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*New Hampshire Law  
Enforcement  
Accreditation  
Commission*

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***PROGRAM STANDARDS MANUAL***

July 03, 2023

## PREFACE

On July 25<sup>th</sup>, 2022, Governor Christopher T. Sununu signed Executive Order 2022-06 establishing the ***New Hampshire Law Enforcement Accreditation Commission*** (hereinafter the Commission), which shall be administratively attached to the NH Police Standards and Training Council, and will serve the following primary functions:

- *Provide recommendations and continual review to the New Hampshire Police Standards and Training Council to establish State law enforcement accreditation standards consistent with nationally recognized standards and New Hampshire law;*
- *Conduct assessments and issue certificates of accreditation and re-accreditation for law enforcement agencies upon demonstration of compliance with these established standards;*
- *Promote self-regulation of law enforcement agencies through accreditation and encourage all agencies to voluntarily participate in the State accreditation process;*
- *Provide training relating to the accreditation program for New Hampshire law enforcement and members of the public; and,*
- *Conduct research and cooperate with national, regional, and local, public and private, associations, agencies, and experts to continuously improve the accreditation program and the delivery of law enforcement services in New Hampshire.*

The New Hampshire Law Enforcement Accreditation Program (hereinafter the Program/ NH LEAP) is voluntary, and while available to all agencies, is especially designed to be both achievable and affordable for those midsized and smaller agencies. The Program's standards reflect industry recognized best practices in each critical area of law enforcement authority; management, operations, investigations, records and support services. The standards reflect *what* agencies should be doing, but not *how they should do it*. Standards, or portions of standards, which address functions for which the agency is not responsible, or does not perform, are not applicable (N/A) by function.

Accreditation provides law enforcement agencies with a systemic pathway for self-assessment and outside review of their compliance with established professional standards. In any accredited agency, the attitudes, training and actions of personnel best reflect compliance with the standards included in this program. Policies and procedures

based on accreditation will not ensure a crime-free environment for citizens, nor will it ensure an absence of litigation against law enforcement agencies and executives. However, effective and competent leadership through professionally based policy development is directly influenced by a law enforcement accreditation program that is comprehensive, achievable, and based on standards that reflect delivery of professional service. Such accreditation, and the development of a culture within the agency which understands and accepts the tenants of accreditation, and which is consistent with an application and reinforcement of written department directives, will strengthen community trust and support of the agency.

To view The Governor's Executive Order, please visit the following link:

<https://www.governor.nh.gov/sites/g/files/ehbemt336/files/documents/2022-06.pdf>

# **THE HISTORY OF LAW ENFORCEMENT ACCREDITATION IN NEW HAMPSHIRE**

Beginning with the establishment of the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA) in 1979 as a credentialing authority through the joint efforts of four national law enforcement executive associations, the accreditation of law enforcement agencies has been a sought-after method of demonstrating compliance with best practices and modern standards of policing. Not unlike the accrediting or credentialing process that certain industries, hospitals, and colleges and universities undertake, law enforcement professionals sought to demonstrate their compliance with the best practices, methods, and standards in their pursuit of excellence and development of trust in the communities they serve.

Not long after CALEA was formed, several NH agencies enrolled in the process to become CALEA Accredited. The first three agencies in the late 1980's and early 1990's to achieve national accreditation were the Dover, Manchester, and Nashua Police Departments – all of which have a city form of government, and two of which – Manchester and Nashua – are the two largest cities in New Hampshire. In 1992, Goffstown became the first town in New Hampshire to achieve national accredited status. As of August 2022, there were 18 CALEA Accredited agencies in NH, with 6 more in the self-assessment phase of working towards accredited status. There are approximately 230 law enforcement agencies at the local, county, and state level in New Hampshire.

While CALEA has done significant work nationally – and internationally – towards promoting the concept of seeking and maintaining adherence to professional standards that are reviewed and updated as required, it is costly to enroll and reenroll in the CALEA process. This is especially true for a smaller law enforcement agency that may not have the budget or resources to participate in a national process.

As result, many states have decided to stand up a state accrediting process through the establishment of non-profit state organizations, or their state's equivalency of New Hampshire's Police Standards & Training Council (PSTC). In NH, a first effort to do so arose from discussions amongst the New Hampshire Association of Chiefs of Police (NHACOP), the Police Standards and Training Council (PSTC), and NH members of the Northern New England Police Accreditation Coalition (NNEPAC), an organization comprised of Chiefs, accreditation managers, and others interested in accreditation from police departments in New Hampshire, Maine, Massachusetts and Vermont.

In late 1991, the NH Association of Chiefs of Police expressed concern about the process as well as the significant expenses involved in seeking national accreditation through CALEA. The desire was to create an accreditation process which was more accessible to smaller agencies. While working with PSTC, they formed the concept of establishing a state run, “tiered” approach which promoted an agency’s eventual participation in the CALEA process. Modeling the program after CALEA Standards – with NH notes – the working group formulated a process where an agency could first address the more significant standards pertaining to authority and direction, use of force, training and personnel. In this approach, the agency would undergo a self-assessment, outside assessment and then be awarded a “Tier 1” certificate by the PSTC. Once successful, the agency would then proceed to the next tier, in the hopes that this “stepped” approach would make CALEA accredited status more achievable for the smaller agencies. In late 1992, this approach was adopted by both the NHACOP and the PSTC. Several law enforcement agencies availed themselves of this accreditation program and did, in fact, go on to achieve both State “tiered” as well as CALEA accredited status.

While many New Hampshire agencies supported this approach and subsequently enrolled in the PSTC program for state certification, potential issues arose revolving around possible copyright infringement. These issues ultimately led to the termination the State’s initial accreditation program. Regardless, the concept of a state-run accreditation program for New Hampshire law enforcement agencies did not die, nor did it in many other states around the nation which recognized how the national law enforcement accreditation requirements through CALEA were very difficult to attain for a great number of the smaller law enforcement agencies in the United States.

On June 16, 2020, Governor Chris Sununu issued Executive Order 2020-11 establishing the Commission on Law Enforcement Accountability, Community and Transparency (LEACT). This Commission’s purpose was to develop a series of recommendations on how to improve the delivery of law enforcement services to our state and communities. In its final report, submitted August 31, 2020, and in a series of recommendations to help improve training, policies, and procedures, the LEACT Commission offered this: ***“All law enforcement agencies should be encouraged to pursue CALEA accreditation. In the absence of CALEA accreditation, agencies should continually review and maintain policies consistent with nationally accepted best practices...”***

Simultaneously, an informal working group from the NH Association of Chiefs of Police, the Director of the NH PSTC and other interested individuals began working on how best to create a law enforcement accreditation program for New Hampshire. In the latter part of 2020, the NH PSTC, working with the NH Chiefs Association and the NH Department of Justice (DOJ), applied for a three-year grant from the US DOJ for \$100,000.00 to establish a

state accreditation program. The grant was awarded and accepted by NH's Governor and Executive Council on February 17, 2022. Once awarded and subject matter experts (SMEs) retained to produce a set of draft NH standards, the NH Chiefs working group and the NH PSTC approached the Governor about issuing an executive order to establish a NH Law Enforcement Accreditation Commission. On July 25, 2022, Governor Sununu did just that, and established a 10-member Commission administratively attached to the NH Police Standards and Training Council.

On July 3<sup>rd</sup> 2023, following the Commission's final review and official adoption of the standards manual contained within, New Hampshire joined approximately 36 states that have a functioning state law enforcement accreditation program.

## **DISCLAIMER**

This program includes voluntary standards for law enforcement agencies within the State of New Hampshire. The NH Police Standards & Training Council (PSTC) and the NH Law Enforcement Accreditation Commission (the Commission) have developed and approved these standards. The standards are not intended as a substitute or replacement for any legal requirement that may apply to agencies involved in law enforcement services in the State of New Hampshire. The PSTC and the Commission recognize that federal, state and local law, collective bargaining agreements, administrative regulations and local ordinances take precedence over these standards.

This Standards Manual consists of proprietary information that remains the sole and exclusive property of the New Hampshire Law Enforcement Accreditation Commission and the Police Standards and Training Council. The disclosure of this information to the recipient does not constitute a waiver or transfer of any patent, copyright, trademark, and/or other intellectual property rights that may apply. This information shall not be disseminated or published by the recipient in whole or in part, other than disclosure to its employees and agents who are required to receive this information and bound by the same restrictions, without the express written authorization of the New Hampshire Law Enforcement Commission and the Police Standards and Training Council. The New Hampshire Law Enforcement Accreditation Commission and the Police Standards and Training Council retain the right to amend or revise this Standards Manual at any time.

# PROGRAM STANDARDS

- **Standards are mandatory, unless otherwise indicated.** The New Hampshire Law Enforcement Accreditation Program currently contains **114** related standards.
  
- **Elements of the standards:**
  - The standard statement which delineates what must be addressed.
  - The standard guidance, which is a suggested method of compliance.
  - Suggested supporting documentation which can aid the agency when presenting proofs of compliance.
  
- **Standards Not Applicable to Agency:**
  - If your agency does not offer a service or function as required in a standard, then this standard does not apply to you and may be marked “N/A”.
  
- **Waiver from Standard Compliance:**
  - On rare occasions, an agency may qualify for, and receive, a waiver to a standard. Waivers are available to agencies when it is impossible to comply with a specific standard. Examples include a conflict with a collective bargaining agreement or a local ordinance.
  - A request to waive a standard must be made in writing to the Commission and should clearly detail the reasons an agency cannot comply with the standard, along with supporting documentation.



# ACKNOWLEDGEMENTS

The NH Law Enforcement Accreditation Commission and the Police Standards and Training Council extend our deepest appreciation to Governor Christopher T. Sununu, the Executive Council, and the State Legislature for their unwavering support of New Hampshire law enforcement. It is through this leadership and the efforts of the LEACT Commission, the New Hampshire Attorney General, the New Hampshire Association of Chiefs of Police, and the accreditation working group that this program has come to fruition.

We all stand on the shoulders of those who have made significant contributions to the law enforcement profession. We therefore wish to acknowledge the Commission on the Accreditation of Law Enforcement Agencies, Inc. (CALEA) and its four founding organizations, the International Association of Chiefs of Police (IACP), the National Organization of Black Law Enforcement Executives (NOBLE), the National Sheriffs' Association (NSA), and the Police Executive Research Forum (PERF).

We must also acknowledge the work of our peers, in particular AccredNet, the Northern New England Police Accreditation Coalition (NNEPAC) and the state accreditation programs of Arizona, Florida, Massachusetts, New Jersey, New York, Rhode Island, and Tennessee for their willingness to share information as we developed this program.

Finally, we are grateful to the New Hampshire law enforcement community and the citizens of New Hampshire for supporting the constant striving for excellence in law enforcement.

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# CHAPTER ONE

## ROLE AND AUTHORITY

Sworn law enforcement officers of all ranks and designations have a responsibility to fairly, impartially, and ethically enforce the law, protect lives, and ensure the safety of a community. Every NH law enforcement officer's career begins with taking an oath of office, where the individual promises to bear true faith and allegiance to the constitutions of the United States and the State of New Hampshire. As NH's Supreme Court has noted in *State v. Grant*, 107 N.H. 1, 2 (1966), "Officers are conservators of peace."

This responsibility requires a thorough understanding of the constitutional rules and regulations the oath of office imposes on police officers, and an adherence to a code of ethics. Sworn officers have a duty to protect the constitutional rights afforded every citizen. Ethical policing requires a working knowledge of criminal law and procedure, an understanding of what constitutes bias in policing, and the duty to report police misconduct when encountered.

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### **1.1.1 Oath of Office:**

Prior to appointment to a sworn position, personnel must take an oath of office agreeing to enforce the law, including local ordinances, and uphold the United States and State of New Hampshire Constitutions.

***GUIDANCE:*** *This standard is applicable to entry level law enforcement positions, positions of higher rank, Sheriff's Deputies, and Special Police Officers.*

### ***Suggested Supporting Documentation:***

- *Appointment papers*
- *Completed oath of office document*
- *Photos/video of ceremony, if any*

### **1.1.2 Code of Ethics:**

A written directive requires the agency to adopt a code of ethics. The code of ethics must be binding on all personnel, sworn and non-sworn. Additionally, the written directive must

require that:

- a. All personnel must acknowledge, in writing, the code of ethics adopted by the agency.
- b. The agency must provide all personnel with ethics training annually.

***GUIDANCE:*** Agencies may adopt a code of ethics from local, state, or national law enforcement or government organizations. The code of ethics may be in the form of an agency policy, order, rules, regulations, employee manual, or any combination thereof. The training can be provided by an outside source, or in-house that follows standards established by NH PSTC.

***Suggested Supporting Documentation:***

- *Copy sworn and civilian code of ethics*
- *Documented training rosters*
- *Lesson plan for training*
- *Photos of posted codes*

**1.1.3 Organizational Chart:**

The agency shall maintain, and update as necessary, a current organizational chart that is available to all personnel in written or electronic form. In addition, a written directive shall:

- a. Describe each functional area of the agency.
- b. Designate a person or position in charge of each functional area.
- c. Establish a chain of command or unity of command structure.
- d. Designate a succession of command in the absence of the Chief Executive Officer.
- e. Designate the person or position in charge of any incident involving different organizational components involved in the same incident with exceptions noted.
- f. Designate a person or position in charge of routine operations.

***Guidance:*** A current table of organization and written functional description is necessary for good order of the agency. The table of organization and written functional description allows agency members to observe clear lines of authority and the organizational functions for which the agency is responsible.

*Operational command requires clear lines of authority in the absence of the Chief Executive Officer. Procedures that authorize personnel with specialized skill or abilities to assume command in certain situations should be defined. The term "same incident" may include*



*special events, dignitary protection, and similar unusual incidents or responses. Exceptions noted would apply to large-scale operations with a unified command structure.*

***Suggested Supporting Documentation:***

- *Photo or copy of current organizational chart*
- *Sample memos establishing command in absence of CEO*
- *Sample special operation plans*
- *Interviews*

**1.1.4 Service Contracts With Outside Law Enforcement Providers:**

If the agency provides, or receives law enforcement services from another agency, department, or organization, a written directive describes the services to be provided or received, to include:

- a. Authority of the providing agency, department or organization.
- b. Details of financial agreements between the parties.
- c. Specification of the records to be maintained concerning the performance; of services by the provider agency including procedures for release of records pursuant to NH RSA 91-A.
- d. Language dealing with the length, modification, and termination of the contract or MOU.
- e. Language dealing with legal contingencies.
- f. Stipulation that the provider agency maintains control over its personnel;
- g. Specific arrangements for the use of equipment and facilities.
- h. A procedure for review and revision, if needed, of the agreement.

