

CALEA CHANGE NOTICES (5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8)

Revised Text

Change Notice 5.1

71.3.3 A written directive addresses the following security concerns in designated temporary detention room(s) or area(s):

- a. ~~firearms will be secured before entering temporary detention room;~~
- b. panic or duress alarms;
- c. authorized access to area and detainee, if any;
- d. escape prevention;
- e. face-to-face visual observation of unattended detainees at least every thirty minutes; and
- f. use of audio and/or video devices, if any, to monitor detainees between the thirty minutes face-to-face visual observations.

Deleted: weapons control

Commentary: Some detainees are a potential threat to themselves and agency staff, so appropriate safety precautions should be taken while maintaining legal and reasonable conditions of treatment. The use of portable radios with a designated signal and procedures for distress in the temporary detention area will suffice for panic or duress alarms.

The agency should consider any other items such as knives, batons, chemical sprays, etc., it may want to exclude from the temporary detention room or areas environment when formulating its directive on the exclusion of firearms.

Change Notice 5.2

16.3.3 The agency requires all sworn reserve officers to complete a recruit academy training program comparable to that required in standard 33.4.1, prior to any routine assignments in any capacity in which the reserve officer is allowed to carry a weapon or is in a position to make an arrest, except as part of a formal field training program required in standard 33.4.3. If the agency restricts or prohibits reserves from performing specific functions, topics related to those functions may be omitted from the curriculum.

Commentary: The intent of this standard is to ensure that reserve officers receive training equal to that required of full-time officers in those areas of assigned duties and responsibilities. The training should be the same....

Commission Interpretation (March 14, 2008)—If the reserve officer state certification training does not include critical task training identified by CALEA for the responsibilities performed by the reserve officer, such training must be delivered. Those critical tasks include: Community Interaction; Introduction to Basic Law; Post Crime Considerations; Introduction to Traffic; Field Activities; Use of Force; First Aid for Criminal Justice Officers; Law Enforcement Vehicle Operations; and Personnel. Further information regarding critical tasks may be found on the CALEA Website.

35.1.2 A written directive requires a performance evaluation of each full-time employee and reserve officer be conducted and documented at least annually with the exception of the agency CEO, constitutionally elected officials, or those employees exempted by controlling legislation.

Commentary: The purposes of performance evaluation are to standardize the nature of the personnel decision making process.... Agencies are encouraged to evaluate part-time employees.

46.3.4 The agency provides awareness level training for events involving hazardous materials.

Commentary: The purpose of this standard is to provide responding law enforcement officers the basic knowledge to recognize a hazardous situation....

52.1.5 The agency compiles annual statistical summaries, based upon records of internal affairs investigations, which are made available to the public and agency employees.

Commentary: None.

71.3.3 A written directive addresses the following security concerns in designated temporary detention room(s):

- a. firearms will be secured before entering temporary detention room;
- b. panic or duress alarms;
- c. authorized access to area and detainee, if any;
- d. escape prevention;
- e. face-to-face visual observation of unattended detainees at least every thirty minutes; and
- f. use of audio and/or video devices, if any, to monitor detainees between the thirty minutes face-to-face visual observations.

Commentary: Some detainees are a potential threat to themselves and agency staff, so appropriate safety precautions should be taken while maintaining legal and reasonable conditions of treatment. The use of portable radios with a designated signal and procedures for distress in the temporary detention area will suffice....

71.4.1 A written directive establishes minimum physical conditions for the processing or temporary detention room(s) and provides for access to water, restrooms, and other needs.

Commentary: These comfort items are not required to be in the room, but the agency is responsible to ensure these items are provided to detainees in a timely manner.

71.4.2 There is a plan for fire prevention, fire evacuation, and fire suppression for the temporary detention room(s).

Commentary: The standard does not require a separate plan for the individual area(s) used for temporary detention and can be part of the overall plan for the law enforcement facility.

71.4.3 A written directive governs the frequency of inspections of the temporary detention room(s) and provides for the administrative review of temporary detention areas and procedures at least once every three years.

Commentary: Rooms or areas utilized for temporary detention should receive regularly scheduled inspections for cleanliness and to determine if any unsafe conditions are developing. The administrative review should ensure....

71.5.1 A written directive addresses the following security concerns in designated processing or testing room(s) or area(s):

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Deleted: guidelines for events involving chemical, biological, radiological, and nuclear weapons (CBRN) and hazardous materials, and follows the U.S. Department of Homeland Security's Science and Technology Division standards for first responder CBRN equipment. (Non-U.S. Agencies will follow the national standards of their country)

Deleted: CBRN or

Comment [J1]: Previously, the standard was "Other than Mandatory" for all agencies. CALEA Commission action as made it "Mandatory" for all agencies. IACLEA considers it "Mandatory" for sworn agencies.

