

Virginia Law Enforcement Professional Standards Commission

Process & Procedures



As approved by VLEPSC on February 3, 2014

INTRODUCTION

The Virginia Law Enforcement Professional Standards Commission (VLEPSC) has been established to provide law enforcement agencies in the Commonwealth with an avenue for demonstrating that they meet commonly accepted standards for efficient and effective agency operation.

The standards used in this program were developed by the Virginia law enforcement community and certified by the Virginia Law Enforcement Professional Standards Commission. The standards are available via the Department of Criminal Justice Services web page www.dcjs.virginia.gov or www.vlepsc.org. All criminal justice agencies, as defined by the *Code of Virginia*, are eligible to participate in the program. The Program Manager will resolve any questions regarding program eligibility.

The direct costs for agencies seeking initial or re-accredited status will include those costs incurred in the housing and meals for the on-site assessment team. In addition, a \$250.00 accreditation fee due upon application for new agencies and certification by the Commission for reaccredited agencies. Monies collected from the administration of the VLEPSC will be paid to VLEPSC through the Commission Treasurer and will be used at the discretion of the Commission.

DEFINITIONS

Criminal Justice Agency - (i) a court or any other governmental agency or subunit thereof which as its principal function performs the administration of criminal justice and any other agency or subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of Chapter 23 (§ [19.2-387](#) et seq.) of Title 19.2, any private corporation or agency which, within the context of its criminal justice activities employs officers appointed under § [15.2-1737](#), or special conservators of the peace or special policemen appointed under Chapter 2 (§ [19.2-12](#) et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers, special conservators or special policemen to meet compulsory training standards established by the Criminal Justice Services Board and submits reports of compliance with the training standards and (b) the private corporation or agency complies with the provisions of Article 3 (§ [9.1-126](#) et seq.) of this chapter, but only to the extent that the private corporation or agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision (i) and for the purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ [37.2-900](#) et seq.).

Agency Assessment – A thorough inspection of an agency poised to become accredited which involves the review of compliance through assessment of agency personnel, facilities, and equipment and VLEPSC standard files.

Applicant Agency - an agency that has completed the New Agency Participation Agreement and has not been officially assessed.

Candidate Agency - an agency that has completed their formal assessment but has not appeared before the Commission for review.

Commission - Virginia Law Enforcement Professional Standards Commission (VLEPSC).

Mock Assessment – A review of an agency's accreditation files, facilities and equipment that is conducted in preparation of an official VLEPSC assessment. Mock assessments are not regulated or conducted by VLEPSC or DCJS.

Program - the VLEPSC Accreditation Program.

Program Staff - employees of the Department of Criminal Justice Services (DCJS) who have been assigned to support the VLEPSC Accreditation Program.

Virginia Accreditation Center – a unit within the Department of Criminal Justice Services (DCJS) where the VLEPSC program is housed.

VIRGINIA LAW ENFORCEMENT PROFESSIONAL STANDARDS COMMISSION

The Virginia Law Enforcement Professional Standards Commission (VLEPSC) has been established to provide law enforcement agencies in the Commonwealth with an avenue for demonstrating that they meet commonly accepted professional standards for efficient and effective agency operation.

The mission of the Virginia Law Enforcement Professional Standards Commission is to advance law enforcement professionalism through the establishment of professional standards and the administration of a formal mechanism by which Virginia agencies can be systematically measured, evaluated, and updated. The Commission goals include:

1. To increase the effectiveness and efficiency of law enforcement agencies in the Commonwealth of Virginia in the delivery of services;
2. To promote cooperation and coordination among all components in the criminal justice system;
3. To ensure the appropriate level of training for law enforcement personnel;
4. To promote public confidence in law enforcement; and
5. To promote the professionalism of law enforcement agencies in the Commonwealth of Virginia.

The Commission shall have the sole authority to establish model standards that a criminal justice agency must meet in order to become accredited. The Commission shall be the sole authority having the power to grant or deny accreditation status.

The Commission shall additionally recommend rules and regulations establishing an accreditation process that encourages and provides criminal justice agencies with a voluntary opportunity to demonstrate that they meet the model standards developed by the Commission.