***GUIDANCE:*** *The standard refers to on-going arrangements providing a sworn, law enforcement service such as a School Resource Officer. It is not designed to address emergency situations or to replace established Mutual Aid agreements.*

***Suggested Supporting Documentation:***

- *Copy of sample agreements*
- *Interviews*

**1.1.5 Reporting Police Misconduct:**

A written directive describes the procedures to be used when reporting Police Misconduct pursuant to NH RSA 105:19, NH RSA 106-L:2 section V and NH RSA 106-L:20.

**GUIDANCE:** In addition to the procedures established to file the report, the written directive should address the process used to notify the NH Department of Justice pursuant to the Exculpatory Evidence Schedule outlined in NH RSA 105:13-d.

**Suggested Supporting Documentation:**

- Redacted sample reports, if any
- Interviews

**1.1.6 Exculpatory Evidence Schedule (EES):**

A written directive describes the procedures to be used when agency personnel are recommended for placement on the Exculpatory Evidence Schedule to include timely notification in writing to the officer.

**GUIDANCE:** Refer to NH RSA 105:13-d.

**Suggested Supporting Documentation:**

- Redacted sample reports, if any
- Interviews

**1.1.7 Prohibition of Biased Policing:**

A written directive prohibits biased policing and includes at a minimum:

- a. Sworn personnel receive initial training in biased policing issues including legal aspects and refresher training on an annual basis.
- b. If biased policing occurs, specific corrective measures are employed.
- c. Procedures for making a report of a sustained finding pursuant to NH RSA 106-L:2 section V, c and d.
- d. An annual administrative review of agency practices, including citizen concerns, which is documented.

**GUIDANCE:** Biased policing is the selection of individuals for enforcement actions based solely on a common trait of a group. This includes but is not limited to race, ethnic background, gender, gender identity/expression, sexual orientation, religion, economic status, age, cultural group, or any other identifiable characteristics.

*Training for new employees, as well as annual training, should include biased policing*

*training that addresses how bias can affect police activities and decision making, such as field contacts, traffic stops, searches, asset seizure and forfeiture, interviews, and interrogations. In addition to the NH Police Standards and Training Council Academy curriculum on the subject, departments should cover department specific policy and procedures on this topic during the Field Training Program.*

***Suggested Supporting Documentation:***

- *Sample lesson plans*
- *Completed Training Rosters*
- *Sample memos addressing situations of bias if any*
- *Interviews*

**1.1.8 Warrantless Searches:**

A written directive establishes criteria for warrantless searches in accordance with current criminal procedural requirements. At a minimum, the written directive shall cover these situations.

- a. Consent searches.
- b. Stop and frisk.
- c. Motor vehicle searches pursuant to NH RSA 595-A:10.
- d. Crime scene searches.
- e. Exigent circumstances, community caretaking, or emergency aid doctrine.
- f. Inventories of seized vehicles or other property.
- g. Plain view, plain touch, plain smell.
- h. Open fields.
- i. Other situations authorized by state and federal criminal procedure.

***GUIDANCE:*** *None.*

***Suggested Supporting Documentation:***

- *Sample completed consent search forms with accompanying police report*
- *Sample inventories*
- *Sample police reports*

**1.1.9 Use of No Knock Warrants:**

The agency has a written directive that limits the use of unannounced entries, often referred to as “no knock entries,” and includes procedures for:

- a. Officers are generally required to "knock and announce" their identity, authority and purpose, and demand to enter before entry is made to execute a warrant in a private dwelling.
- b. Circumstances under which an officer may seek advanced Court authorization to conduct a "no knock" entry when announcing his/her presence would create an imminent threat of physical violence to the officer and/or another person.
- c. Exigent circumstances on scene that may necessitate a no-knock entry when such an entry had not been requested in advance.
- d. Circumstances under which the imminent threat of physical violence is not a concern, but the likely destruction of important evidence is likely.
- e. Procedures for execution of search warrants under normal circumstances.
- f. An annual review outlining the number and reason for no-knock entry that is available to the public upon request.

***GUIDANCE:*** *The agency should develop written procedures for the execution of search warrants that are high risk situations and those situations that are likely to be considered routine. Officers should be readily identifiable with attire that identifies them as law enforcement officers. The reports required in bullet b should include warrants executed by the agency or executed by others on their behalf and should be made available upon request through normal information release procedures.*

***Suggested Supporting Documentation:***

- *Sample police reports*
- *Sample search warrant affidavits*
- *Documented annual review*
- *Interviews*

**1.1.10 Strip and Body Cavity Searches:**

In the unlikely event that there is reasonable suspicion to believe that an arrestee is concealing weapons or contraband beneath clothing, and poses a threat to law enforcement officers or others, the agency has a written directive outlining the procedures for conducting both strip and body cavity searches of arrested persons to include:

- a. Circumstances for when such searches may be authorized. Absent exigent situations, supervisory approval must be obtained prior to conducting a strip search.
- b. Strip searches are conducted in a controlled environment by persons of the same gender that allows for privacy.
- c. Body cavity searches are conducted by medical personnel under authority of a search warrant.

- d. The directive addresses gender identity, and/or juvenile concerns.
- e. All circumstances involving any search are contained in a written police report.

**Guidance:** *Strip searches of prisoners in the field should be conducted only in the rarest of circumstances under exigent circumstances where the life of officers or others may be placed at risk, and only with the explicit approval of a supervisory officer. Strip searches should be conducted in a controlled environment by persons of the same sex. There should be a minimum number of additional personnel present to afford a reasonable balance between officer safety and an arrestee's right to privacy. Any strip or body cavity search must have advanced supervisor approval prior to conducting the search and be documented in a written report. Body cavity searches must only be conducted by qualified medical personnel and under the authority of a Search Warrant issued by the Court.*

**Suggested Supporting Documentation:**

- *Sample police reports*
- *Sample search warrant affidavits*

**1.1.11 Arrest Procedures:**

A written directive establishes procedures, consistent with NH RSA 594 for adult arrests and includes:

- a. Arrests made with a warrant.
- b. Arrests made without a warrant.
- c. The reports required by the arrest.
- d. Fingerprint and Photograph requirements.
- e. If necessary, care for arrested person's dependents.
- f. Handling foreign diplomats or officials.

**GUIDANCE:** *Dependents refer to any natural or adoptive child or stepchild who has not terminated high school education or reached the age of 18 years, whichever is later, or becomes married or otherwise emancipated, or becomes a member of the armed services. It can also refer to any person who is wholly or partially dependent upon the suspect or victim for care and support when the crime was committed. Examples of where officers may encounter a dependent are, domestic violence, non-domestic arrests made in a residence or arrests conducted as part of a vehicle offense, i.e. DUI.*

**Suggested Supporting Documentation:**

- *Completed police reports*

- *Affidavits for arrest warrants*
- *US State Department Guidance Publication*
- *Interviews*

# CHAPTER TWO

## DIRECTION

Every agency should have a mission, vision and values statement, a code of conduct, and an early intervention system. Every employee must have a clear understanding of the agency's rules, regulations, and policies and procedures. A formal written directive system, regularly reviewed and updated as needed, accomplishes this.

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### **2.1.1 Written Directive System:**

A description of the agency's written directive system is distributed to all employees, including:

- a. Agency values and mission statement.
- b. Identification of the persons or positions, other than the agency's chief executive officer, authorized to issue written directives.
- c. A description of the system's structure and format, to include indexing, purging, updating and revising directives.
- d. A system to document receipt, understanding, and acceptance of the material
- e. Statements of agency policy.
- f. Rules and regulations.
- g. Procedures for the review of proposed policies, procedures, rules, and regulations prior to their promulgation, to avoid contradictions with already existing laws or directives.

***GUIDANCE:*** *A written description of the agency's written directive system should be issued to all employees; receipt of this document and all other official directives should be documented and retained on file. A simple sign-off sheet, with a space for the date received and the employee's initials or a verifiable electronic receipt would be sufficient. The "written directive system" may be as simple or complex as the agency's needs dictate. It may consist solely of general orders and/or official memoranda or be broken down into general orders, special orders, personnel orders, etc. However, each type should be listed and described in all official directives.*

### ***Suggested Supporting Documentation:***

- *Observation of directive system*
- *Interviews*

### **2.1.2 Agency Goals and Objectives:**

A written directive requires the formulation, distribution, and annual updating of written goals and objectives including a system for evaluating the progress in meeting these goals and objectives; goals and objectives are disseminated to all affected personnel.

***GUIDANCE:*** *All personnel should be involved in the development of agency goals and objectives. Individual divisions may have their own set of goals so long as they do not conflict with agency wide goals and objectives. In addition to the issuance of goals to agency personnel, the agency should consider publishing these goals and the progress towards attaining them in the annual report, if any.*

#### ***Suggested Supporting Documentation:***

- *Copy of established goals and objectives*
- *Observation of posted goals*
- *Written evaluation of established goals and objectives*

### **2.1.3 Obey Lawful Orders:**

A written directive requires employees to obey all lawful orders including those orders relayed by the same or lower rank. The written directive must also include procedures employees will follow when they receive a conflicting or unlawful order.

***GUIDANCE:*** *None.*

#### ***Suggested Supporting Documentation:***

- *Examples or orders relayed through dispatch or personnel of lower rank*
- *Examples of employees identifying conflicting order*
- *Interviews*

### **2.1.4 Code of Conduct:**

The agency has a written directive that specifies the code of conduct, appearance, and uniform regulations for agency personnel.

***GUIDANCE:*** *Descriptions of appropriate behavior should be clearly defined for all agency*



*personnel. It should be clear to all personnel that failure to conform to all agency directives may result in disciplinary action. Uniform and other appearance standards such as cleanliness, grooming, jewelry, and tattoos are also an important part of maintaining a professional image to the public. Standards for non-uniform positions should be included such as for investigators, administrators, and administrative support staff. If special assignments are used, such as undercover narcotics investigators, specific exceptions to appearance rules should be made or specific approval from the chief executive officer or designee required. In addition, because the community holds members of a public safety/law enforcement agency to high standards of conduct, directives should address the agency's stance regarding acceptable off-duty conduct.*

***Suggested Supporting Documentation:***

- *Documentation of issuance of uniforms and equipment*
- *Photos of Uniforms including dress uniforms if any*
- *Observations*
- *Interviews*

**2.1.5 Harassment:**

A written directive prohibits sexual or other unlawful harassment, and includes reporting procedures when it is appropriate to make a report outside the chain of command or outside the agency. The agency must provide initial and updated training to all personnel annually.

***Guidance:*** *Strong policies and directives prohibiting harassment (i.e., creation of an intimidating, hostile, or offensive work environment) should be established with a requirement that all allegations made of such activity will be immediately and thoroughly investigated. The requirement for training should be in the written directive with a requirement that the training be approved and completion documented.*

***Suggested Supporting Documentation:***

- *Reports if any*
- *Lesson plans and attendance rosters*
- *Interviews*

**2.1.6 Early Intervention System:**

A written directive establishes an Early Intervention System. The system shall include procedures for:

- a. Description of events or behaviors requiring entry in the system.
- b. Establishing requirements of both positive and negative entries.
- c. Reporting requirements for entries based upon behavior or conduct.
- d. The role of first-line supervisors and management levels of supervision.
- e. When remedial action should be taken.
- f. When referral to a formal Employee Assistance Program, peer counseling, or other action is warranted or recommended.
- g. Completing a documented annual evaluation of the system.

**Guidance:** *A comprehensive Personnel Early Intervention System is an essential component of good discipline. The agency may use an electronic tracking system developed by the agency, one purchased from a private vendor, or a manual system. The agency's system should be initiated when certain types of incidents occur and there should be an evaluation of collected material. Such material may include, but not necessarily be limited to agency performance evaluations, citizen complaints, citizen compliments or recognition, awards, disciplinary actions, use of force incidents, internal affairs reports, and pursuits.*

**Suggested Supporting Documentation:**

- *Redacted printout of individual record*
- *Reports if any*
- *Observation of system*
- *Interviews*

**2.1.7 Social Media:**

A written directive governs the on-duty and off-duty use of social media by agency personnel.

**GUIDANCE:** *Social media can be an effective tool in community outreach, recruitment, and investigations. The intent of this standard is not to prohibit the use of social media, but to ensure that written guidelines, consistent with NH RSA 275-E, "The Whistleblowers' Protection Act", and NH RSA 98-E entitled Public Employee Freedom of Expression exist so employees and the agency's use of social media is consistent with the agency's values and mission statement.*

**Suggested Supporting Documentation:**

- *Observation of social media pages or programs*
- *Interviews*
- *Reports if any*

# CHAPTER THREE

## PERSONNEL

The recruitment, selection, training, supervision, and retention of personnel is a critical management function. Clear job descriptions, updated regularly, that include the skills, knowledge and abilities necessary, and duties and responsibilities for every position in the agency assist the department leadership with this. The requirements for all phases of the selection process for sworn and non-sworn positions, in keeping with PSTC Rules, are outlined.

Moreover, effective, written directives for maintaining discipline and accountability, fairly and consistently applied, builds trust within the organization and the community.

This clearly stated personnel framework must recognize good work, encourage positive outcomes, provide for remedial training when necessary, and discourage unwanted, unethical, or other unwarranted behavior. Disciplinary action - both positive & negative - must be documented. The criteria for awards for meritorious work “above & beyond” should be established.

Such written directives include a process for the investigation of allegations against an employee, findings by the Chief Executive Officer following the conclusion of an investigation, and an appeals or grievance procedure when certain adverse personnel actions are taken against an employee. The appeals or grievance process may be spelled out in a Collective Bargaining Agreement, a Personnel Plan, written directives, or a combination thereof.

Similarly, a performance appraisal, regularly conducted with an employee, provides feedback and career counseling where improvement or additional training for the employee’s position, is required, and where positive goal meeting is achieved. Moreover, promotional processes must be as transparent as possible with a description of the process used, and the job-related and nondiscriminatory criteria employed to evaluate a candidate’s performance.

### **3.1.1 Duties by Rank and Assignment:**

The agency maintains written job descriptions for each position in the organization, to include the duties and responsibilities as well as the minimum knowledge, skills and abilities required to carry out those duties and responsibilities. Written job descriptions shall be made available to all personnel, and reviewed and updated every three years.

***GUIDANCE:** Current job descriptions can be part of the department written directives system or maintained as a separate manual. Job descriptions are written, and updated, when necessary, to include the minimum level of proficiency required in job-related skills, knowledge, abilities and behaviors, and other qualifications for employment and for transfer or promotion to other job positions within the agency.*

#### ***Suggested Supporting Documentation:***

- *Sample job description for sworn and non-sworn personnel*
- *Job description Manual if any*

### **3.1.2 Employee Identification:**

The agency has a written directive that defines the requirements for personnel identification cards including the proper response when asked to display official identification. The official identification issued by the agency contains the employee's photograph and authorized signature.