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- a. constant supervision;*
- b. weapons control;*
- c. panic or duress alarms; and*
- d. escape prevention.*

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Commentary: Some detainees are a potential threat to themselves and agency staff, so appropriate safety precautions should be taken while maintaining legal and reasonable conditions of treatment. Officer safety should always be a priority whe an agency exercises discretion related to security of weapons, to include firearms. The agency should consider any other items such as knives, batons, chemical sprays, electronic controlled weapons, etc., it may want to exclude from the processing and testing environment when formulating its directive on the exclusion of firearms. The use of portable radios with a designated signal and procedures for distress in the processing and testing area will suffice for panic or duress alarms.

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81.2.14 *If the agency authorizes emergency first-aid instruction over the telephone or radio, employees must be trained and have immediate access to approved emergency medical guidelines or materials.*

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Commentary: The training should be approved by a competent authority and should be designed to provide emergency life saving information....

Change Notice 5.3

33.5.4 *A written directive requires agency employees assigned to the position of accreditation manager shall receive specialized accreditation manager training within one year of being appointed.*

Commentary: The role of accreditation manager is very specialized and requires familiarization with the accreditation process. At a minimum, the training should include information on the essential components of the process, the standards manual, and file maintenance. The individual selected as accreditation manager should attend at least one CALEA Conference during the self-assessment period or current award period. Agencies are urged to join and participate in Police Accreditation Coalition (PAC's) within their state or province.

Deleted: , and panel interview process

Change Notice 5.4

1.3.6 *A written report is submitted whenever an employee:*

- a. discharges a firearm, for other than training or recreational purposes;*
- b. takes an action that results in, or is alleged to have resulted in, injury or death of another person;*
- c. applies force through the use of lethal or less lethal weapons; or*
- d. applies weaponless physical force at a level as defined by the agency.*

Commentary: The intent of this standard is to establish use of force or response to resistance reporting systems within the agency for effective review and analysis (see standards 1.3.7 and 1.3.13). The reporting systems should help identify trends, improve training and employee safety, and provide timely information for the agency addressing use of force issues with the public. Early and accurate reporting helps establish agency credibility.

Software programs may be used to generate the necessary reporting elements of this standard or the agency may choose to use a variety of reporting methods to document use of force or response to resistance incidents, based on severity or other established criteria.

This standard could include documenting the pointing of weapons or using weaponless, hand-to-hand control techniques. These techniques include, but are not limited to: physical touching, gripping or holding, frisking, pain compliance measures, pressure point application, come-alongs, handcuffing, or other custodial procedures. It should be noted that some agencies have had success documenting this type of information, using a standard checklist report format associated with the arrest or incident report.

Deleted: that have little or no chance of producing injuries when gaining control over, or subduing non-compliant or resisting persons

In deciding the threshold...

1.3.9 *A written directive requires that only weapons and ammunition authorized by the agency be used by agency personnel in law enforcement responsibilities. The directive shall apply to weapons and ammunition carried both on and off duty, and must address:*

- a. the types and specifications of all lethal and less lethal weapons approved for use, including those weapons used by members of tactical teams or other specialized personnel;*
- b. the types and specifications of ammunition approved for use, including ammunition used in specialized weapons for members of tactical teams or other specialized personnel;*
- c. the procedure for review, inspection, and approval of all weapons intended for use by each employee in the performance of duty, prior to carrying, by a qualified weapons instructor or armorer;*
- d. a process to remove unsafe weapons;*
- e. the procedure for maintaining a record on each weapon approved by the agency for official use; and*
- f. guidelines for the safe and proper storage of agency authorized firearms.*

Commentary: The intent of this standard is to establish strict agency control over all firearms, weapons, and ammunition it allows members to carry and use in the performance of their official duties, both on and/or off duty. Clear guidelines should be established for exact types and specifications of each category of weapon, including specialized weapons used by members of tactical teams or other specialized personnel. Written directives and the guidance provided through specific job descriptions should clearly describe the authority to carry and use weapons within the rules, regulations and laws established by local, regional, tribal, provincial, state or federal authority.

For firearms, the agency should establish an approval process. Each firearm should be identified, meet the agency's established criteria and be safe and in good working order. The user should demonstrate his or her proficiency in using the firearm on an approved qualifying course before being approved, in writing, by the agency, to carry and use the firearm. A certified firearms instructor or armorer should inspect and approve the firearm and oversee the proficiency testing.

A complete record of all weapons approved...