Program standards shall address a variety of topics relevant to the delivery of professional law enforcement services. Standards may fall within categories that include but are not limited to the following:

- Administration;
- Operations;
- Personnel; and
- Training

Nothing in this regulation shall limit or be construed as limiting the power of the criminal justice agency, or other agency or department of any county, city, town, or other locality to enable rules and regulations which establish higher standards than required by the accreditation program.

Criminal justice agencies are encouraged to exceed program requirements whenever possible.

The accreditation process shall be non-adversarial in nature and shall actively promote the cooperation of the Commission, program staff and assessors with participating criminal justice agencies.

WAIVER OF STANDARDS

1. Criminal justice agencies seeking accreditation shall be expected to comply with all applicable program standards. Agencies may, however, petition the Commission assessors to waive an applicable standard(s) or individual bullets by submitting to program staff the electronic **Request for Waiver** form that includes a detailed description of the reasons for the desired waiver.
2. Program staff will review the waiver request and advise the agency of its initial applicability. Waivers will be considered on a case-by-case basis and generally will be granted in those instances where the required function is not within the agency's scope of responsibilities (such as the courtroom security standards when applied to most police departments.) The on-site assessment team has the authority to deny waivers initially recommended by program staff and to grant waivers when appropriate.
3. The Commission assessors shall grant a waiver only upon a finding that compliance with a particular standard by an applicant agency is impossible or impractical due to a unique or unusual circumstance of that agency, and only upon a finding that the overall objectives of the program will not be compromised by the granting of such a waiver.
4. Upon granting a waiver, the Commission and/or program staff may impose such conditions or alternative standards upon the applicant agency as it deems necessary to assure that the overall objectives of the program are not compromised.
5. Appeals to waiver decisions can be made to the Chairman of the Commission whose decision is final.
6. The Commission retains the sole authority to make final decisions in all matters that impact an agency's status in the program.

AUTHORITY OF PROGRAM STAFF

DCJS Accreditation Center staff shall provide support services to the Commission and shall be responsible for the day-to-day administration of the program.

Accreditation Center staff shall have the authority to make decisions on behalf of the Commission. Illustrative of these matters are the following:

- Criminal justice agency eligibility;
- Identification of applicable standards;
- Interpretation of the standards;
- Waiver of applicable standards;
- Assessment procedure;
- Determination of compliance during official assessments;
- Assessor selection;
- Assessor discipline/sanctions;
- Assessor removal;

THE ACCREDITATION PROCESS

1. Application

Application for participation in the VLEPSC accreditation process is formalized with the submission of a completed **Agency Participation Agreement, Agency Profile and application fee**. These forms are available through the Virginia Accreditation Center (VAC) at the Department of Criminal Justice Services or by visiting the DCJS web page at www.dcjs.virginia.gov.

Once the application package has been accepted, the applicant agency will be provided log-in information to the VLEPSC Community website and added to the list of agencies in self-assessment on the DCJS website.

Agencies must achieve VLEPSC accredited status within thirty-six (36) months of the date of execution of the agreement by the agency.

2. Self-Assessment

Applicant agencies initiate a self-assessment to determine compliance with applicable standards. The agency compares existing policy to applicable Commission standards and determines the level of compliance. The self-assessment phase is the most time consuming part of the accreditation process. Assistance in developing policy and proving compliance is available through both the Virginia Accreditation Center and the Virginia Law Enforcement Accreditation Coalition (VALEAC). VALEAC is a coalition consisting of accreditation managers and interested individuals whose purpose is to assist in the accreditation of Virginia agencies. Agencies may remain in the self-assessment phase for up to thirty-six (36) months from the date the Commission accepts their application. Agencies exceeding the thirty-six (36) month deadline may apply for an extension of twenty-four (24) months.

Agencies granted the extension shall be required to:

1. Complete a new **Agency Participation Agreement**;
2. **Provide a letter from the CEO stating what prevented the agency from achieving accreditation and what their plan is to achieve accreditation during the extension period;** and
3. Pay an application fee of \$250.00 to the Commission.

In the event that the applicant agency does not achieve accreditation by the end of their extension, the agency will be ineligible to apply to participate for a period of eighteen (18) months from the date of extension expiration.

DCJS shall publish on their website a listing of all agencies in the self-assessment phase which will show the initial MOU date (if applicable), initial application date, and the date of any extensions granted.