***GUIDANCE:** The directive should outline exceptions to producing official identification on request for personnel engaged in an authorized undercover operation.*

#### ***Suggested Supporting Documentation:***

- *Photo of official identification card*

### **3.1.3 Physical Fitness Requirements:**

The agency has a written directive that describes the on-going general fitness and well-being requirements for personnel that meets or exceeds the standards found in NHPSTC Rule POL 404.07.

***GUIDANCE:** None.*

### ***Suggested Supporting Documentation:***

- *Copies of three-year fitness assessments if any*

#### **3.1.4 Disciplinary System:**

The agency has a written directive that establishes procedures for positive and punitive discipline. The system includes:

- a. Procedures for initiating punitive actions to include, verbal, and/or written warnings, written reprimands, suspension, demotion, and dismissal.
- b. Procedures for professional development.
- c. Procedures for employee recognition.
- d. Procedures for the documentation and retention of records pertaining to the discipline system.
- e. Procedures for reporting disciplinary action to NHPSTC as required by rule POL 301.06.

***GUIDANCE:*** *An effective system of discipline is fair and consistent and serves to recognize the good work of employees and when necessary, takes steps to correct unwanted behavior. In recognizing accomplishments by agency employees, procedures should be established to ensure the consistent and fair distribution of positive performance recognition throughout the agency. Agencies that present awards for meritorious and/or heroic acts should define the criteria necessary for receipt of these awards.*

*Training can be an effective tool to correct unwanted behavior. The written directive should encourage training as a means of improving employee productivity through positive methods. The role of supervisors, especially first-line supervisors, is critical in the timeliness of addressing accountability/disciplinary issues. The directive should identify the conditions under which a supervisor may act without approval from higher authority.*

*Documentation of disciplinary actions should be retained on file in the agency. The agency may consider documenting these actions as part of the Early Intervention System outlined in Standard 2.1.6. At a minimum, the agency follows applicable State Law and regulations concerning the content of a personnel file.*

*Certain personnel actions such as suspension or dismissal require written notification to NHPSTC, and, if warranted, the NH Attorney General's Office. The directive should address procedures for the timely submission of required documents. Employees subject to this disclosure should be notified in writing of that action.*

***Suggested Supporting Documentation:***

- *Redacted copies of punitive discipline*
- *Photos, write-ups, media releases of award ceremony*
- *Copy of positive recognition documents*
- *Copy, if any PSTC Form B regarding suspension, or termination*
- *Interviews*

**3.1.5 Appeal Procedures:**

The agency has a written directive that describes the appeal process for discipline outlined in Standard 3.1.4.

***GUIDANCE:*** *The purpose of this standard is to outline procedures for submitting and responding to disciplinary appeals and/or grievances. The appeal process is often found in the Collective Bargaining Agreement or the jurisdiction’s Personnel Plan. If not available, the directive should define the items that are subject to appeal, timelines associated with filings and response.*

***Suggested Supporting Documentation:***

- *Redacted copies of filed appeals*

**3.1.6 Grievance Procedures:**

If the jurisdiction has a Collective Bargaining Agreement or Personnel Plan addressing a Grievance Process, the agency follows that process. Absent a Collective Bargaining Agreement or Personnel Plan, the agency has a written directive that establishes a grievance process. The Grievance procedures address the following:

- a. Identification of matters that are subject to grievance (scope) and the levels in the agency or government to which the grievance may be filed and/or appealed.
- b. Establishment of time limitations for filing an appeal.
- c. A description of the type of information to be submitted when filing a grievance.
- d. Establishment of procedural steps and time limitations at each level in responding to grievances or appeals.
- e. Establishment of criteria for employee representation.

***GUIDANCE:*** *If grievance procedures are part of a collective bargaining agreement, such agreement would meet the definition of “written directive” as used in this standard. However, if each bulleted item is not addressed in the collective bargaining agreement, a separate*

*written directive will be necessary to address items not contained within the agreement. This standard applies to all agency employees. If more than one procedure exists, each should be described. A written statement of the grievance and the facts upon which it is based, a written*

*allegation of the specific harm done, and a written statement of the remedy or adjustment sought are basic information that should be required from a grievant.*

***Suggested Supporting Documentation:***

- *Redacted copies of grievances filed.*
- *Redacted copies of response to grievance(s) at each level*
- *Interviews with association/union president*
- *Interviews with CEO*

## SECTION 3.2

### INTERNAL INVESTIGATIONS

#### 3.2.1 Complaint Investigation:

The agency has a written directive requiring the documentation and investigation of all complaints, including anonymous complaints, of alleged misconduct or illegal behavior against the agency or its members. The directive includes:

- a. Type of complaint that may be investigated by first line supervisor.
- b. Type of complaint that is referred to internal investigation(s) functions.
- c. Types of situation or complaints requiring immediate notification of the agency CEO.
- d. Procedures for notifying the employee of the allegations and investigation, unless such notification is likely to impact the initial investigation.
- e. Types of complaints, investigations, and situations requiring reports to NH PSTC pursuant to NH RSA 106-L, 1, 6

***GUIDANCE:*** All complaints of alleged misconduct should be formerly documented and investigated. The directive should include procedures to be followed when a person of the same or lower rank receives the initial complaint. The goal of internal investigations is to ensure that the integrity of the agency is maintained through an internal system where objectivity, and fairness are assured by thorough investigation and review. Anonymous complaints can be difficult to investigate; however, the agency should carefully review each complaint before dismissing it for lack of an identified complainant. Some complaints can be investigated at the first line level. Some others require a more in-depth investigation by trained investigators. Examples of serious categories of complaints which should be investigated by the internal investigations function include, but are not limited to corruption, excessive use of force, death or serious injury, criminal misconduct, and civil rights violations. The directive should outline the circumstances for each.

#### ***Suggested Supporting Documentation:***

- Redacted copies of complaint intake form or report
- Annual listing of complaints received
- Interviews

#### 3.2.2 Investigative Time Limits:



The agency has a written directive specifying the time limit in which internal affairs investigations are to be completed, as well as provisions for extensions.

***GUIDANCE:*** Generally, investigations should be completed no later than 30 days from the initial report. Status reports should be provided to the CEO every seven days until completion. In the event investigations cannot be completed within the time limits established, written status reports should be provided with reasons stated for the delay.

***Suggested Supporting Documentation:***

- Interviews
- Memos requesting time limit extensions

**3.2.3 Conclusion of Fact:**

The agency has a written directive requiring that the officer, if applicable, and the complainant be notified in writing of the finding of fact at the conclusion of the internal investigation.

***GUIDANCE:*** The agency should develop designations for the findings of fact for all complaints. The agency is free to select their own designations that identify the outcome. Proper Conduct, Improper Conduct, Unfounded, Insufficient evidence, and policy failure are examples of designators that have been used. Certain fact patterns or findings require notification to the NH PSTC or NH Department of Justice. See standards 1.1.5 and 1.1.6.

***Suggested Supporting Documentation:***

- Interviews
- Sample letters to complaining party
- Listing of internal investigations with findings

**3.2.4 Records, Maintenance & Security:**

The agency has a written directive requiring that a record of all complaints, and investigative reports against the agency or employees be securely maintained to safeguard the confidentiality of all parties involved.

***GUIDANCE:*** Internal investigation records should be secured and maintained separately from central records and in accordance with records retention statutory requirements pursuant to NH 33-A..

***Suggested Supporting Documentation:***

- *Interviews and observations*
- *NH State statutes on records*

# SECTION 3.3

## PERFORMANCE APPRAISALS

### 3.3.1 Performance Evaluations:

The agency has a written directive that describes the performance appraisal process and shall include at a minimum:

- a. Definitions specific to the job being assessed.
- b. Procedures for the use of the forms.
- c. Review and approval by the next level of supervision.
- d. Training in the process for the rater and supervisor.

***GUIDANCE:*** Documented appraisals provide feedback to employees in areas in need of improvement or professional development. The employee's immediate supervisor should be the individual completing the evaluation. The intent of this requirement is that an employee's immediate supervisor, having the best first-hand knowledge of the employee's performance, should be the one to complete the evaluation. A review by the next level of supervision assures a complete and accurate process and guards against personality conflicts with the rater or employee being appraised.

### ***Suggested Supporting Documentation:***

- Redacted performance appraisal forms
- Lesson plans for rater training
- Proof of attendance for rater training
- Interviews and observation

### 3.3.2 Annual Evaluations:

A written directive requires a documented annual performance appraisal for each agency employee, and documented quarterly performance appraisals for entry-level or recently appointed employees.

***GUIDANCE:*** The purposes of performance evaluation are to provide employees with the necessary information to maintain or enhance their performance to agency standards. The quarterly appraisal of the performance of entry-level employees, or those recently promoted

*to new positions, allows the employee to grow in their new duties. This provides the agency with the information necessary for employee development, or in rare cases, to separate the employee from service.*

***Suggested Supporting Documentation:***

- *Redacted performance appraisal forms*
- *Appointment documents for entry-level employee and corresponding quarterly appraisal forms*
- *Daily observation reports from field training*
- *Interviews and observation*

**3.3.3 Employee Consultation:**

The agency requires that each employee be counseled in person by the rater in the following areas at the conclusion of the rating period:

- a. The results of the performance appraisal just completed.
- b. The level of performance expected, and any goals for the new reporting period.
- c. Career counseling relative to such topics as advancement, specialization, or training appropriate for the employee's position.

***GUIDANCE:*** *The goal of this standard is to ensure that at least once each year, each employee meets in person with their immediate supervisor to review their performance. It is important that counseling of this type include both a review of performance during the prior rating period and, an indication of the performance expectations for the upcoming reporting period. The discussion should also include a review of the employee's career goals.*

***Suggested Supporting Documentation:***

- *Redacted performance appraisal forms*
- *Interviews and observation*

# SECTION 3.4

## RECRUITMENT AND SELECTION

### 3.4.1 Selection Process:

The agency has a written directive that describes all phases and components of the selection process for both sworn and non-sworn positions. If certain components are conducted by another entity, the expectations and services provided are described in the directive.

***GUIDANCE:** The description of the process may be in the form of a single directive, a series of directives or a comprehensive manual. All phases and components should be described in detail and outline the demonstrated essential job functions for each position. The agency may rely on private vendors for some components such as written examinations, psychological assessments, and polygraph examinations.*

*Elements of the selection process - time limits, oral instructions, answer sheets, and scoring formulas - should be clearly set forth and carried out identically for all candidates. Failure to treat all candidates the same, or inconsistent administration of all phases and components of the selection process may expose the agency to legal challenges.*

#### **Sample Supporting Documentation:**

- *Copies of position announcements*
- *Copies of all scoring or assessment sheets*
- *Agreements with outside vendors for outside services if any*
- *Redacted reports from doctors, psychologists, polygraph examiners*
- *Interviews*

### 3.4.2 Background Investigations:

The agency shall conduct, or cause to be conducted, a background check for all entry-level personnel prior to final appointment. The requirements set forth in NH PSTC Rules Pol 301.05 will be followed for sworn personnel.

***GUIDANCE:*** Personnel assigned to conduct the background investigation should be trained in conducting background investigations, including the legal aspects of conducting background investigations. The agency may conduct the background themselves, or contract with another agency. It is important that all items listed on NH PSTC Form I be addressed and in a format that allows for ease of review/audit by NH PSTC.

*The background investigation of non-sworn personnel should at a minimum verify qualifications, a review of references and past employment records, and a review of criminal and motor vehicle records.*

***Suggested Supporting Documentation:***

- *PSTC Form D*
- *PSTC Form A*
- *PSTC Forms*
- *Training certificates for personnel assigned to background investigation function*
- *Interviews and observation*

**3.4.3 Medical, Psychological and Polygraph Examinations:**

Prior to appointment to sworn status, the agency requires uncertified entry-level candidates to complete a medical examination pursuant to NH PSTC Form D, a psychological assessment conducted by a licensed psychologist or psychiatrist (NH PSTC Pol 301.07), and a polygraph examination, if utilized, conducted by a trained operator.

***GUIDANCE:*** Polygraph examinations may not be used as the only reason for disqualification of the candidate.

***Suggested Supporting Documentation:***

- *Personnel history packets*
- *Completed background investigations*
- *PSTC forms*
- *Verification certificates for individuals conducting psychological assessments or polygraph examinations*
- *Interviews and observation*

**3.4.4 Recruitment Plan:**

The agency has a documented recruitment plan for full-time sworn personnel. The plan will identify steps the agency will take to reach a goal of ethnic, racial, and gender representation in the sworn officer classification representative of the approximate makeup of the community being served. The plan shall include:

- a. A statement of measurable objectives.
- b. A plan of action to achieve the identified objectives.
- c. An annual documented review of the plan with revisions as necessary.

**GUIDANCE:** *The identified objectives in any recruitment effort should be reasonable, attainable, and directed towards the goal of the sworn officer ranks that is representative of the community being served. The agency may have to direct recruitment efforts outside of the service area to attain these objectives if the available workforce within the community does not allow for a sufficient representative candidate pool.*

**Suggested Supporting Documentation:**

- Written recruitment plan
- Interviews

# SECTION 3.5

## PROMOTIONS

### **3.5.1 Promotional Process:**

The agency has a written directive describing the promotional process for sworn personnel, to include:

- a. Identifying a position responsible for administering the promotional process.
- b. Describing the elements to be used in the promotional process, including the weighted value given to each element of the process.
- c. Ensuring that elements used in the promotional process are job related and nondiscriminatory.
- d. Establishing procedures for candidates to review their performance on each element of the promotional process.
- e. Description of a probationary period if any, for newly promoted personnel.

***Guidance:** The processes used to select candidates for promotion should be as transparent as possible. If the promotional process is administered by someone other than the department, a description of that process should be part of the directive. Scoring should be uniform across all the candidates. The values attached to each element or component process should be part of the initial announcement. Agencies may wish to consider using performance evaluations in the promotional process; however, this may be contingent upon any existing labor contracts or the rules and regulations of an individual municipality.*

*A probationary period of at least six months for newly promoted personnel allows the agency to guard against promoting personnel beyond their capability.*

### ***Suggested Supporting Documentation:***

- *Sample position announcement*
- *Sample forms*
- *Sample forms used for evaluating candidates*
- *Interviews*



# CHAPTER FOUR

## TRAINING

New Hampshire law enforcement officers must successfully complete the NH Police Standards and Training's basic training program to become a certified NH Law Enforcement Officer. A well-developed program for initial and continuing in-service training is critical to ensure that officers are well versed in new laws, and best practices. This instills the community's confidence in the agency's performance.