42.2.11 *In the absence of controlling authority, a written directive describes the procedures for using photographic or physical lineups in eyewitness identification to include the following:*

- a. composition of lineup;*
- b. using video and/or audio recording;*
- c. situations where more than one eye witness is available;*
- d. instructing witnesses prior to viewing lineup;*
- e. identifying the level of confidence expressed by the witness;*
- f. prohibiting feedback by the administrator; and*
- g. documenting lineup and the results.*

Commentary: The intent of this standard is to establish reliable identification testimony by a witness. This standard needs to be evaluated in terms of the following factors that the courts have found to be relevant in identification testimony, namely: 1) the witness' opportunity to view the criminal during the crime; 2) the length of time between the crime and subsequent identification; 3) the level of certainty demonstrated by the witness at the identification; 4) the accuracy of the witness' prior description of the suspect; and 5) the witness' degree of attention during the crime. In addition, the confidence level of the witness should be evaluated in terms of the witness' statement, conduct or other relevant observations.

42.2.12 In the absence of controlling authority, a written directive describes the procedures for using show-ups in eyewitness identification to include the following:

- a. compelling reasons under which a show-up may occur;*
- b. manner of transportation to the show-up;*
- c. situations where more than one eye witness is available;*
- d. instructing witnesses prior to viewing show-up;*
- e. identifying the level of confidence expressed by the witness;*
- f. prohibiting feedback by the administrator; and*
- g. documenting show-up and the results.*

Commentary: The intent of this standard is to establish reliable identification testimony by a witness. It should be noted that a show-up carries with it a dangerous degree of improper suggestiveness and should not be used absent compelling reasons for not using a physical or photographic lineup. This standard needs to be evaluated in terms of the following factors that the courts have found to be relevant in identification testimony, namely: 1) the witness' opportunity to view the criminal during the crime; 2) the length of time between the crime and subsequent identification; 3) the level of certainty demonstrated by the witness at the identification; 4) the accuracy of the witness' prior description of the suspect; and 5) the witness' degree of attention during the crime. In addition, the confidence level of the witness should be evaluated in terms of the witness' statement, conduct or other relevant observations.

Change Notice 5.5

1.3.1 A written directive states personnel will use *reasonable force when force is used to* accomplish lawful objectives.

Deleted: *only the force necessary*

1.3.9 A written directive requires that only weapons and ammunition authorized by the agency be used by agency personnel in the performance of their responsibilities. The directive shall apply to weapons and ammunition carried both on and off duty, and must address:

Deleted: law enforcement

- a. the types and specifications of all lethal and less lethal weapons approved for use, including those weapons used by members of tactical teams or other specialized personnel;
- b. the types and specifications of ammunition approved for use, including ammunition used in specialized weapons for members of tactical teams or other specialized personnel;
- c. the procedure for review, inspection, and approval of all weapons intended for use by each employee in the performance of duty, prior to carrying, by a qualified weapons instructor or armorer;
- d. a process to remove unsafe weapons;
- e. the procedure for maintaining a record on each weapon approved by the agency for official use; and
- f. guidelines for the safe and proper storage of agency authorized firearms.

22.3.3 The agency has a written directive that addresses a fitness and wellness program which includes:

- a. mandatory or voluntary participation by agency personnel;
- b. a trained program coordinator;
- c. individual health screening and fitness assessment;
- d. individual education and goal setting; and
- e. ongoing support and evaluation.

Commentary: A fitness and wellness program has two main elements. The first is physical performance, i.e., the development and maintenance of physical performance capability to satisfactorily perform job tasks and personal activities. The second is the individual's present health status as well as the risk for future disease. This is impacted greatly by lifestyle choices, including smoking, nutrition, weight, stress management, inactivity, etc. The agency should also consider incentives to encourage employee participation.

22.3.4 A written directive governs the types of off-duty employment in which agency personnel may engage.

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NOTE: Old standard 22.3.3 was not adopted as an IACLEA standard.

22.3.5 If the agency permits sworn personnel to engage in extra-duty employment, a written directive addresses the following:

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

46.1.2 The agency has a written “All Hazard” plan for responding to critical incidents such as natural and man-made disasters, pandemics, civil disturbances, mass arrests, bomb threats, hostage/barricaded person situations, acts of terrorism, and other unusual incidents. The plan will follow standard Incident Command System (ICS) protocols, which include functional provisions for: command (46.1.3), operations (46.1.4), planning (46.1.5), logistics (46.1.6), and finance/administration (46.1.7).

83.2.2 A written directive governs procedures used for conventional and digital photography, imaging and videotaping pursuant to the collection and preservation of evidence. The directive specifies the information to be recorded when these methods are used.

