

**NEW YORK STATE LAW ENFORCEMENT ACCREDITATION PROGRAM
STANDARDS AND COMPLIANCE VERIFICATION MANUAL
8TH EDITION, SEPTEMBER 2015**

QUESTIONS AND ANSWERS

Q: What is the “right of refusal”? (Reference – Standard 7.1)

A: The “right of refusal” refers to giving the evidence custodian the authority to refuse an item of evidence if it is not packaged, labeled or handled appropriately by the person submitting it. The written directive required as part of Standard 7.1 now requires that right of refusal be included in the policy.

Q: With regard to Standard 7.1 and the requirements in bullet E, if the evidence custodian is unaware of the exact lab tests that are going to be performed with regard to drugs or DNA, is it sufficient just to state that the item of evidence went to the lab to confirm drugs or for DNA Analysis?

A: Yes – indicating that a piece of evidence was sent to the lab for drug or DNA (or other) testing is sufficient provided other descriptive information is included such as who the evidence was transferred to and the date and time of the transfer.

Q: What is the difference between “audit” and “inventory”? (Reference – Standard 7.3)

A: An inventory is an “eyes on” review of property to verify that the property is present and located where your system says it should be. The inventory simply verifies physical accountability of items of evidence.

An audit is a complete verification of a sampling of property and includes a comprehensive review of all records relating to that property. During a property audit, you will essentially follow the “paper trail” of evidence items to ensure all required procedures are being followed.

Q: Which manual should agencies use if they are required to submit an Annual Compliance Survey prior to June 1st, 2016?

A: Agencies submitting an Annual Compliance Survey prior to June 1st, 2016 should use the current manual (Version 7). (Note - the Annual Compliance Survey will be reviewed for potential changes based on the new standards manual.)

Q: Are compliance audits still going to be an option for agencies after the new manual is in effect?

A: Yes – agencies that have been successfully reaccredited at least once will still be considered for compliance audits once the new manual is fully implemented.

Q: Will the Accreditation Program be addressing body-worn cameras in the future?

A: The standards review committee discussed this and determined that it was not appropriate to have a standard specific to body-worn cameras at this time. Policies and procedures regarding body-worn cameras can and should be included when developing the written directive for Standard 41.3 (Authorized Apparel and Equipment).

Q: If our agency is being reassessed in October 2016, how will we show compliance with the new standards from June 1st to the date of our on-site?

A: The main way you will show compliance will be by having your files converted over and all appropriate written directives in place based on Version 8 of the Standards and Compliance Verification Manual. We realize you may not be able to demonstrate full compliance with proofs because of the short time frame in this particular instance. Assessors will be told to employ some flexibility in the early months of implementation.

Q: Our agency separates evidence and property. Does the property custodian need to be trained as well as the evidence custodian?

A: Yes. Most agencies do not handle it this way but to fulfill the intent of the standard, any personnel assigned as the custodian of evidence and/or property must attend evidence custodian training. (New Standard 7.2.)

Q: How will the conversion to the new Standards and Compliance Verification Manual work if you are already into your five year period of accreditation?

A: Agencies should combine all of their program files so that moving forward (and for the next reassessment) there will only be 110 files. This will be accomplished by creating file folders for the 5 new standards and re-numbering and re-naming the files so they match the new standards.

The easy part will be the consolidation of files. Much of the reasoning behind deleting the 28 standards and combining them into other existing standards was that many of those files contained duplicate information. For instance, Standard 2.4, Staffing Table, was deleted and consolidated into Standard 2.1, Organizational Chart, because the two standards shared a similar concept and agencies often included similar documentation to show compliance for both of

them. To convert, discard the file folder for Standard 2.4, change 2.1 to "Organizational Structure" (the new standard name) and combine the contents of both folders. There may be some duplication in the documentation that was previously included in the old files so remove any duplicate copies. The one new file should demonstrate compliance with the new standard. The same premise was used when deciding to delete Standards 2.9 (Accountability of Supervisory Personnel) and 2.10 (Lawful Orders) and combine them into Standard 2.7 (now named "Responsibility and Authority"). In the past, all three files contained very similar proof of compliance, so it made sense to combine the three in an effort to save agencies the time that went into duplicating those proofs. Do the same for all other standards that were deleted and consolidated into other standards (the matrix spells out which standards were deleted and the standard each one was consolidated into). In the end, agency files should look as though they were showing compliance with many of those standards from the date of the last accreditation or reaccreditation forward, because nothing was added or removed – the standards were simply re-structured. (Refer to the matrix beginning on page 193 of the new manual for a complete list of all changes.)

In the case of standards that were expanded and now have additional or different requirements, the program files will still be based on the new standards manual, but there will likely be a need to separate the proof of compliance into "pre" and "post" folders. For instance, Standard 7.3, now called "Property Audit and Inventory Management", was expanded to now require an annual inventory and audit, and it now requires that a specific number of pieces of evidence be inventoried or audited. Prior to the files being converted, agencies will only be able to show proof of annual inventories because that's what the standard required. After implementation of the new standards, proof of compliance with the new requirements of the standard will be required. So for the standards that had significant changes made to them, we recommend two folders in each file - one folder will have the old standard, written directive and proof, and the other will have the new standard, new written directive and proof showing that the agency is now complying with the new standard.

Finally, the five new standards will only have to contain proof of compliance from June 1st, 2016 forward or whenever you get your files converted over, whichever comes first.

To facilitate the conversion, new file labels and electronic files are available on our website at <http://www.criminaljustice.ny.gov/ops/docs/index.htm#accredforms> under "Program Manager Resources".