In addition, agencies must have a Field Training Officer (FTO) program in place for newly hired officers to work under the supervision of a certified training officer, who has met established standards for this important responsibility. Annual in-service training must, at a minimum, meet the requirements the NH Police Standards & Training Council sets forth, and must be documented in the agency's training records.

Similarly, all non-sworn, civilian personnel should complete annual training on new or revised NH statutes, case law, department policy and procedures, ethics, implicit bias and cultural awareness.

The importance of continuous training cannot be over-emphasized. A well-trained public safety officer is the key to effective community policing and law enforcement service.

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### **4.1.1 Recruit Training Required:**

The agency has a written directive requiring all full-time sworn officers to successfully complete a basic training program through the New Hampshire Police Standards and Training Council Academy. The directive also requires a newly appointed uncertified officer to work only in the direct presence of a NH certified law enforcement officer until such time as he or she has satisfactorily completed the basic training program. Officers coming from other jurisdictions may apply to NHPSTC for certification based on prior training and experience.

***GUIDANCE:** NH Police Standards and Training Council rule Pol 302.01 and 302.02 should be consulted when crafting the written directive. Specific requirements are outlined for officers transferring certifications to New Hampshire.*

*The agency may allow a newly appointed officer to work in the field alongside a NH Certified Officer while awaiting attendance at the Academy. The officer must be in direct presence of a fully certified NH Officer and participating in a recognized Field Training Program. See NH PSTC Rule Pol 302.01.*

***Suggested Supporting Documentation:***

- *Appointment papers*
- *Registration to academy*
- *NH PSTC Form B*

**4.1.2 Entry Level Training Part-Time Officers:**

If an agency employs part-time officers (Special Police Officer), a written directive requires the officer to complete a course of study for certification by the NH Police Standards and Training Council and requires that a newly appointed uncertified part-time officer work only in the direct presence of a NH certified law enforcement officer until such time as he or she has satisfactorily completed the such program.

***GUIDANCE:*** *The agency may allow a newly appointed officer to work in the field alongside a NH Certified Officer while awaiting attendance at the Academy. The officer must be in direct presence of a fully certified NH Officer and participating in a recognized Field Training Program. See NH PSTC Rule Pol 302.01, 302.02, and 302.03.*

*The agency is encouraged to define the role and functions of part-time officers. If the part-time officer is already certified as a full-time officer in the State of New Hampshire they may function as a regular officer. Absent full-time certification, the agency should specify the functions a part-time officer may perform. By way of illustration, initial response to a serious bodily injury or fatal car crash requires specific first steps. The investigation and follow-up should be turned over to a full-time officer or supervisor.*

*The agency should take steps to assure that part-time officers participate in all required training and maintain their proficiency in day-to-day operations. Requiring a minimum number of hours worked in a quarter (excluding outside details) is one such approach.*

*Finally, the agency should keep records to track the number of hours worked by part-time officers, (non-full-time officer) to make sure they do not exceed the limits set by NH PSTC.*

***Suggested Supporting Documentation:***

- *Part-time officer job description and schedule*
- *Appointment papers*
- *Registration to academy*
- *NH PSTC Form B*

#### **4.1.3 Annual In-Service Training:**

The agency has a written directive requiring all sworn personnel to complete documented annual retraining to include:

- a. New or updated statutes and case law.
- b. De-escalation techniques.
- c. Revisions in agency policy/procedures, rules and regulations, if any.
- d. Weapons qualification for all firearms carried or authorized for use by an officer.
- e. Laws on use of force and use of force policies, response to resistance classroom training of at least four hours.
- f. Implicit bias and cultural awareness.
- g. Ethics.
- h. Cardio Pulmonary Resuscitation, (CPR), and First Aid. If the agency authorizes the use of “Narcan” it shall be included in the First Aid training curriculum.

***GUIDANCE:*** *A well-developed on-going training program instills confidence in the officer and the community. The agency should consult the Commission on Law Enforcement Accountability, Community and Transparency (LEACT) findings as a guide for recommended and mandatory training topics and hours required. The standard sets forth the minimum topics to be addressed and does not limit the ability of the Chief Executive Officer to set additional requirements.*

*The LEACT Commission recommends an “increase in the mandatory number of hours of annual in-service training for law enforcement officers on an incremental basis over the next three years. By January 1, 2024, the total mandatory hours of annual in-service training should be a minimum of twenty-four (24) hours.”*

*Firearms and other weapon training is conducted by an instructor certified by the NH Police Standards and Training Council.*

*All training should be documented in a centralized administrative file. Documentation should include Instructor Qualifications, Lesson Plans (including approval process), Rosters,*

*Remedial Training efforts, if any, and an indication of a passing or failing score on tests or qualification course(s).*

***Suggested Supporting Documentation:***

- *Lesson plans*
- *Attendance rosters*
- *Training records*
- *Interviews*

**4.1.4 Non-Sworn In-Service Training:**

The agency has a written directive requiring all civilian (non-sworn) personnel to complete documented annual retraining to include:

- a. New or updated statutes and case law.
- b. Revisions in agency policy/procedures, rules, and regulations.
- c. Implicit bias and cultural awareness.
- d. Ethics.

***GUIDANCE:*** *None.*

***Suggested Supporting Documentation:***

- *Lesson plans*
- *Attendance rosters*
- *Training records*
- *Interviews*

**4.1.5 Field Training Program:**

The agency has a written directive establishing a field training program for sworn personnel which includes at a minimum:

- a. Selection criteria and process for Field Training Officers (FTO).
- b. Training requirements for Field Training Officers.
- c. Supervision and evaluation of Field Training Officers.
- d. Reporting responsibilities.
- e. Guidelines for Field Training Officers evaluation of trainee.

f. Rotation of FTO.

**GUIDANCE:** *The field training program should be designed to meet the unique needs of the agency. The selection process for Field Training Officers is especially important as these officers are representative of the agency values. A selection process should be consistent. The agency may consider an in-house period for policy and procedures review before the trainee is assigned to field work. The minimum number of hours in Field Training status for certified and non-certified trainees should be described. A newly sworn officer should not be released for solo duty until all the field training requirements are satisfactorily completed. An administrative review is encouraged before final solo assignment for the trainee. If the agency has part-time officers, the field training program should ensure that part-time officers receive the same substantive field training as full-time officers.*

*The directive should outline the reporting requirements of the Field Training Officer, supervisors, and the trainee. Daily evaluations are encouraged with a quarterly review by the FTO, supervisors and the trainee.*

**Suggested Supporting Documentation:**

- *Lesson plans*
- *Training records and certificates of completion*
- *Selection process documents*
- *Interviews*
- *Trainee evaluations*
- *FTO evaluations*
- *Schedule of rotations, if any*

**4.1.6 Employee Training Record Maintenance:**

The agency has a written directive establishing procedures for the maintenance, updating, and release of agency training records.

**GUIDANCE:** *Agency training records should be up to date and in a format that allows for ease of review/audit by NH PSTC pursuant to rule 403.1.*

**Suggested Supporting Documentation:**

- *Observation of training records*

- *Sample release request, if any*

#### **4.1.7 Specialized Training:**

The agency has a written directive identifying the assignments for which specialized training is required, that includes a description of the required initial training and retraining.

***GUIDANCE:*** *If the agency has specialized assignments, training to that assignment should be completed within six months of assignment. Some examples of specialized assignments include, K-9 Officer, Detective, Traffic Accident Investigator, Information Technology Specialist, and School Resource Officer.*

*If the agency has a School Resource Officer, the agency should consult the recommendations of the LEACT Commission for training and certification of SRO's.*

#### ***Suggested Supporting Documentation:***

- *Appointment papers*
- *Lesson plans*
- *Training records*
- *Lesson plans*

#### **4.1.8 Tactical Team Training Program:**

If the agency participates in a tactical team, a written directive requires that the agency maintain training records to demonstrate that assigned agency personnel are successfully participating in all required tactical team training.

***GUIDANCE:*** *None.*

#### ***Suggested Supporting Documentation:***

- *Lesson plans*
- *Training records*
- *Interviews*

#### **4.1.9 Domestic Violence Training:**

A written directive requires that agency personnel receive initial training on domestic violence issues and response with refresher training on domestic violence issues and response to be conducted at least once every three years, to include legal updates.

***GUIDANCE:*** *The agency should ensure that all personnel receive initial domestic violence in-service training. The level and content of the training presented may vary depending upon the individual responsibility or assignment. Refresher training can be in the form of classroom, shift briefing, computer-based training and bulletins, or any combination of methods as determined by the agency.*

***Suggested Supporting Documentation:***

- *Lesson plans*
- *Training rosters*
- *Interviews*

# CHAPTER FIVE

## USE OF FORCE: RESPONSE TO RESISTANCE

A law enforcement officer's response to resistance, and the lawful use of reasonable force, is one of the most important areas of concern to agency personnel, its leadership, and members of the public. Pursuant to NH RSA 627, law enforcement officers have special duties and responsibilities under the law and there are some circumstances where they are justified in using physical force against another, where a civilian may not be. Therefore, it is incumbent upon an agency to provide clear direction on when non-deadly and deadly force may be used, and when the force must stop. Agency personnel must receive regular and on-going training on the laws, and the directives that govern the use of force. All use of force actions taken by agency personnel must be **fully** documented and subject to administrative review. Regular analysis and reporting on the agency's use of force demonstrates transparency and accountability to the communities they serve.

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### 5.1.1 Use of Force:

The agency has a written directive that governs the use of force by agency personnel and specifies that:

- a. Reasonable force is used to effect lawful objectives. When the subject is under control the use of force will be reduced accordingly.
- b. A law enforcement officer may use deadly physical force only when they reasonably believe that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical injury.
- c. The use of deadly force against a fleeing felon is used only when the officer believes the person to be arrested poses an immediate serious threat to the officer or others unless apprehended without delay.
- d. All personnel have a duty to intervene when they recognize unreasonable/unlawful force is applied by another law enforcement officer. All personnel have a duty to immediately report to a supervisor, any officer who they believe, or have information to believe, that the officer used unreasonable/unlawful force.
- e. The directive will define conditional terms such as reasonable, serious bodily injury, imminent, intervene, and other terms as the agency deems necessary.



- f. Prior to law enforcement officers being authorized to carry any weapon, personnel will receive a copy of the agency's use of force policy and demonstrate acceptance and understanding of the policy and procedures.

**GUIDANCE:** *The intent of this standard is to create clearly identified agency policy on the use of force and to provide officers with clear direction on when force may be used, and when the force must stop. Receipt of the directive and the associated training is documented in writing through a form or other means.*

*When practical, any use of force, other than officer's presence and verbal direction, should be preceded by a verbal warning that force will be used if the suspect does not comply. The warning is unnecessary if it will endanger an officer or others.*

*The degree of intervention expected may be based on the classification or assignment of agency personnel. For example, a non-sworn member may choose not to physically intervene, but is expected to take some action to immediately draw attention to the circumstances they recognize.*

**Suggested Supporting Documentation:**

- *Training rosters*
- *Lesson plans*
- *State statutes*
- *Receipt of written directive*
- *Interviews*
- *Police reports*

**5.1.2 Choke Holds/Vascular Neck Restrictions:**

Pursuant to NH RSA 627:5,IX the agency has a written directive that prohibits "choke holds" or any other force that restricts the subject's ability to breathe except when the use of deadly force is authorized.

**GUIDANCE:** *On July 16, 2020, New Hampshire Governor Chris Sununu signed a criminal justice reform bill (House Bill 1645). The bill prohibits law enforcement officers from using chokeholds, unless an officer believes such use is necessary to defend him or herself or a third person from what they reasonably believe is the imminent use of deadly force. (See: NH Attorney General's Law Enforcement Manual), and NH RSA 627:5 "The use of a chokehold by any law enforcement officer is prohibited, with the exception of the circumstances in*

paragraph II a). In this paragraph, "chokehold " means the application of any pressure to the throat, windpipe, or neck, which prevents or reduces intake of air, or oxygen to the brain.")

***Suggested Supporting Documentation:***

- *Lesson plans*
- *Training rosters*
- *Police reports*
- *Interviews*

**5.1.3 Annual/Biennial Proficiency Training:**

The agency has a written directive requiring:

- a. Documented annual training on the agency's use of force policies.
- b. Documentation that officers qualify at least once each calendar year with any firearm or electronic control weapon they are authorized to use.
- c. Documented refresher training every other year for any issued or authorized weapons other than firearms.
- d. Procedures for addressing those who fail to qualify with any issued or authorized weapon, to include remedial training.

***GUIDANCE:*** *The training required should meet the guidelines and standards established by the New Hampshire Police Standards and Training Council (PSTC). Proper records should be maintained in a centralized training file, with results submitted annually to the PSTC as required.*

*Officers failing to qualify with a firearm should be removed from an assignment requiring the carrying of a firearm until such time as they have received remedial training and demonstrated their proficiency through a qualification course. Officers unable to qualify following remedial training should face disciplinary action.*

***Suggested Supporting Documentation:***

- *Lesson plans*
- *Training rosters*
- *Certificate of training sent to PSTC*
- *Interviews*
- *Observation of training records*

#### **5.1.4 Warning Shots:**

The agency has a written directive that prohibits the discharge of warning shots.

**GUIDANCE:** *None.*

#### ***Suggested Supporting Documentation:***

- *Lesson plans*
- *Interviews*
- *Police reports*

#### **5.1.5 Discharge of Firearms:**

The agency has a written directive regarding the lawful discharge of a firearm from or at a moving vehicle in compliance with NH RSA 627:5.

**GUIDANCE:** *Firearms may not be discharged from a moving vehicle except in exigent circumstances as defined by the agency. Firearms should not be discharged at a moving vehicle unless a person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle or the vehicle is operated in a manner that threatens to cause death or serious physical injury to the officer or others, and no other reasonable means of defense appear to exist, which includes moving out of the path of the vehicle.*

#### ***Suggested Supporting Documentation:***

- *Lesson plans*
- *Interviews*
- *Police reports*

#### **5.1.6 Authorization: Weapons and Ammunition:**

The agency has a written directive that defines the use and possession of firearms and ammunition by sworn personnel, when both on and off duty, is limited to those authorized by the CEO.

**GUIDANCE:** *This standard does not require authorization for weapons and/or ammunition used for recreational purposes such as hunting and target shooting. The Chief Executive*

*Officer should, because of their law enforcement authority, provide written authorization for the carry of approved firearms and ammunition.*

***Suggested Supporting Documentation:***

- *Memos requesting or granting permission for alternative carry*
- *Listing of approved firearms and ammunition*
- *Interviews*

**5.1.7 Reporting Use of Force:**

The agency has a written directive establishing procedures for the documentation, review, and conclusion of fact, of any incident wherein an officer:

- a. Discharges a firearm other than in training or for lawful recreational purposes.
- b. Takes an action that results in, or allegedly results in, serious physical injury or death of another person.
- c. Applies physical force using less-than-lethal weapons
- d. Applies weaponless physical force, as defined by the agency.

