor has all of the same responsibilities of the team leader other than supervising other assessors. In rare instances, a compliance audit will require more than one person assigned; in those cases, one of the compliance auditors will be designated as the lead.

A. Qualifications

A successful applicant for the position of assessor, team leader, or compliance auditor will have significant experience with the New York State Law Enforcement Accreditation Program. Minimum qualifications are outlined in the Assessor Request for Applications (RFA) that DCJS releases to solicit assessors for the program and must be met in order for an applicant to be considered for the position. Both active and retired program experts are eligible to apply.

In addition to the minimum qualifications outlined in the RFA, all applicants must have excellent interpersonal skills. Applicants for team leader and compliance auditor will also be required to have strong computer and writing skills; and will be required to complete a minimum of two assessments as an assessor before being assigned as a team leader or compliance auditor.

B. Selection

The 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;

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 law enforcement officer of the primary agency listed by the applicant to verify employment information.

C. Training

An applicant who is 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.

This policy was approved by the State Law Enforcement Accreditation Council on December 2, 2010.
1st revision approved by the council on March 1, 2011.
2nd revision approved by the council on March 8, 2012.
3rd revision approved by the council on September 17, 2015.

Law Enforcement Agency Accreditation Council

POLICY STATEMENT

ACCREDITATION UNIT SITE VISITS

A June 2014 DCJS internal audit of the activities and procedures of the Accreditation Unit directed DCJS Accreditation Unit staff to begin making site visits to accredited agencies to ensure that they are maintaining compliance with the standards during the period of accreditation.

Site visits are intended to identify areas of concern within an agency's administration of the accreditation program and provide an opportunity for Accreditation Unit staff to aid an agency in the correction of compliance issues quickly and prior to reassessment. During the visits DCJS staff will conduct a review of a small number of file folders; be available to answer general questions about the program and file maintenance; and provide technical assistance in the event an agency is having difficulty with administering the program.

Each site visit will include an examination of a minimum of ten (10) file folders in an effort to verify if the agency is maintaining compliance with program standards; and observations, including a visual inspection of the evidence room, to ensure basic requirements are being met. More folders may be reviewed if time permits or if the agency's previous assessment report and recent annual compliance surveys provide information that indicates the need for further review. Accreditation Unit staff will examine file folders for: the standard; the Standard Compliance Report from the previous assessment (for reassessments); written directive(s) (if applicable); and appropriate and sufficient documentation of standard compliance.

Each accredited agency will be visited at least once during their period of accreditation. At the discretion of the DCJS Law Enforcement Accreditation Unit Program Manager, additional visits may be conducted if deemed necessary. An agency's chief law enforcement officer and program manager will be notified, in writing, at least thirty days in advance of an anticipated site visit. Accreditation Unit staff will coordinate the details of the visit with the agency program manager.

The agency's program manager and, if possible, the chief law enforcement officer, will be debriefed upon conclusion of the site visit. A letter documenting the findings of the visit will be forwarded to the agency's chief law enforcement officer within two weeks.

While the Accreditation Unit's site visits are intended to be used as a tool to better the administration of an agency's accreditation program and provide technical assistance, evidence of significant non-compliance during site visits may result in an agency being required to submit corrective action plans. In cases of widespread non-compliance, agencies may be required to present explanation of such non-compliance to the Law Enforcement Accreditation Council or face either voluntary withdrawal from the program or revocation of accredited status.

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This policy was approved by the New York State Law Enforcement Accreditation Council on December 18, 2014.
Revised June 7, 2018