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Change Notice 5.6

84.1.6 In order to maintain a high degree of evidentiary integrity over agency controlled property and evidence, the following documented inspections, inventory, and audits shall be completed:

- a. an inspection to determine adherence to procedures used for the control of property is conducted semi-annually by the person responsible for the property and evidence control function or his/her designee;
- b. an audit of property occurs whenever the property and evidence custodian is assigned to and/or transferred from the position and is conducted jointly by the newly designated property and evidence custodian and a designee of the CEO to ensure that records are correct and properly annotated;
- c. an annual audit of property and evidence held by the agency is conducted by a supervisor not routinely or directly connected with control of property and evidence; and
- d. unannounced inspections of property storage areas are conducted, as directed by the agency’s chief executive officer, at least once a year.

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Commentary: The purpose of this standard is to ensure the integrity of the in-custody property and evidence storage system. The inspection is conducted to determine that the property room is being maintained in a clean and orderly fashion, that the integrity of the property is being maintained, that provisions of agency orders or other directives concerning the property management system are being followed, that property is being protected from damage or deterioration, that proper accountability procedures are being maintained, and that property having no further evidentiary value is being disposed of promptly.

During the joint audit associated with evidence custodian transfers, a sampling of the total amount of high risk (e.g., money, precious metals, jewelry, firearms, and drugs) property records under the agency’s care must be reviewed with respect to documentation and accountability. Appendix I should be used to determine the appropriate sample size for high risk items. An error rate that exceeds four percent will require a full inventory of high risk items. For general property the audit associated with evidence custodian transfers should be sufficient to ensure the integrity of the system and accountability of property. The person assuming custody of the property should ensure that records are current and properly annotated. All discrepancies should be recorded prior to the assumption of property accountability by the newly appointed custodian.

Deleted: The purpose of the inventory is to ensure the continuity of custody and not to require the accounting of every single item of property. The inventory should be sufficient to ensure the integrity of the system and the accountability of property.

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Deleted: relative to the number of property and evidence items

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The purpose of the annual audit is to ensure the continuity of custody and not to require the accounting of every single item of property. The audit should be sufficient to ensure the integrity of the system and the accountability of property. The annual audit should be a significant representative sampling of property including high-risk items. The person named to conduct the audit should be appointed by the agency’s chief executive officer. Under no circumstances should that inspector be appointed by supervisory or command officers having the property function under their control.

The unannounced inspection is not meant to be a time consuming task. It can be as simple as the chief executive officer, or their designee, entering the property and evidence areas and inspecting for cleanliness, orderliness and tracing a few pieces of property and evidence to assure they are in the proper place as stated in the area’s records.

Change Notice 5.7

16.3.2 Excluding the educational requirements for reserve officers, the selection criteria for reserves are the same as that for full-time officers.

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Commentary: Experience, physical condition, and other selection criteria applicable to full-time officers apply equally to reserves. The process of selection may be different from that of full-time officers, but the criteria are the same, with the exception of educational requirements which are addressed in 16.3.9.

Deleted: Reserve officers are required to perform the same duties and accept the same hazards and responsibilities as full-time officers. Educational level, e

Deleted: Some reserve officers may bring with them specialized skills not normally found in entry-level, full-time officers.

16.3.9 Reserve officers possess high school equivalency diplomas and meet all state educational requirements at the time of sworn appointment.

Commentary: Education is an important attribute for both full-time officers and reserve officers. Careful consideration should be given to the function and responsibilities of reserve officers before establishing educational criteria that differ from that of full-time officers.

42.2.11 *In the absence of controlling authority, a written directive describes the procedures for using photographic or physical line-ups in eyewitness identification to include the following:*

- a. composition of line-up;
- b. using video and/or audio recording;
- c. situations where more than one eye witness is available;
- d. instructing witnesses prior to viewing line-up;
- e. identifying the level of confidence expressed by the witness;
- f. prohibiting feedback by the administrator; and
- g. documenting line-up and the results.

Commentary: The intent of this standard is to establish reliable identification testimony by a witness. This standard needs to be evaluated in terms of the following factors that the courts have found to be relevant in identification testimony, namely: 1) the witness’ opportunity to view the criminal during the crime; 2) the length of time between the crime and subsequent identification; 3) the level of certainty demonstrated by the witness at the identification; 4) the accuracy of the witness’ prior description of the suspect; and 5) the witness’ degree of attention

during the crime. In addition, the confidence level of the witness should be evaluated in terms of the witness' statement, conduct or other relevant observations.