***GUIDANCE:*** *This standard is not designed to require a review of situations involving the use of weapons to euthanize animals.*

***Suggested Supporting Documentation:***

- *Use of force or response to resistance reports*
- *Administrative memos*
- *Interviews*

**5.1.8 Use of Authorized Less Lethal Weapons:**

A written directive governs the use, training, requalification, and possession of less lethal weapons by sworn personnel and/or civilian personnel, if issued/authorized to carry such weapons by the agency. Retraining, and certification is required every two years or in the case of Conducted Electrical (Taser) weapons, every year. Training and recertification shall be conducted by a certified instructor.

***GUIDANCE:*** *Less than lethal weapons covered by this standard, if authorized by the agency include, but are not limited to, Impact Weapons, Chemical Weapons, less lethal projectiles,*

*Taser, Canine, or other weapons as defined by the agency. A certified weapons instructor provides the training and recertification required in this standard.*

***Suggested Supporting Documentation:***

- *Lesson plans*
- *Training rosters*
- *Certificate of training sent to PSTC*
- *Interviews*
- *Observation of training records*

**5.1.9 Removal from Line of Duty Assignment:**

The agency has a written directive that requires any personnel acting in an official capacity whose actions result in serious physical harm or death to another person, be removed from front-line duties pending a documented administrative review of the incident.

***GUIDANCE:*** *The intent of this standard is to ensure that agencies take reasonable steps to remove an employee from his or her regular duties while a thorough administrative review of that employee's actions is conducted. It is not limited to sworn personnel and not limited to use of force incidents. Traffic accidents, with serious bodily injury or death, are an example where reassignment or administrative leave may be appropriate. Reassignment, or being placed on administrative leave, serves many purposes. A thorough administrative review will demonstrate that the employees' actions were within policy, and that the employee can safely return to regular duties.*

*Such leave can also benefit the employee, in that it may afford that employee the best conditions to receive appropriate intervention to overcome the impact of a traumatic incident. Any such reassignment or placement on administrative leave should be considered temporary and non-punitive, and the employee should continue to receive regular pay and benefits until such time that he or she has been authorized to return to regular duties.*

*The NH Attorney General, as New Hampshire's Chief Law Enforcement Officer, has established a protocol for the investigation of the use of deadly force incidents. (See page 47-48 and page 415 of the 2020 NH Attorney General's Law Enforcement Manual.)*

***Suggested Supporting Documentation:***

- *Use of force or response to resistance reports*
- *Administrative memos*

- *Interviews*

#### **5.1.10 Rendering Aid after Use of Weapons:**

The agency has a written directive that requires officers to provide immediate first aid and call for Emergency Medical Services whenever an individual has been injured, claims to have been injured, or requests medical attention.

***GUIDANCE:*** *None.*

#### ***Suggested Supporting Documentation:***

- *Use of force or response to resistance reports*
- *Police incident reports*
- *Administrative memos*
- *Interviews*

#### **5.1.11 Written Use of Force Reports and Administrative Review:**

The agency has a written directive requiring a written report and associated documentation for incidents involving a use of force as defined by the agency. The directive includes the following:

- a. Requiring a report anytime a firearm is discharged, for other than training or lawful recreational purposes.
- b. Application of force using a lethal or less lethal (less than lethal, or non-deadly) weapon.
- c. Applies weaponless physical force at a level as defined by the agency.
- d. Any time an individual is injured or claims to have been injured because of a use or alleged use of force as defined by the agency.
- e. Multiple reviews of the incident, and associated documentation, through the chain of command to make a finding of what training, equipment needs, or policy change may be needed, and to identify the use of force as proper or improper.
- f. A documented use of force analysis report is completed annually.

***GUIDANCE:*** *The process for reviewing use of force reports should be outlined in the policy. A narrative review at each level, should be documented. Each reportable use of force incident should be evaluated to determine whether the actions taken by the officer were within agency policies and applicable laws.*

*An analysis is more than the counting of numbers. It involves careful review and study to determine if patterns are developing.*

***Suggested Supporting Documentation:***

- *Use of force or response to resistance reports*
- *Police incident reports*
- *Administrative memos*
- *Written analysis reports*
- *Interviews*

# CHAPTER SIX

## OPERATIONS

Officers involved in the direct delivery of services, form the operational “backbone” of the policing a law enforcement agency provides to its community. The most visible of these are the uniformed officers involved in patrol, traffic enforcement and other assigned duties, but also includes specialized assignments and investigative functions.

Criminal investigation is also a primary police function, and in smaller agencies is often performed by uniformed personnel.

Having clearly articulated written directives addressing shift briefings, the operation of department vehicles, pursuits, traffic enforcement, enforcement policies and procedures for arrests, summons, or citations is critical. Guidance to address the handling of serious motor vehicle offenses, traffic crashes with death or serious injury resulting, DUI, reckless operation, and other violations must be provided.

Similarly, the handling of missing persons; procedures for missing, abducted, or abandoned children; and humanely dealing with persons with indications of a mental illness, must be addressed.

Documenting initial and refresher training in critical areas of police operations demonstrates competence and a commitment to best practices. Community engagement and collaboration with mental health and social services professionals are important in developing policies, training officers, and garnering public trust.

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### **6.1.1 Use of Shift Briefings:**

The agency has a written directive that describes procedures for the exchange of pertinent information between the outgoing and incoming shifts.

***Guidance:*** *Officers should be fully briefed about activities from the previous shifts, hazards, outstanding warrants, and other pertinent information prior to assuming duties. If officers do not report to headquarters prior to beginning work, a system to provide pertinent information should be developed. The standard does not require an in-person briefing, but does require that officers and staff receive pertinent information in a timely manner and that*



*some form of an acknowledgement should be obtained. Officers returning after an extending absence should review past information.*

***Suggested Supporting Documentation:***

- *Shift briefing book or sheet*
- *MDT screen shot if any*
- *Interviews*
- *Observations*

**6.1.2 Operation of Department Vehicles:**

The agency has a written directive establishing procedures for the operation of authorized department vehicles to include:

- a. A requirement that all occupants use a seatbelt.
- b. Pre-operation inspections
- c. Required equipment.
- d. Response procedures to emergency calls.
- e. Response procedures for routine calls for service.
- f. Vehicle operation during routine patrol.
- g. Civilian passengers.

***Guidance:*** *Conspicuously marked, and properly equipped vehicles should be used for routine patrol and response to calls for service. The pre-shift inspection is designed to ensure that required equipment is available and functioning properly. An inspection of any detainee transport area(s) should be accomplished to check for weapons or contraband. Unmarked, or non-conventional police vehicles should not be used for routine patrol or traffic enforcement.*

*The agency should establish guidelines for response to routine, urgent and emergency calls, and for the equipment to be used with each designated response. If the agency authorizes removal of the seatbelt upon arrival to critical calls, the directive should describe the circumstances for when this is allowed. These guidelines should permit designation of the seriousness of the call, when emergency lights and siren should be used, and when an emergency response is appropriate. When drafting the directive, the agency should consult NH RSA 265:8, 265:8-a, and 259:28.*

***Suggested Supporting Documentation:***

- *Pre-shift vehicle inspection sheets or electronic entry*
- *Documented training*
- *Interviews*

### **6.1.3 In-Car and/or Body Worn Camera Audio/Video**

If the agency uses body worn cameras, or in-car audio or video recording systems a written directive establishes policy and procedures for the following:

- a. Situations for their use, including any pre-recording announcement.
- b. Procedures for review by supervisors.
- c. Security and access.
- d. Storage and retention schedule.
- e. Initial training and familiarization of the systems.
- f. Procedures for reporting malfunctions and on-going maintenance.

***Guidance:*** *The agency should consult NH RSA 105-D, and the NH Office of Attorney General 2020 Law Enforcement Manual when drafting procedures associated with the use of recording devices.*

#### ***Suggested Supporting Documentation:***

- *Observation of equipment*
- *Forms used to obtain consent to record, if any*
- *Training for use of the device*
- *Police reports including situations where recording was stopped or not initiated*

### **6.1.4 Pursuits:**

The agency has a written directive that governs the pursuit of motor vehicles to include procedures for:

- a. Evaluating the circumstances prior to initiating pursuit.
- b. Responsibilities of the initiating officer and any assisting units.
- c. Responsibilities of communications personnel.
- d. Responsibilities of supervisors.
- e. Procedures for the termination of pursuit, including a written report.
- f. Inter and intra-jurisdiction pursuit, if allowed.
- g. The use of unmarked or special purpose vehicles, if any.

- h. Documented critique and administrative review of pursuit.
- i. Annual documented administrative review of pursuits.

**Guidance:** *The pursuit of fleeing drivers poses a significant risk to the officer, the other driver, passengers, and the public. The agency policy should attempt to balance the necessity for the pursuit and the timely apprehension of the suspect against the possibility of injury or death to those involved as well as those that are not involved in the situation. Officer and public safety should be stressed when developing the policy and procedures for pursuits.*

*Supervisors should respond to the location of the end of the pursuit. A critique and review of the report should address compliance with agency directives. The Annual Review of pursuits should address developing trends. Training needs, policy and procedure updates, or equipment needs.*

**Suggested Supporting Documentation:**

- *Pursuit reports*
- *Sample of documented critique and review*
- *Dispatch logs of pursuit*
- *Annual review samples*
- *Interviews*

**6.1.5 Roadblocks and Forcible Stopping:**

If the agency authorizes the use of roadblocks or forcible stopping of a vehicle, a written directive includes:

- a. Outlining the circumstances for their use.
- b. Describing the procedures for implementation.
- c. Defining officer and supervisor responsibilities.
- d. Training required for their use.
- e. A written report is completed by all officers involved in the forcible stopping or roadblock.
- f. Requiring a documented administrative review of the incident.

**Guidance:** *None.*

**Suggested Supporting Documentation:**

- *Police reports of incident*
- *Sample documented administrative review*

- *Training plans and rosters*
- *Interviews*

## SECTION 6.2

### TRAFFIC

#### **6.2.1 Traffic Citation Maintenance:**

If the agency does not use the E-Ticket system, a written directive outlines procedures for the security, tracking, and issuing of the State Uniform Traffic Summons forms to officers.

***Guidance:** The agency should develop a process to maintain the integrity of traffic summons forms prior to issuing any to officers for use on patrol. The tracking of summons should be by a number on the form. Once issued to a motorist, the directive should require a timely submission to central records for processing. Voided or damaged summons forms should be turned in for tracking. If the agency solely uses the E-Ticket System, this standard is non-applicable.*

#### ***Suggested Supporting Documentation:***

- *Tracking form*
- *Observation of security measures*
- *Observation of E-Ticket system if any*

#### **6.2.2 Stopping/Approaching:**

The agency has a written directive establishing procedures for stopping, approaching, and contacting traffic law violators, including unknown and high risk stops.

***Guidance:** The directive should reflect that officer safety, public relations, and the correction of poor driving habits are all concerns that can be addressed. The officer's personal safety and the safety of others should also be addressed. Choosing a safe location to initiate a stop should be stressed. Since contacts involving traffic violations are some of the most frequent for law enforcement officers, the officer should remember that officer/citizen relations are also important.*

#### ***Suggested Supporting Documentation:***

- *Training lesson plans*
- *Reports of traffic stops*
- *Interviews*

### **6.2.3 DUI Procedures:**

The agency has a written directive describing procedures to be followed when handling individuals charged with driving under the influence of alcohol or drugs.

**Guidance:** *The arrest and processing of a person for driving while intoxicated differs significantly from the handling of other traffic law violations. Implied consent statutes should be addressed, including felony level situations. Detailed guidance should be provided to officers based on the pertinent legal requirements. Procedures should address the methods to be employed for proper administration of preliminary and evidentiary breath tests; safe transportation and final release of impaired arrestees; procurement of blood and urine testing where statutes give the arrestee the option of these tests in addition to a breath test; incarceration or release to a responsible third party; and disposition of the arrestee's vehicle. The directive should also include the required forms and reports for processing this type of offense.*

#### ***Suggested Supporting Documentation:***

- *Sample arrest report including forms used*
- *Interviews*

### **6.2.4 Uniform Enforcement:**

The agency has a written directive establishing uniform enforcement policies and procedures, including physical arrest, summons, citation or warnings concerning the enforcement of NH's motor vehicle code, including but not limited to:

- a. Serious motor vehicle violations.
- b. Multiple violations.
- c. Newly enacted laws and/or regulations.
- d. Violations resulting in traffic collisions.

**Guidance:** *The directive should establish guidelines that ensure enforcement actions comport with applicable laws and address the degree and severity of the violation committed.*

*The public expects consistent and fair treatment. This goal should be reflected in agency directives that require consistent treatment for similar circumstances. The intent of this directive is to provide guidelines for uniform traffic law enforcement actions for routine situations. The policy cannot and should not replace officer judgment and discretion, because it is impossible to foresee every possible situation involving traffic violations. In unusual*

*circumstances, the officer should decide what enforcement action is proper based on a combination of training, experience, and common sense.*

***Suggested Supporting Documentation:***

- *Reports of summons addressing each, if available*
- *Interviews*
- *Pamphlets or other public awareness literature*

**6.2.5 Special Considerations:**

The agency has a written directive for enforcing traffic law violations involving:

- a. Out of State residents.
- b. Legislators.
- c. Juveniles.
- d. Foreign diplomats/consular officials.
- e. Military personnel.

***Guidance:*** *Since some operators are subject to different rules and criteria when stopped for violations, the agency should consult State Statutes, and publications from the U.S. State Department when developing the procedure.*

***Suggested Supporting Documentation:***

- *Sample traffic citations and reports*
- *Interviews*

**6.2.6 Accident Investigation:**

The agency has a written directive establishing procedures for the response, investigation, and reporting of traffic collisions. The directive includes:

- a. Serious personal injury or fatalities.
- b. Hit and run (conduct after accident).
- c. Crashes involving department vehicles.
- d. Crashes occurring on private property.
- e. Crashes involving a school bus.
- f. Crashes involving commercial vehicles.
- g. Crashes involving pedestrians or bicycles.