In cases where the agency CEO has changed during the self-assessment phase, the new CEO must submit a new **Agency Participation Agreement** (minus the fee) to fill out the remainder of the thirty-six (36) month phase or previously-granted extension. If the new CEO decides not to pursue VLEPSC accreditation, the agency will be removed from the self-assessment phase and the fee paid to the Commission forfeited.

3. On-Site Assessment

An on-site assessment shall be conducted to verify the agency's compliance with program standards prior to the awarding of accreditation status. Such assessments shall be done by criminal justice professionals retained by the DCJS program staff specifically for this purpose. All assessors must meet minimum qualifications established by the Commission and must successfully complete a period of training conducted by program staff and certified VLEPSC assessors.

A strongly encouraged component of the accreditation process is the hosting of at least one mock assessment prior to arranging for an official on-site assessment team. Program staff will provide guidance to the agency in arranging for the mock assessment, however, mocks will be the responsibility of the applicant agency. It is strongly recommended that agencies use personnel who are certified assessors under the VLEPSC program. Using untrained personnel is discouraged and can be detrimental to a successful assessment.

When an applicant agency is ready to move forward with the initial assessment, the agency must submit an **Initial Assessment Application** to the accreditation center. Program staff shall assign assessors to review the policies and procedures of participating in a way that assures the objectivity of the assessment process. No member of a criminal justice agency that has been assessed for accreditation shall be permitted to participate in the assessment of any criminal justice agency employing an individual who served on the most recent assessment team. Every effort shall be made to utilize assessors who have worked at a criminal justice agency of the same approximate size and function as the ones that they will be assigned to assess. All assessors will be both sworn and non-sworn Virginia law enforcement personnel and be certified by the Commission to conduct assessments. The program may utilize retired law enforcement professionals that have maintained their assessor training requirements, as determined by the Program Manager.

Applicant agency officials shall have the right to petition program staff to disqualify any prospective assessor whose participation in the official on-site assessment process of that agency would represent a conflict of interest. Assessors may also be disqualified for other compelling reasons that are brought to the attention of program staff.

Prior to arrival at the agency, the agency accreditation manager, program staff and the assessment team leader will have arranged for all specifics regarding team accommodations and meals for the assessment period. Transportation to the applicant agency will be the responsibility of the assessor's agency.

On the arranged dates, the team will travel to the applicant agency and conduct the on-site assessment.

Once all applicable standards have been reviewed and compliance status determined, the team leader will submit the report of the findings to program staff.

Law enforcement agencies seeking accreditation shall have the burden of proving that they are in compliance with all applicable requirements. The Commission and program staff reserves the right to review any or all of the documentation shown to the program assessors.

For **initial accreditation**, the agency should be focusing on the systems they have in place to address the standards.

The Commission shall require agencies seeking initial accreditation to provide one (1) proof of compliance, at a minimum, per standard, per individual bullets. The proof offered shall be recent and within the timeframe of the effective date of the governing written directive, if a written directive is required by the standard. Agencies choosing to exceed the minimum number of proofs per standard/bullet shall not be penalized by the assessment team.

An agency seeking initial accreditation may choose to demonstrate compliance by observation in lieu of proof of compliance documentation for applicable standards. For example, the agency may choose to show items on their static display as proofs of compliance – marked unit, unmarked unit, etc. No other written supporting documentation will be required in the accreditation file, except for the written directive(s), if required. An agency may choose to include written supporting proofs in the file to serve as a reminder to the assessor, e.g. photographs, reports or other documentation. Agencies are cautioned, however, that assessors must observe acceptable visual proofs of compliance for standards during the static display and agency tour and that relate to the standard/bullet being reviewed. Agencies must provide assessors a checklist of areas/equipment they will be viewing for compliance so that nothing is overlooked. (See *VLEPSC Directive 2010-01* and *2011-02* for more information)

For **reaccreditation**, the Commission shall require agencies to provide one (1) proof of compliance, at a minimum, per standard, per individual bullets. Any standard requiring periodic reporting must have the sufficient number of proofs in the file as governed by *VLEPSC Directive 2009-02*.