42.2.12 *In the absence of controlling authority, a written directive describes the procedures for using show-ups in eyewitness identification to include the following:*

- a. compelling reasons under which a show-up may occur;*
- b. manner of transportation to the show-up;*
- c. situations where more than one eye witness is available;*
- d. instructing witnesses prior to viewing show-up;*
- e. identifying the level of confidence expressed by the witness;*
- f. prohibiting feedback by the administrator; and*
- g. documenting show-up and the results.*

Commentary: The intent of this standard is to establish reliable identification testimony by a witness. It should be noted that a show-up carries with it a dangerous degree of improper suggestiveness and should not be used absent compelling reasons for not using a physical or photographic line-up. This standard needs to be evaluated in terms of the following factors that the courts have found to be relevant in identification testimony, namely: 1) the witness' opportunity to view the criminal during the crime; 2) the length of time between the crime and subsequent identification; 3) the level of certainty demonstrated by the witness at the identification; 4) the accuracy of the witness' prior description of the suspect; and 5) the witness' degree of attention during the crime. In addition, the confidence level of the witness should be evaluated in terms of the witness' statement, conduct or other relevant observations.

45.2.4 *A documented survey of citizen attitudes and opinions is conducted at least once every three years with respect to:*

- a. overall agency performance;*
- b. overall competence of agency employees;*
- c. citizens' perception of officers' attitudes and behavior;*
- d. community concern over safety and security within the agency's service area; and*
- e. citizens' recommendations and suggestions for improvements.*

Commentary: Surveys are useful for several purposes; however, the survey should be used as a platform for organizational learning, asking specific questions about the quality of policing in the community. It should also address a broad section of the community: victims and others who have had recent contact with the police, employees, and/or direct observation.

The survey may be conducted by mail, in person, electronically, or by telephone and may be combined with questions relating to victimization and other issues. The results of the survey may be provided to the community. The survey may be carried out directly by agency personnel or by others with agency guidance.

Deleted: The Bureau of Justice Statistics makes available to police departments a free software package and guide for conducting community surveys.

Change Notice 5.8

42.2.11 A written directive describes the procedures for using photographic or physical line-ups in eyewitness identification to include the following:

Deleted: In the absence of controlling authority, a

- a. composition of line-up;
- b. using video and/or audio recording;
- c. situations where more than one eye witness is available;
- d. instructing witnesses prior to viewing line-up;
- e. identifying the level of confidence expressed by the witness;
- f. prohibiting feedback by the administrator; and
- g. documenting line-up and the results.

42.2.12 A written directive describes the procedures for using show-ups in eyewitness identification to include the following:

Deleted: In the absence of controlling authority, a

- a. compelling reasons under which a show-up may occur;
- b. manner of transportation to the show-up;
- c. situations where more than one eye witness is available;
- d. instructing witnesses prior to viewing show-up;
- e. identifying the level of confidence expressed by the witness;
- f. prohibiting feedback by the administrator; and
- g. documenting show-up and the results.

44.2.3 A written directive describes the procedures for the custodial interrogation of juveniles.

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Deleted: , to include provisions for the following:

Commentary: In developing this directive, the agency should be aware that the voluntariness of the juvenile’s confession will generally be the issue. In determining whether a confession is voluntary, the courts look to the totality of the circumstances which includes a review of the following factors related to the juvenile defendant: 1) age, intelligence, educational background, 2) mental capacity, including whether the defendant was nervous and physical condition, 3) prior experience in the criminal system, 4) whether the defendant is suffering from any injury or pain at the time the statement is given, 5) the duration of the questioning, 6) time of day, 7) whether the defendant is tired and is desirous of sleep, 8) length of confinement, 9) whether Miranda or police caution warnings were given ,when, and whether he understood them, 10) whether the room size was of sufficient size and supplied with appropriate furniture, 11) whether defendant was cuffed or threatened, 12) whether defendant was refused the use of bathroom, food, or drink, 13) whether there was a promise of leniency, 14) whether the juvenile understood the interrogation process, 15) whether a youth officer is present during the interview, 16) whether the parents were notified, 17) whether the juvenile asked for a parent to be present, 18) whether the police prevented a concerned adult from speaking with the juvenile, which is a significant factor, and 19) familiarity with English or the official language.

Deleted: a. conferring with the juvenile and parents or guardians to explain agency and juvenile justice system procedures; and¶
b. limiting the duration of interrogation and the number of officers engaging in the interrogation.

Deleted: Many states and provinces establish guidelines for the custodial interrogation of juveniles. Proof of compliance can be shown through these statutes.¶
¶ Agencies without controlling legislation will need to establish procedures to ensure that the custodial interrogation of juveniles meets constitutional and local court guidelines.