**Guidance:** *Most traffic collisions are investigated by the patrol officer. In some cases, specially trained personnel or units may be called in for more complicated or serious accident investigations. For example, accidents involving a school bus requires notification to the Department of Safety. The directive should outline procedures for initial response, scene security, evidence gathering procedures, and reports to be completed.*

**Suggested Supporting Documentation:**

- *Copies of investigation reports*
- *Photos of crash scenes*
- *Media accounts of crash scene*
- *Referrals to outside agency for investigation*

**6.2.7 Traffic Direction and Control:**

The agency has a written directive that specifies procedures for traffic direction and control to include:

- a. Uniform hand signals and gestures for manual traffic direction and control.
- b. A requirement that personnel directing traffic wear reflective clothing, at all times.
- c. Use of temporary traffic control devices.
- d. At the scene of traffic collisions.
- e. At the scene of critical incidents.
- f. At the scene of road construction or utility work.

**Guidance:** *Standardized hand signals and gestures that motorists will understand. For improved safety, officers should be highly visible. Officers should wear high-visibility safety apparel that meets the requirements of the ANSI/ISEA 107–2010 publication entitled "American National Standard for High-Visibility Apparel and Headwear". Officers working outside details at construction sites should be trained in the proper use of the traffic paddle for one-lane traffic control.*

**Suggested Supporting Documentation:**

- *Photos of officers conducting traffic control function*



## SECTION 6.3

### BULLET PROOF VESTS

#### 6.3.1 **Bullet Proof Vests:**

The agency provides body armor to all armed sworn personnel. The agency has a written directive that requires that body armor be worn during uniformed field operations and by all personnel during high-risk situations.

***Guidance:** The agency should ensure that personnel engaged in uniformed field duties or high-risk situations are wearing protective body armor. Some exceptions may be identified by the agency, but in no case should the agency allow officers engaged in high-risk situations to be without body armor. The agency replacement schedule should follow manufactures suggested life span for this equipment.*

#### ***Suggested Supporting Documentation:***

- *Photos*
- *Observation*
- *Interviews*

# SECTION 6.4

## MISSING PERSONS

### 6.4.1 Missing Persons:

The agency establishes written procedures for the response and investigation of missing persons. The written procedures include:

- a. Procedures for gathering and disseminating information.
- b. Procedures for entering individuals into NCIC, and cancellation when located.
- c. Procedures for special situations such as at-risk persons.
- d. Procedures for the follow-up of missing person's reports, and
- e. The use of alerts or other notification systems when applicable.

***Guidance:** Written procedures should address gathering information and evaluating the situation to ensure an appropriate response by the agency. Procedures should outline the responsibilities of the dispatch center, supervisors, and any special investigation units. Responsibility for following-up and canceling the report should be assigned to specific individuals.*

### ***Suggested Supporting Documentation:***

- *Police reports*
- *Sample checklists used by dispatch or officers*
- *Sample NCIC entry forms*

### 6.4.2 Missing Children:

The agency has a written directive establishing procedures for missing children, including runaways, abandonment, abduction, or other missing statuses that includes the following:

- a. Responsibilities of dispatchers, first responders, supervisors, and investigators.
- b. Criteria for supervisor notification.
- c. Information required for immediate appropriate inter- and intra- agency coordination.
- d. Criteria for activation of Amber Alert Systems or other public notification methods.

- e. Follow-up investigative responsibilities.

**Guidance:** *Information and recommended policies and procedures are available from the National Center for Missing & Exploited Children, the IACP National Law Enforcement Policy Center, and the International Center for Missing & Exploited Children. The National Child Search Assistance Act of 1990 mandates law enforcement's immediate response to reports of missing children, and the prompt entry of descriptive information into the NCIC missing persons' file. The directive should consider the notification of appropriate agencies and their responsibilities for inter- and intra- agency support, such as federal law enforcement, social services, and the media. Agencies should ensure that they include the use of the statewide AMBER Alert in their procedures for responding to children who are victims of abductions. Proper recovery and case closure may need to involve more than just notifying proper authorities and clearing NCIC entries.*

**Suggested Supporting Documentation:**

- *Police reports*
- *Sample checklists used by dispatch or officers*
- *Sample NCIC entry forms*

# SECTION 6.5

## MENTAL ILLNESS

### **6.5.1 Encounters With a Person Who Has Mental Illness:**

The agency has a written directive establishing procedures for responding to, and dealing with, individuals that have mental illness to include:

- a. Guidelines for recognizing the indicators of mental illness.
- b. Specific guidelines to follow in dealing with persons they suspect have a mental illness during investigations or contacts in the field.
- c. Procedures for accessing mental health resources.
- d. Documented initial and refresher training for agency personnel, at least once every two years.

***Guidance:*** *The intent of this standard is to require that the agency provide guidance and training to its personnel in dealing with persons suspected of having a mental illness. Training should be agency wide since all personnel may encounter persons who have an illness.*

*Agency directives should be developed in collaboration with mental health professionals, who may train or assist the agency with training and de-escalation techniques. Training should include access to the court system and applicable case law. The training should be reviewed and/or updated at least every two years.*

*Alternatives to arrest should be considered to ensure that the best treatment options are used, and to keep those with mental illness out of the criminal justice system.*

### ***Suggested Supporting Documentation:***

- *Lesson plan for training*
- *Training rosters*
- *Police reports*
- *Interviews*

# CHAPTER SEVEN

## INVESTIGATIONS & JUVENILE PROCEDURE

Properly investigating reported crimes, the gathering of intelligence and use of informants, conducting interviews and line-ups, handling juveniles, and the collection, preservation and storage of evidence and property, are core functions of a modern law enforcement agency. Having written directives setting forth clear procedures and best practices, in keeping with New Hampshire law and the Attorney General's guidelines, are critical to proper investigative procedures. These directives demonstrate the agency's commitment to conducting lawful, appropriate, and professional investigations.

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### **7.1.1 Preliminary/Follow-Up Investigations:**

The agency has a written directive that describes procedures and reporting requirements for preliminary and follow-up investigations, to include:

- a. Determine if a crime has been committed through witness/victim statements and cursory search for evidence.
- b. Determine if additional/specialty resources are needed.
- c. Make reasonable attempts to locate all witnesses, and victims, and document their initial statements.
- d. Collect and preserve evidence.
- e. Complete and submit appropriate reports and other documentation.
- f. If assigned the follow-up investigation, review previous reports and information.
- g. Conduct additional interviews or interrogations of victims, witnesses, and/or suspects.
- h. Submit evidence for lab analysis, if appropriate.
- i. Prepare and submit appropriate reports and other documentation for supervisor approval.

**Guidance:** *The procedures should outline steps taken in the initial response to calls and, depending on the type of incident, identify follow-up requirements. Time limits for filing reports should be included in the directive. An initial report should be filed within 24 hours of the first call.*

*If the agency uses outside investigators for certain types of crimes, those situations should be outlined in the directive along with the procedures used when requesting specialized or outside assistance.*

***Suggested Supporting Documentation:***

- *Sample calls for service*
- *Sample initial and follow-up reports*
- *Sample supervisor review and tracking*
- *Interviews*

**7.1.2 Use of Informants:**

The agency has a written directive establishing procedures for the identification, documentation and use of informants by sworn personnel.

***Guidance:*** *If the agency does not authorize the use of confidential informants, written procedures establish a process to transfer the informant information to another law enforcement agency for control, such as the State Police or a Drug Task Force.*

*If the agency does authorize the use of confidential informants' specific procedures should be established for recording information, tracking activity, meeting places, the number of officers involved, and security of the information.*

*Any cash funds disbursed to confidential informants should comply with the requirements outlined in Standard 9.1.8.*

***Suggested Supporting Documentation:***

- *Sample police reports*
- *Sample informant file, if any*
- *Redacted samples of payment to informants, if any*
- *Photographs*
- *Interviews*

**7.1.3 Criminal Intelligence Data Collection:**

The agency has a written directive describing the criminal intelligence function and must address the collection, processing, and sharing of suspicious incidents and criminal intelligence relating to criminal and homeland security matters. The directive includes:

- a. Procedures for ensuring information collected is limited to criminal conduct and relates to activities that present a threat to the community.
- b. Procedures for storing and securing information.
- c. Procedures for documenting, reporting, and disseminating information.
- d. Methods for purging out of date or incorrect information.
- e. A documented annual review of procedures and processes.

**Guidance:** *Intelligence activities are important in all agencies, regardless of size. The intent of this standard is to establish agency accountability for the intelligence information it gathers and distributes. Agency personnel should be trained and encouraged to document information obtained from a variety of sources. Training should emphasize that all personnel, regardless of their assignment, have a role in criminal intelligence and the sharing of information.*

**Suggested Supporting Documentation:**

- *Sample police reports*
- *Sample informant file, if any*
- *Photographs*
- *Interviews*

**7.1.4 Interview Rooms:**

The agency has a written directive establishing procedures for use of rooms designated for interviews, to include:

- a. Security concerns, including a search of the room prior to its use.
- b. The presence of weapons in the interview room.
- c. Procedures for summoning help, if necessary.
- d. Procedures for continuous monitoring of unattended subjects.
- e. Reasonable access to restrooms and water.
- f. Advising the subject of recording devices, if used.

**Guidance:** *None.*

**Suggested Supporting Documentation:**

- *Sample police reports*
- *Photographs*
- *Interviews*
- *Some compliance may be observed*

### 7.1.5 **Line-Ups:**

The agency has a written directive outlining the procedures for using photographic line-ups, show ups or physical line-ups in eyewitness identification to include the following:

- a. Composition of a line-up.
- b. Using video and/or audio recording.
- c. Situations where more than one eyewitness 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 investigator.
- g. Documenting the results of the line-up.

***Guidance:*** *The intent of this standard is to establish procedures to ensure reliable witness identification and testimony. The Office of the Attorney General Law Enforcement Manual should be consulted for guidance when drafting the written directive. The “double-blind” method of construction and presentation of the line-up should be included in the directive. The directive should outline procedures to be used in identification through Show ups so that they are not unnecessarily suggestive. See Perry v. New Hampshire, 565 U.S. 228 (2012).*

#### ***Suggested Supporting Documentation:***

- *Sample police reports*
- *Sample instruction sheets, if any*
- *Sample line-up*
- *Interviews*



# SECTION 7.2

## JUVENILE CUSTODY

### 7.2.1 Procedures for Custody:

An agency written directive establishes procedures for juveniles that have been taken into custody, including:

- a. Advising the juvenile of their constitutional rights (State v. Benoit) and explaining the juvenile justice system procedures prior to any custodial interview or interrogation.
- b. Taking the juvenile to the juvenile processing area without delay, unless medical treatment is required.
- c. Notification of a parent or legal guardian.
- d. Ensuring there is sight and sound separation from adults, and time limits for detention.

**Guidance:** *These standard addresses situation where juveniles are taken into custody for suspected delinquent behavior. When developing the written directive for this standard and standard 7.2.2, the agency should consult the NH Attorney General's Model Protocol for the Multidisciplinary Response to Child Abuse and Neglect, and the NH Attorney General's Model Protocol for Law Enforcement Response to Domestic Violence.*

*Chapter nine should be consulted regarding the use of restraining devices, and rooms or areas that can be used for detention of juveniles. Parent or guardian notification should be accomplished as soon as possible following custody and before any interrogation begins. When advising juveniles of their rights against self-incrimination the agency should use the form as outlined in the Benoit decision. The directive should also address the opportunity for juveniles to confer with their parent or guardian and limiting the time and number of officers involved in the interrogation.*

### **Suggested Supporting Documentation:**

- *Sample police reports*
- *Sample acknowledgement of rights form*
- *Observation of temporary detention area*
- *Interviews*
- *Photographs*

### **7.2.2 Procedures for Vulnerable Children:**

The agency has a written directive that outlines the procedures used when custody of a Child in Need of Services, or a child who is alleged to be the victim of abuse or neglect, is necessary.

***Guidance:*** *The victims of Abuse or Neglect, and/or Children in need of Services should never be securely detained. Separation from adults should be accomplished. The agency may use an interview room or other suitable area for staff supervision of juveniles pending release to parent or guardian, or transfer to Child Services.*

#### ***Suggested Supporting Documentation:***

- *Sample police reports*
- *Sample incident reports*
- *Interviews*

# CHAPTER 8

## EVIDENCE COLLECTION AND PRESERVATION

### 8.1.1 Guidelines and Procedures:

The agency has a written directive that provides guidelines for collecting, processing, and preserving physical evidence in the field, and requires that a record be made each time a transfer of custody of physical evidence takes place.

***Guidance:** The agency should develop general guidelines for crime scene processing and include the types of scenes to be processed by initial responding officers, and those scenes requiring specialists. Processing procedures should determine the order of tasks, such as photograph, sketch, fingerprint, mark, and collect. Procedures for the secure and timely transport and submission of evidence to the department property control system should be defined.*

*The directive should also provide guidelines for the preferred methods of collecting, marking/labeling, and packaging/storing a variety of evidentiary items. Methods used are those that should preserve the condition of evidence in the process of collection, prevent the introduction of foreign materials to it, and ensure as complete a sample as possible and practical. The NH State Lab should be consulted for the preferred methods used.*

*If initial responding officers are responsible for processing scenes, patrol vehicles used should have equipment to recover fingerprints, take photographs, sketch the crime scene, and collect and preserve evidence.*

### ***Suggested Supporting Documentation:***

- *Sample police reports*
- *Photographs*
- *Interviews*

### 8.1.2 Report Preparation:

The agency has a written directive that describes the responsibilities of the person(s) who processes the scene of a crime or traffic collision to include the preparation of a report.

**Guidance:** *The directive should the person(s) responsible for this function to include, but not be limited to photographing and sketching the scene, protecting, collecting, and preserving evidence, and the specific actions and findings to be included in the report.*

***Suggested Supporting Documentation:***

- *Sample police reports*
- *Interviews*

**8.1.3 Evidence, Laboratory Submission:**

A written directive establishes procedures for the submission of evidence to a forensic laboratory, which include:

- a. The identification of the person(s) responsible for evidence submissions.
- b. The packaging and timely submission of evidence.
- c. The documentation needed for transmitting and receiving evidence.
- d. The identity of the person to receive the written results of the examination of the evidence at the lab.

**Guidance:** *The written directive should provide detailed procedures, as outlined by the State Laboratory for submission of perishable evidence such as fresh blood, blood stained objects, other physiological stains and tissue, and biological materials. Large and bulky items, firearms, drugs, and other items should be prepared in a uniform manner that is consistent with the requirements of the receiving laboratory.*

*The responsibility for requesting laboratory examinations and preparing and arranging transport of the evidence to the laboratory should be defined. Chain of custody should be carefully maintained and documented.*

***Suggested Supporting Documentation:***

- *Sample police reports*
- *Sample lab submission reports*
- *Sample lab examination results*
- *Photographs*
- *Interviews*

## SECTION 8.2

### EVIDENCE AND PROPERTY MANAGEMENT

#### 8.2.1 Evidence/Property Control System:

The agency has established and maintains a property control system for the secure and proper recording, storage, classification, retrieval and disposition of all evidentiary, recovered and found property in the custody of the agency. The system must address the following:

- a. Logging all property into agency records prior to the end of the employee's shift or, under exceptional circumstances, as defined by agency policy.
- b. Preparation of a written report describing the property and how the agency came to be in possession of the property.
- c. Procedures describing what efforts agency personnel should make to identify and notify the owner of property in the agency's custody.
- d. Procedures for the temporary and final release of property items from the property and/or evidence control function.