Upon completion of the assessment, assessors shall meet with the chief executive officer of the criminal justice agency or his designee to present a verbal summary of the findings that will be made to the Commission. The assessment team leader shall prepare a written report of their findings in a standard format approved by the Commission. The team leader shall submit this report to program staff within a reasonable amount of time after the assessment. Program staff shall email a copy of the final report to the criminal justice agency as well as to each member of the Commission before the Commission meets to consider accrediting such agency.

If in the course of on-site assessment the agency is found non-compliant with any applicable standard, the team leader will immediately notify the agency. Assessment teams will assist the agency by recommending courses of action in order to come into compliance, if practical.

In those cases where compliance cannot be obtained within the scheduled assessment period, the team leader may grant up to a thirty (30) day extension to the agency if the team members and the agency feel that they can become compliant. The agency is required to submit proof(s) of compliance on the standard(s) in question to the team leader and program staff prior to appearing before the Commission for final review. Details of all non-compliant standards will be thoroughly documented in the final report. All extensions must be approved by the Program Manager who has the authority reduce or increase the extension period depending on the date of the next Commission meeting.

For Agencies Being Assessed for INITIAL ACCREDITATION

If the deficiencies are so great that the Assessment Team feels that the agency will not be able to overcome them in a reasonable period of time, the assessment team leader will contact the Program Manager and brief him on the issues the team is facing. The Program Manager will communicate with the CEO and discuss the options for the agency to either:

- a) Continue the assessment as planned. A final report will be forwarded to the Commission and will be presented at the next regularly scheduled Commission meeting; or,
- b) Terminate the assessment with no final report to the Commission being required. If the CEO elects to terminate the assessment, the agency will not be reassessed for at least six (6) months. During this time, the agency will be required to submit to program staff documentation of the steps the agency has taken to correct the deficiencies that led to the assessment being terminated. The Program Manager retains the discretion to postpone future assessments of the agency for non-compliance. A mock assessment is **strongly** encouraged.

For Agencies Being Assessed for REACCREDITATION

If the deficiencies are so great that the Assessment Team feels that the agency will not be able to overcome them in a reasonable period of time, the assessment team leader will contact the Program Manager and brief him on the issues the team is facing. The Program Manager will communicate with the CEO and discuss the options for the agency to either:

- a) Continue the assessment as planned. A final report will be forwarded to the Commission and will be presented at the next regularly scheduled Commission meeting; or,
- b) Terminate the assessment with no final report to the Commission being required. If the CEO elects to terminate the assessment, the agency will not be allowed to reenter the Program for eighteen (18) months.

4. Formal Review

Team reports are submitted to program staff by the assessment team leader in the weeks following the completion of the on-site assessment. Program staff will forward a copy of the report to the agency after approval. The agency CEO and Accreditation Manager are encouraged to appear before the Commission for formal review at the next regularly scheduled meeting. The Commission meets at least four times per year at locations throughout the Commonwealth. The Commission makes the final determination of accredited status.

Representatives of the agencies being considered for accreditation shall have the right to address the Commission, to present evidence on their behalf and to respond to concerns raised by the Commission, program staff and the assessors

Agencies which meet the program standards and receive an affirmative vote of the Commission shall be accredited for a period of four (4) years. DCJS shall publish on its website a directory of all VLEPSC-accredited agencies.

If a Commission decision is made not to accredit or not to reaccredit a criminal justice agency or to revoke a criminal justice agency's accreditation status, the Commission, shall notify such agency in writing of its decision.