***Guidance:*** *The agency should establish specific controls and ensure strict adherence to all policies and procedures governing in-custody and evidentiary property. All evidentiary and property items coming into an employee's possession should be entered into the agency's property management control system prior to the end of the employee's shift. A descriptive inventory of the property should be documented.*

*Written reports describing the circumstances by which the agency received the property should be more detailed in those cases when the property will be used as evidence. Property numbers should be used to cross-reference the property with the respective report(s).*

*Controlled substances should be packaged in tamper-resistant packaging. All containers and packages containing controlled substances should be inspected for tampering as a safeguard against substitution. Perishable items, such as biological samples, may need to be secured in refrigerated containers. All procedures developed should conform to occupational health and safety standards.*

*Evidence and stored property should be released back to the owner, if known, as quickly as possible, consistent with applicable law or court order. NH RSA 471-C should be consulted for guidance regarding abandoned or unclaimed property. Reasonable attempts should be made to locate owners of property in agency custody and notify them of its status. These attempts should be documented in the original case report.*

***Suggested Supporting Documentation:***

- *Sample police reports*
- *Sample property submission sheets*
- *Sample inventory of property*
- *Photographs*
- *Interviews*

**8.2.2 Storage and Security:**

All property designated as evidence, or seized pursuant to orders of the court, is stored within designated secure areas with access limited to authorized personnel only. A secure facility is available for officers during periods when the agency's property room is closed. Property coming into the possession of the agency must be stored and entered in the system no later than the end of shift.

***Guidance:*** *The agency has an obligation to maintain the integrity and security of evidence and property in its possession. Access to designated storage areas should be controlled to reduce the potential for theft, damage, alternation, or contamination and to maintain the chain of custody.*

*The design and location of the evidence storage area is left to the agency to decide. The area should provide adequate space to organize and maintain the evidence and property volume anticipated. Special security measures need to be taken within the area for guns, drugs, currency, and other high value items. Guns seized pursuant to Domestic Violence cases present unique challenges. The agency may wish to consider orders from the court for alternate storage at defendant's expense.*

*The agency should have refrigerated storage for perishable items, such as blood, urine, DNA and other perishables. Use of this refrigerated storage should be restricted to the property/evidence custodian(s).*

*The agency needs to provide secure storage for large bulk items such as vehicles, bicycles, and*

*other large items, etc. Designated areas and/or special procedures should be provided. The agency may wish to enter into agreements with other area departments or the Sheriff's Office for use of impound yards.*

***Suggested Supporting Documentation:***

- *Sample property submission forms*
- *Observation of electronic tracking system, if any*
- *Observation of property area*
- *Photographs*
- *Interviews*

**8.2.3 Temporary Storage:**

The agency shall have secure area(s) designated for the temporary storage of in-custody or evidentiary property during periods when the property room is closed or not accessible by end of a tour of duty.

***Guidance:*** *Plans should be made for the security of every piece of property that comes into the agency's possession when the main property area is closed. This can be accomplished through the use of locking temporary property lockers, drop boxes, or specially designed containers.*

***Suggested Supporting Documentation:***

- *Sample property submission forms*
- *Sample police reports*
- *Observations*
- *Photographs*
- *Interviews*

**8.2.4 Inspections and Reports:**

The agency has a written directive requiring that the Chief Executive Officer appoint a person to conduct inspections, audits, and inventories of the property storage area and its function, to include:

- a. Semi-annual unannounced inspection of the property and evidence function with a written report submitted to the CEO.

- b. An annual, documented audit of the property and evidence function, which at minimum, inspects 50 percent of the high-risk items, and 25 percent of other items.
- c. Whenever the primary property custodian is assigned to and/or transferred from the property and evidence control function, an inventory of property is conducted jointly by the newly designated primary property custodian and a designee of the agency's chief executive officer, to ensure that records are correct and properly recorded according to agency procedures.

**Guidance:** *The documented 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 no longer needed is being disposed of promptly.*

*The purpose of the inventory is to ensure the continuity of custody. The inventory should be significant enough to ensure the integrity of the system and the accountability of the property, in particular, high-risk items such as money, precious metals, jewelry, firearms and drugs. During the joint inventory, a significant number of property records should be reviewed carefully with respect to proper documentation and accountability. The person assuming custody of the property should ensure that all records are current and properly maintained. All discrepancies should be recorded prior to the assumption of property accountability by the newly appointed custodian.*

*The annual audit should be conducted to provide an adequate sampling of property to satisfy the auditor that policies and procedures are being followed. The person named to conduct the inventory should be appointed by the agency's chief executive officer.*

***Suggested Supporting Documentation:***

- *Sample inspection reports*
- *Sample audit reports*
- *Memos assigning property custodians*
- *Interviews*

**8.2.5 Records, Status of Property:**

The agency maintains records showing the status of all found, recovered and evidentiary property maintained by the agency.



***GUIDANCE:***

The agency is free to choose a records system that demonstrates the integrity and accountability of an agency's property management system. The system should reflect the type and amount of property maintained by the agency; property location; dates and times when the property was received, transferred and released and final disposition. Many computer-aided dispatch (CAD) systems have an integrated property management component. Bar-coding has become a popular property management system.

***Suggested Supporting Documentation:***

- *Sample copy of property inventory report*
- *Observations*
- *Interviews*

# CHAPTER NINE

## TEMPORARY DETENTION

All agencies must have written procedures which address the transport, custody, control and care of persons in custody and temporarily detained by agency personnel.

These standards predominately address detentions of less than four hours when staff are usually present in the same area the entire time.

All reasonable measures should be taken to ensure that the safety of the public, the individual, and the personnel involved are not put at risk. Attention to any specific circumstances requiring additional accommodations and/or procedures, including, but not limited to age, injury, or infirmity should also be addressed.

This chapter is designed for the smaller agencies that would not hold people overnight. In those situations, the agency should seek guidance from the Program Director.

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### 9.1.1 Transportation Procedures:

The agency has written procedures for the transportation of prisoners, to include the following:

- a. Approved Restraint devices and methods to be used.
- b. Prisoner search requirements.
- c. Transport vehicle search before and after transport.
- d. Transport of sick, injured, or disabled prisoners.
- e. Dispatch notification procedures for transporting prisoners (i.e., mileage, time of departure and arrival, etc.).
- f. Security and control of prisoners transported to medical facilities/hospitals for treatment.
- g. Prisoner identification confirmation procedures.
- h. Actions required in event of a prisoner escape.

**Guidance:** *Every reasonable measure should be taken to ensure the rights and safety of each transported individual are preserved, while assuring that persons in custody do not escape, are not injured, do not injure others and that the safety of transporting officers and the public*

*are not endangered. The prisoner should be properly searched each time custody is transferred or accepted.*

*The agency should comply with recognized training regarding the application and use of handcuffs or other restraint. Initial and on-going training by a certified instructor should be part of the department training. The directive should prohibit the securing of any prisoner to any fixture or device not designed and intended for such use. The directive should also outline specific circumstances and methods for using restraining devices on juveniles, sick or injured or disabled detainees. Prohibition against restraining a detainee to any part of the vehicle should be addressed.*

*The intent of the requirement for a search of the vehicle before and after transport is to ensure that all vehicles used to transport a detainee are free of weapons and contraband before and after the detainee encounters the vehicle. If the transport vehicle is not equipped with a separation divider, the directive should outline the positioning of the prisoner in the vehicle along with any escort officers, if available.*

*Training on conditions such as positional asphyxia should be part of initial and semi-annual refresher training.*

***Sample Supporting Documentation:***

- *Sample police reports*
- *Interviews*
- *Pictures*

**9.1.2 Procedures, Transport Destination:**

The agency has written procedures that define action officers must take when transporting detainees to facilities, including the agency facility, to include:

- a. Security of firearms.
- b. Removing restraining devices.
- c. The documentation required.
- d. Advising receiving personnel of any potential medical or security concerns for or hazards posed by prisoner or detainee.

***Guidance:*** *Certain actions are necessary and important for public safety, officer safety, and the safety and security of the prisoner. Transport forms generally describe all actions at the receiving agency. If the signature of a receiving officer is not available, the transporting officer(s) report should identify the official accepting the prisoner.*

***Suggested Supporting Documentation:***

- *Sample Police Reports*
- *Photographs*
- *Transport forms, if used*
- *Interviews*

**9.1.3 Training of Personnel:**

The agency requires initial training of all personnel responsible for monitoring detainees on the use of temporary detention rooms/areas, with retraining once every two years. All training will be documented.

***Guidance:*** *Temporary detention may involve close contact with detainees under challenging and less than ideal conditions. Officer safety issues should be a priority of the agency training for both initial and retraining sessions. Agency training should address the resources that are available to agency personnel during the temporary detention phase including contingencies for dealing with unruly or combative detainees, and any with identified medical issues. A discussion of alternative procedures, such as immediately transferring combative or uncooperative detainees to a more secure facility or delaying necessary processing or testing until court orders can be obtained. This training should include any communications personnel responsible for monitoring these areas via video camera.*

***Sample Supporting Documentation:***

- *Training Lesson Plans*
- *Field Training Manual*
- *Training Rosters*
- *Interviews*

**9.1.4 Security in Temporary Detention:**

The agency has a written directive that addresses the security procedures in the temporary detention areas, to include:

- a. Provisions to secure firearms prior to entering temporary detention and processing areas.
- b. Duress alarms.

- c. Escape prevention.
- d. Separation of males, females, and juveniles during processing and detention.
- e. When and where detainees may be restrained to fixed objects designed for such use.
- f. Authorized access to the detainee and the detention area.
- g. Eyeball to eyeball observation of unattended detainees at least every thirty minutes.
- h. If utilized, electronic surveillance devices to monitor detainees between the face-to-face observations.
- i. Accessing Emergency Medical Services (EMS), as needed.

**Guidance:** *Steps should be taken to avoid long-term detention of individuals. Expedited processing and arrangement for bail or transfer to another facility is encouraged. The separation of males, females, and juveniles during processing or detention does not necessarily require additional spaces, but procedures should be developed to move individuals to other areas of the facility to maintain this separation.*

*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. In addition to excluding firearms from the temporary detention room(s), the agency should consider any other items such as knives, batons, chemical sprays, etc. it may want to exclude from the temporary detention room(s).*

*The Agency should post signs in the Temporary Detention Area advising detainees that they are being monitored, and/or recorded. In addition, an advisement should be posted informing a detainee how to request or get medical attention.*

*The Agency is reminded of the special considerations for detaining juveniles, including prohibitions against securely detaining a Child in Need of Services, Runaway, or victim of abuse. The State of New Hampshire regularly inspects documents and facilities for compliance. A successful documented site visit will satisfy the intent of the standard pertaining to juveniles other than delinquents.*

***Suggested Supporting Documentation:***

- *Photographs*
- *Interviews*
- *On-site tour of facility*

**9.1.5 Inspections:**

A written procedure describes inspections of the temporary detention area including the frequency and documentation of inspections. The directive shall include an administrative review of the temporary detention area procedures once every two years.

**Guidance:** *At a minimum there should be a visual walk through of the temporary detention area at least once per day. A more in-depth documented inspection should occur at least monthly. These inspections should note cleanliness, security, signage, and presence of forms and a first aid kit. The daily walk through is designed to assure that the area is available for use.*

***Suggested Supporting Documentation:***

- *Sample of completed inspection sheets*
- *Copy of Administrative Review of Procedures*
- *Interviews*

**9.1.6 Temporary Detention Conditions:**

The Temporary Detention Area meets the minimum requirements of the local health officials, including access to drinking water and toilet facilities, and local Fire Code as determined by documented annual inspections by the Fire Department and local Health Officer.

**Guidance:** *None.*

***Suggested Supporting Documentation:***

- *Copies of Inspections from Fire Department and local Health Officer*
- *Observations*
- *Interviews*

**9.1.7 Fire Prevention/Suppression:**

The Agency has written emergency evacuation plans, which include fire suppression efforts, if any. The evacuation route is visually depicted on a posting in easily accessible areas.

**Guidance:** *The plan should address the safety and well-being of detainees and agency employees in the event of a fire or another emergency. Evacuation to a secure area should be accomplished before any fire suppression activities are undertaken.*

***Suggested Supporting Documentation:***

- *Copy of Written Evacuation Plan*
- *Observation of Posted Plan*
- *Photographs*
- *Interviews*

**9.1.8 Notice to Detainees:**

The Agency posts signs in the temporary detention area advising detainees how to obtain medical services, and notification of audio/video monitoring and recording, if used.

**Guidance:** *None.*

***Suggested Supporting Documentation:***

- *Observation of Posted Signs*
- *Copy of Screening document*
- *Photographs*
- *Interviews*

# CHAPTER TEN

## RECORDS

Record keeping is an essential function of a law enforcement agency, and the storage, security, and access to those records must comport with any applicable State or Federal Law, rule or regulation. The Department's written directives address its records system, a records retention schedule, records access, when records may be released, and a procedure for records involving juveniles.

The physical and electronic security of a department's records, and its Computer Aided Dispatch (CAD) system, must be addressed in the department's directives. A unique case numbering system is described for both calls for service, and any officer-initiated activity.

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### **10.1.1 Records Retention Schedule:**

The agency has a written records retention schedule that addresses administrative, personnel, criminal, non-criminal, traffic, civil, and animal records in possession of or required to be maintained by the agency.

***Guidance:** The directive should address the secure storage of all records with designated permissions for access. The retention schedule should follow the guidelines established in NH RSA 33-A. Methods of storage are at the discretion of the agency so long as sensitive information is protected.*

### ***Suggested Supporting Documentation:***

- *Photo of Record Storage System locations*
- *Copy of sample request to release or view records, if any*
- *Sample request to seal or expunge record*

### **10.1.2 Privacy and Security:**

The agency has a written directive that outlines procedures for the central records function, to include:



- a. Records storage and security.
- b. Records access, including off-hours.
- c. Release of records.

**Guidance:** *The directive should consider the storage and retrieval of paper reports, as well as those stored electronically. The standard does not require round the clock staffing of the records area but should establish procedures for after-hours access by authorized personnel. The directive should also establish procedures, request forms and authorizations for the release of records in accordance with NH RSA 91-A and/or legal counsel.*

**Suggested Supporting Documentation:**

- *Sample 91-A requests and response*
- *Observations*

**10.1.3 Juvenile Records:**

The agency has written procedures for the collection, distribution, and retention of agency records pertaining to juveniles. The procedures include:

- a. A system to distinguish juvenile records, from adult records, including fingerprints, photographs, any video footage and other forms of identification.
- b. Security controlling access to confidential juvenile information.
- c. Disposition of juvenile records after reaching age of majority.
- d. Court ordered expungements.

**Guidance:** *The agency should determine the physical security requirements for the juvenile files and decide who has authorized access. The privacy and security of juvenile records should follow state statutes (NH RSA's 169-B:35; 169-D:25; 170-G:8-a, and 105-D). The agency should identify juvenile records and separate them from adult criminal and identification records to prevent unauthorized access and release. The dissemination of juvenile information should be strictly controlled. The procedure should also provide guidelines for the disposition of juvenile records when the juvenile reaches adult age and for the expungement of records when ordered by the court.*

**Suggested Supporting Documentation:**

- *Sample juvenile reports (redacted)*
- *Observations*
- *Permission list for electronic records*
- *Interviews*

#### **10.1.4 Computerized Security Protocol:**

The agency has a written directive describing security measures for the agency's computerized records, to include:

- a. The identity of the individual designated as system administrator.
- b. Data storage to include any off-site storage locations.
- c. Data backup and recovery procedures.
- d. Physical and internet security measures.
- e. Annual password audit procedures.

**Guidance:** *The agency may use an outside IT Service or designate an in-house person to perform this function. If the agency does contract an external vendor, care should be taken to have the external vendor recognized as CJIS compliant. Individual and system passwords should be subject to an audit on an annual basis. Procedures to remove inactive accounts should be established.*

#### ***Suggested Supporting Documentation:***

- *Documented password audit*
- *Observations*
- *Interviews*

#### **10.1.5 Field Reporting System:**

A written directive establishes a field reporting system, to include:

- a. Guidelines defining when reports must be written.
- b. Forms and required information.
- c. Procedure for submitting reports, including deadlines.
- d. Procedure for initial review by supervisor.

**Guidance:** *None.*

#### ***Suggested Supporting Documentation:***

- *Field Report Manual*
- *Sample forms*
- *Screenshots*
- *Interviews*

### **10.1.6 Reporting Requirements:**

A written directive requires a report and/or entry in a Computer Aided Dispatch System (CAD) in the following cases:

- a. Reports of crimes.
- b. Citizen complaints.
- c. Calls for service resulting in an officer being sent or assigned.
- d. Incidents resulting from officer-initiated activities.
- e. Incidents resulting in arrests, citations, summonses, or referral to another department or agency.

***Guidance:*** Records should be maintained for actions taken by personnel whether self-initiated or in response to a request for service. The agency should clearly define when full narrative reports are required and when activity can be documented through entry in the dispatch log or other means. A quality assurance system should be developed to correct mistakes or inaccuracies.

#### ***Suggested Supporting Documentation:***

- *Sample Calls for Service*
- *Interviews*
- *Observations*

### **10.1.7 Case Numbering System:**

The agency has a written directive establishing an incident numbering system. A unique number is assigned to each incident or report.

***Guidance:*** Compliance may be observed.

#### ***Suggested Supporting Documentation:***

- *Observation of Incident and Call Numbering System*

### **10.1.8 Cash Funds/Accounts Maintenance:**

If the agency receives, maintains, or disburses cash, the agency has a written directive that identifies the persons or positions authorized to accept or disburse cash and the accounting procedures for safeguarding the funds. The directive shall include:

- a. Authorization for cash disbursement, including the chief executive officer's authorization for expenses in excess of a given amount.
- b. A requirement that receipts or other documentation for disbursements be maintained.
- c. Documented quarterly financial statements to include balances at the commencement of each period as well as expenditures and funds received during the period.
- d. A requirement that there be an annual internal administrative review and accounting of the funds and the financial statements.

***Guidance:*** *This standard covers all cash activities of the agency including drug forfeiture monies or other confidential funds. Although most communities conduct an audit of all the jurisdictions fiscal activities, an internal audit specific to the agency fiscal activities should be completed on an annual basis with results submitted to the CEO.*

*Formal fiscal control procedures establish accountability, ensures compliance with funding authorizations and restrictions, and ensures the disbursements are for designated and approved recipients. It alerts agency management, in a timely manner, of possible problems requiring action.*

### ***Suggested Supporting Documentation***

- *Accounting sheets*
- *Documented Internal Audits*
- *Observations*
- *Interviews*

# CHAPTER ELEVEN

## COMMUNICATIONS

The ability to have 24-hour radio communications with field personnel, and access to a properly staffed and modern dispatch center is critical to public safety. Law enforcement agencies must have written procedures to adequately record, document, and identify calls for service and officer generated activity, and the ability to track the personnel who respond and/or provide assistance during an incident. A unique call for service number should be established so that reports may be cross referenced. The dispatch center must maintain a continuous recording of radio transmissions and telephone conversations to and from the center, with immediate play back capabilities.

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### **11.1.1 Continuous Two-Way Capability:**

The agency provides 24-hour, two-way radio capability that provides continuous communication between a communications center and its on-duty personnel in the field including detail officers.

***Guidance:** Immediate continuous communication between the dispatch center and on-duty personnel is essential for officer and public safety. The timely exchange of information between first responders and the dispatch center allows for the exchange of information, requesting assistance, dispatch to calls for service and direction received from supervisors. Personnel assigned to outside details, such as traffic control, should have radio communication access for the reporting of emergencies, or recognizing suspects in the area.*

### ***Suggested Supporting Documentation:***

- *Observation of dispatch center*
- *Observation of radio system*

### **11.1.2 Recording Information:**

The agency has a written directive that establishes procedures for the recording of information on each request for service or self-initiated activity, to include:

- a. Call for service (CFS) number.
- b. Date, time, and location of a request for service or incident.
- c. Name and address of the reporting party (if available).
- d. Type of incident reported.
- e. Identity of initial officer(s) assigned, and any backup units.
- f. Time of dispatch, arrival on scene, and clear of call.
- g. Status or disposition of the reported incident.

**Guidance:** *The agency may choose to use a Computer Aided Dispatch Program or other suitable method to record and track activity. If the agency uses a Regional Dispatch Center for its dispatch service, a process for a unique Call for Service number should be established so that reports and other paperwork associated with the incident can be cross referenced. Information from requests received via telephone, letter, in person, self-initiated officer activity, or reports received directly by officers in the field should be recorded into the system. The agency may choose to make public their dispatch log but should take care that sensitive information is redacted.*

**Suggested Supporting Documentation:**

- *Observation of dispatch center*
- *Observation of computer aided dispatch system*
- *Sample copies of call for service cards or screen shots*

**11.1.3 Radio Communications Procedures:**

The agency has written procedures for communications to and from officers, to include:

- a. Circumstances requiring communications by all field personnel.
- b. The recording of the status of officers.
- c. The methods used for identifying officers during communications.
- d. Communication with interacting agencies.
- e. Criteria for the assignment of the number of officers in response to an incident.
- f. Situations that require the presence of a supervisor at the scene for the purpose of assuming command.
- g. Responding to emergency requests for assistance from field personnel.

**Guidance:** *The established written procedures should be available to the dispatch center and all agency personnel. Officers should inform the dispatch center of their status and should call in all car stops. The procedures should also include the handling of complaint cards and radio logs, tracking of on-duty officers and assignments, specifying supervisory*

*authority, and other plans and procedures that are essential. Identification systems should be based on beat numbers or other assignment numbers, officer identification numbers, or a combination of the two. Operations are more efficient and officer safety is enhanced when officers, employees and supervisors know the status, location, call types and investigation developments. The agency and the dispatch center are encouraged to use plain language when communicating between agencies.*

***Suggested Supporting Documentation:***

- *Observation of dispatch center*
- *Agency radio number assignment sheets*
- *Copy of on-duty roster*
- *Status screen or board of on-duty personnel*
- *Sample call for service showing supervisor response*

**11.1.4 Recording and Playback:**

The Dispatch Center used by the agency maintains a continuous recording of radio transmissions and telephone conversations to and from the Communications Center while having the ability to immediately play back radio and telephonic conversations. A written directive shall establish procedures for:

- a. Maintaining the recordings for a minimum of 30 days or in accordance with State Statutes.
- b. Secure handling and storage of recordings.
- c. Criteria and procedures for reviewing or releasing recorded conversations.

***Guidance:*** *Radio and telephonic recordings allow a dispatcher the ability to replay messages in case they miss pertinent information. Recordings also provide information for criminal investigations, internal investigations, training, and service performance audits. In addition, they grant a dispatcher the ability to relisten to a call for service in the event he/she misses some of the transmitted information. When in replay mode, the recording system should continue recording other calls and radio transmissions. Access to the recordings should be made available and provided through established procedures that require a documented request for review, and/or copy of the recording.*

***Suggested Supporting Documentation:***

- *Observation of dispatch center*
- *Observation of recording equipment*

- *Sample written request for review or copy of recordings, if any*

### **11.1.5 Misdirected Emergency Calls:**

The agency has a written directive that establishes procedures for the prompt handling and forwarding of misdirected and hang-up emergency calls.

***Guidance:*** *An agency may receive emergency calls intended for another law enforcement or public safety agency. All misdirected and hang-up emergency calls should be promptly forwarded to the agency having jurisdiction of the call. If the agency receives a hang-up call, a call back or in-person response by an officer should be made to ensure no emergency exists.*

#### ***Suggested Supporting Documentation:***

- *Sample response to hang-up call*
- *Sample response to misdirected call*
- *Interviews*



# CHAPTER TWELVE

## CRITICAL INCIDENTS

An all-hazards plan addresses natural or man-made disasters, critical incidents, and unusual occurrences and an agency's preparation for, and response to, such incidents.

An all-hazards plan should be based on the National Incident Management System (NIMS), and the Incident Command System (ICS) and identify the role of the agency and its personnel to any critical response. Regular on-going training in a community's all-hazard plan and ICS, and planned exercises involving multiple responders, will reinforce partnerships with other law enforcement agencies, Fire & EMS, other governmental units, and solidify a cohesive community response to a critical incident.

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### **12.1.1 All-Hazards Plan:**

The agency has a written all-hazards plan for addressing the prevention of, preparation for, response to, and recovery from critical incidents that is based on the National Incident Management System (NIMS) and the Incident Command System (ICS) and that will identify the role of the agency and its personnel in any critical response.

***Guidance:** The plan should include specific incident agency plans for responding to any identified manmade and natural critical incidents. These should include, but not be limited to, bomb threats, natural critical threats for the area, and other high-risk, manmade critical incidents. The plan should supplement any agency specific requirements for an all hazards plan the municipal authorities may have adopted for the community. The plan should also identify responsibilities of all command and general staff positions in any critical incident as they relate to the command, operations, planning, logistics and finance/administration functions.*

*The command function is a mandated ICS protocol. The first officer on the scene of any incident is typically the incident commander until relieved by competent authority. The field command post can be any identifiable location, structure, or vehicle. Mutual aid is a viable option to obtain immediate assistance.*

*The agency should provide periodic training and review of any plans for critical incidents.*

***Suggested Supporting Documentation:***

- *All hazards plan*
- *Interviews*

**12.1.2 Annual Training on All-Hazards Plan:**

Affected personnel are trained annually in the agency's All-Hazard Plan and Incident Command System.

***Guidance:*** *None.*

***Suggested Supporting Documentation:***

- *Sample lesson plans*
- *Training rosters*
- *Interviews*

**12.1.3 Special Events Plan:**

A written plan will be established for all special events to include provisions for the following:

- a. Designation of a single person or position as the supervisor for the coverage of the event;
- b. Estimate of traffic, crowd control, and crime problems expected for the event;
- c. Logistical requirements; and
- d. Internal and External coordination of operations for the event.

***Guidance:*** *The agency is free to establish the extent of the plan and the necessary law enforcement coverage. The standard does not require a new plan for reoccurring events such as parades but should be reviewed and updated as necessary. A single incident commander is not necessary for all events and is left to the agency to determine.*

***Suggested Supporting Documentation:***

- *Sample special events plans*
- *Meeting minutes*
- *Photos*
- *Interviews*

#### **12.1.4 Hazardous Materials:**

The agency has awareness level training and written guidelines for officers responding to hazardous chemical, biological, radiological, nuclear or explosive material incidents. Refresher training is provided at least annually.

**Guidance:** *None.*

#### ***Suggested Supporting Documentation:***

- *Lesson plans*
- *Training rosters*
- *Sample reference sheets or cards*
- *Interviews*

#### **12.1.5 Active Threats:**

A written directive provides procedures for responding to active threats to include:

- a. Notification to the community;
- b. Notification to other agencies, to include law enforcement requested for mutual aid and Fire/EMS;
- c. Sheltering in place, or containment of the incident;
- d. Attacking the threat if people are in imminent danger;
- e. Response to the threat if lives are in danger; and
- f. An annual review of training needs and directive modification(s).

**Guidance:** *Situations involving active threats can occur anywhere such as schools, colleges, town or city offices, businesses, special events, houses of worship, the general workplace, and can include physical or virtual threats.*

*The term active threats would apply to active shooters incidents, acts of terrorism, etc. The agency, in partnership with other outside law enforcement and EMS agencies should agree on specific plans and actions to take in responding to these situations. Training should cover aspects of response to include incident command and tactical responses, and when possible, include actual exercises involving multiple agencies.*

#### ***Suggested Supporting Documentation***

- *Training lesson plans*
- *Sample notification to community*
- *Documented annual review of procedures*
- *Interviews*
- *Photos*

#### **12.1.6 Continuity of Operations Plan:**

The agency has a Continuity of Operations Plan that establishes procedures that describe how the department will ensure that Primary Mission Essential Functions (PMEFs) continue to be performed during a wide range of emergencies, including localized acts of nature, accidents and technological or attack-related emergencies. The plan must address: Chain of Command, Facilities, Staffing, Communications, Relocation and Vital Records Management.

***Guidance:*** *Advanced planning is critical to the agency response to major incidents. If the local jurisdiction has a community wide plan, the agency may use that plan, or parts of it, as their documented plan. Testing and evaluation of the plan is encouraged on a schedule that fits within the jurisdiction’s overall emergency preparedness. Agency personnel should receive initial and on-going training appropriate for their area of responsibility. FEMA publications are a good source of reference when developing or modifying agency plans.*

#### ***Suggested Supporting Documentation***

- *Documented training*
- *Lesson Plans*
- *Interviews*
- *Documented after action reports*