- a. If a candidate agency for **INITIAL** accreditation is not granted accredited status by the Commission, the agency must wait eighteen (18) months before applying to reenter the program. If the agency chooses to reenter the program at the end of the eighteen (18) month period, the agency must submit an **Agency Participation Agreement** and application fee to the Commission.
- b. If a candidate agency for **REACCREDITATION** allows its accredited status to **expire** or **voluntarily withdraws** as a VLEPSC accredited agency, the agency must not utilize or display the Accredited Agency logo/seal or VLEPSC logo/seal in any manner. This includes any written reference to the agency being VLEPSC or state accredited. **After expiration or withdrawal, agencies wishing to reenter the program must submit a letter to the Accreditation Center from the agency CEO stating that all logos, decals, letterheads, references, etc. to being a state accredited agency have been removed. Once program staff receives this letter, the eighteen (18) month cycle begins.**
- c. If the candidate agency for **REACCREDITATION** is **not granted reaccredited status** by the Commission, the agency must not utilize or display the Accredited Agency logo/seal or VLEPSC logo/seal in any manner. This includes any written reference to the agency being VLEPSC or state accredited. The agency must wait eighteen (18) months before re-applying for accredited status. **Agencies wishing to reenter the program must submit a letter to the Accreditation Center from the agency CEO stating that all logos, decals, letterheads, references, etc. to being a state accredited agency have been removed. Once program staff receives this letter, the eighteen (18) month cycle begins.**
- d. If an accredited agency's accredited status is **REVOKED** by the Commission during an active term of accreditation, the agency must:
 1. surrender their current *Certificate of Accreditation*;
 2. wait eighteen (18) months before re-applying for accredited status. **Agencies wishing to reenter the program must submit a letter to the Accreditation Center from the agency CEO stating that all logos, decals, letterheads, references, etc. to being a state accredited agency have been removed. Once program staff receives this letter and the Certificate of Accreditation, the eighteen (18) month cycle begins.**

If a revoked agency chooses to reenter the program at the end of the eighteen (18) month period, the agency must submit to the Accreditation Center:

- a. **Agency Participation Agreement** and application fee;
- b. letter requesting reentry into the program. Attached to the letter will be a report detailing the following:

- The agency's progress in addressing the deficiencies that led to the accredited status being revoked.
- A detailed plan of action addressing those identified deficiencies and specific steps that will be taken to ensure compliance with all applicable standards.

This package will be submitted to the Accreditation Center and forwarded to the Commission.

5. Appeal

The CEO of an agency may appeal the decision on their accredited status by submitting a letter of appeal to the Accreditation Center within ten (10) calendar days of the decision. The letter should state the nature and scope of the review and may include appropriate additional information justifying reconsideration of the decision.

In cases where an agency's accredited status has been revoked or not reaccredited, and the agency has filed the required paperwork for an appeal, the appealing agency's status shall remain as an accredited agency until the Commission hears the appeal. The agency shall not be required to return their *Certificate of Accreditation* or remove any identifying decals, logos or references during this period.

The Commission will appoint an *Appeals Review Panel* (ARP) to hear the appeal. The ARP is comprised of:

- One (1) VLEPSC-accredited Chief of Police that does not serve on the Commission;
- One (1) VLEPSC-accredited Sheriff that does not serve on the Commission; and
- The Director of DCJS or a designated DCJS employee.

The Commission shall select the sheriff and chief that will serve on the ARP. The Commission may choose to select members of the ARP to serve for a specified period of time in this capacity. Officials appointed to the ARP shall not be from contiguous jurisdictions of the appellant.

The appellant is encouraged to appear before the ARP at a mutually agreed-upon time. ARP hearings will be conducted at the Department of Criminal Justice Services headquarters in Richmond, Virginia. If the appellant chooses not to appear, the ARP will review all documentation provided by the appellant, Commission members, program staff, assessment team, etc. The appellant and its representatives shall be allowed to address the ARP if arrangements are made in advance regarding the number of spokespersons and approximate time requirements. Once the ARP has met and made its decision, the appellant is notified as soon as practical in writing by the Commission Chairman. This review and decision should normally take place prior to the next regularly scheduled meeting of the Commission.

If the Commission's decision does not favor the appealing agency, the agency shall no longer be considered an accredited agency and shall immediately refrain from utilizing or displaying the VLEPSC logo in any manner. This includes any written reference to the agency being VLEPSC or state accredited. The Commission will require the agency to surrender a current *Certificate of Accreditation*, if applicable. The agency shall not be eligible to reapply to the program for a period of eighteen (18) months from the date of the appeal decision; however, **agencies wishing to reenter the program must submit a letter to the**

Accreditation Center from the agency CEO stating that all logos, decals, letterheads, references, etc. to being a state accredited agency have been removed. Once program staff receives this letter and the Certificate of Accreditation (if required), the eighteen (18) month cycle begins.

If the appealing agency elects to withdraw their appeal prior to being heard by the Commission, the CEO of the appealing agency shall notify the Commission (through the Accreditation Center) in writing. The agency shall not be eligible to reapply to the program for a period of eighteen (18) months from the date the appeal withdrawal letter is received by program staff. At this point, the agency shall no longer be considered an accredited agency and shall immediately refrain from utilizing or displaying the VLEPSC logo in any manner. This includes any written reference to the agency being VLEPSC or state accredited. The Commission will require the agency to surrender a current Certificate of Accreditation, if applicable. Agencies wishing to reenter the program must submit a letter to the Accreditation Center from the agency CEO stating that all logos, decals, letterheads, references, etc. to being a state accredited agency have been removed. Once program staff receives this letter and the Certificate of Accreditation (if required), the eighteen (18) month cycle begins.

All appeal decisions by the ARP shall be considered final.

6. Revocation of Accredited Status

The Commission reserves the right to revoke accredited status of any agency for good cause. In those cases where accredited status is **revoked**, the Commission Chairperson will formally notify the agency. This action will only be taken in extreme cases and as a last resort. For example, a situation that involved an agency presenting misinformation or falsified documentation to the Commission or its assessors would be considered an “extreme case.”

7. Re-application of:

- **Expired applicant agencies;**
- **Agencies not reaccredited;**
- **Revoked agencies;**
- **Expired accredited agencies; or**
- **Voluntary Withdrawn Agencies**

Any agency listed above that has complied with the eighteen (18) month waiting period may apply to reenter the program by submitting to the Accreditation Center a completed **Agency Participation Agreement** and application fee to the Commission. The Commission will review the application and supporting documents. If the applicant agency is approved by the Commission, program staff will work with the agency to set a date for an on-site assessment. The applicant agency shall be required to produce, at a minimum, one proof of compliance for each applicable standard/bullet and will enter the process as an agency seeking initial accreditation. For revoked agencies, please see #4, above for additional information.

8. Maintaining Accreditation Status

Accredited law enforcement agencies shall be expected to maintain compliance with all applicable program standards in effect at the time that they were credited.

Law enforcement agencies that are unable to continue complying with any of the standards in effect at the time that they were accredited shall notify program staff within thirty (30) days regarding the nature of and reason for their non-compliance. The Commission shall determine what action should be taken on a case-to-case basis.

Accredited law enforcement agencies shall be required to file an annual report in a standard format approved by the Commission regarding major developments that may affect their accreditation. Program staff will email the report to the agency's accreditation manager at the end of terms one (1), two (2) and three (3). The report may include, but not be limited to the following subjects: the fiscal impact of accreditation on the criminal justice agency, information pertaining to lawsuits that have been filed against the criminal justice agency, recent court orders or consent decrees that affect criminal justice agency operations, and any problems relating to the criminal justice agency's continued compliance with applicable program standards. If appropriate, program staff may conduct on-site visits to ensure compliance. Such visits will be conducted only after ample notification to the agency and at the expense of the Accreditation Center.

The Commission shall have the authority to revoke a criminal justice agency's accreditation for disregarding applicable standards or committing serious violations of program rules and regulations. Criminal justice agency representatives shall be given an opportunity to appear before the Commission prior to any such revocation.

9. Reaccreditation

During the fourth term of accreditation, program staff will contact the agency and arrange for a re-accreditation on-site assessment. Agencies wishing to be reaccredited must submit an **Application for Reaccreditation**. The Commission will accept applications for accreditation no more than twelve (12) months prior to the date on which a criminal justice agency's accreditation is scheduled to expire. An agency's accreditation status will be considered **expired** if it has not been reassessed by the end of the anniversary month that it was initially accredited. For example, if an agency appeared before the Commission for initial accreditation on February 15, 2014, then the agency must be assessed for reaccreditation by the end of February 2018.

Agencies applying for reaccreditation are eligible to host their assessment within ninety (90) days prior to the end of their expiration/anniversary month.

If there is no lapse in a criminal justice agency's accreditation status, reaccreditation shall be contingent upon the law enforcement agency's compliance with all program standards and requirements in effect at the time of the new application and upon demonstration that the agency was in continual compliance with all applicable program standards that were in effect throughout the time of the agency's previous accreditation, to include any new or revised standards.

Agencies that allow their accredited status to expire will proceed under section "**Formal Review**" above, if intending to reenter the program at a later date.