

**CIVIL ACCREDITATION STANDARDS**

**NEW YORK STATE SHERIFFS' ASSOCIATION, INC.**

**FOR SHERIFFS' CIVIL DIVISIONS**

This Manual was prepared by the members of the NYSSA's Civil Accreditation Committee. The original members of the committee were:

Thomas Higgins, Chairman - Erie County Sheriff

Francis Giles, Niagara County Sheriff

Allen Capwell, Wyoming County Sheriff

Philip Prinz, Putnam County Undersheriff

Michael DeVall, Chief Deputy, Albany County Sheriff's Dept.

Thomas Ferraiuolo, Captain, Suffolk County Sheriff's Dept.

Pat Flynn, Chief Deputy, Erie County Sheriff's Dept.

Joseph McGraw, Advisor to the Committee

Thomas A. Mitchell, Deputy Counsel, New York State Sheriffs' Association

The NYSSA , Inc.'s Civil Accreditation Committee members as of October, 1996, when this manual was revised, included the following:

Thomas F. Higgins, Chairman - Erie County Sheriff

Philip Povero, Vice Chairman - Ontario County Sheriff

Roger E. Besser, Tioga County Sheriff

Jerry Dartt, Steuben County Sheriff

Michael LaPaglia, Ulster County Sheriff

Patrick Mahoney, Suffolk County Sheriff

Lawrence W. Scholes, Allegany County Sheriff

In 2012/2013, a committee of civil divisor supervisors reviewed the accreditation manual, and made many suggestions to modify the standards, as well as to allow waivers as to some standards for counties which have achieved law enforcement accreditation through the New York State Division of Criminal Justice Services. The committee consists of:

Stephen Sklenar, Wayne County

Edward Vlack, Genesee County

Edward Nemitz, Yates County

Patrick Flynn, Erie County (ret.)

Kimberly Ward, Tioga County

Ron Bill, Broome County

These changes, which are effective with the distribution of this revised manual, are as follows:

- 1) When a standard refers to the civil office of Sheriff, a rule that applies to the entire agency will suffice. There is no need to develop a rule or policy developed specifically for the civil division in these cases, and an agency rule or policy is sufficient.

- 2) Counties that have law enforcement accreditation will receive a waiver for specified civil accreditation standards that are the same as those for law enforcement accreditation. In those counties, we will ask the Sheriff to certify that the civil division is in fact in compliance with those standards. We will also allow assessors to ask for copies of the law enforcement accreditation folders, or appropriate documents, in their discretion. So, counties will not have to create a folder for those standards which are covered by the waiver process, but assessors can still, either on a spot-check or as needed basis, ask to see how the civil division is in compliance.
- 3) The waiver would be valid only as long as law enforcement accreditation is still in place. We will also ask that the Sheriff advise us if, for any reason, the law enforcement accreditation lapses or is terminated.
- 4) If the standard is civil specific so that no waiver applies, counties will be expected to document compliance each year. Upon a reaccreditation assessment, assessors will be able to check these standard folders –either all of them, or on a spot-check basis, as the assessor determines is needed.
- 5) Documentation for each year can simply be added to the folder for that standard; the Sheriff does not need to create a new folder each year for each standard.
- 6) Standards available for the waiver if the Sheriff has law enforcement accreditation are: 1-14; 16; 19-27; 29-32; 34; 36-38; 40-43; 46-49; 51; 53-63; 65-71; and 77-94.
- 7) Standards 37, 38, 39, 45 and 52 have been revised in this latest manual. Standard 44 has been eliminated.

## PREAMBLE

As declared in the mission statement of this document, the purpose of this proposal is to enhance the providing of services by civil divisions of Sheriffs' Offices, and to improve the public perception of Office of the Sheriff in New York State. As such, this plan addresses the civil law enforcement aspect of the Sheriffs' many duties. The standards set forth, therefore, deal with the performance of sworn deputy sheriffs charged with the service and enforcement of all civil process directed to the Sheriff, as well as those civilian employees whose duty it is to support these civil division functions. The standards set forth are minimums and Sheriffs are encouraged to exceed them wherever possible.

If standards, at any time, are in conflict with newly enacted legislation, such new law will immediately supersede the affected section and become a part of this document.

It has been determined that written documentation of each standard will be required from each Office of the Sheriff seeking NYSSA accreditation. This may be accomplished by furnishing to the assessment team a written policy statement or general order signed by the

Sheriff. The writing should clearly indicate the manner in which the specific standard has been implemented.

**MISSION:**

TO ENHANCE THE PROVIDING OF SERVICES  
BY THE CIVIL DIVISIONS OF THE OFFICE

OF THE SHERIFF THROUGHOUT NEW YORK STATE  
AND TO IMPROVE THE PUBLIC PERCEPTION  
AND APPRECIATION OF THE WORK  
PERFORMED BY THESE AGENCIES.

## I. PERSONNEL

### A. Recruitment

#### STANDARD

- 1 Written documentation shall establish that the Office of the Sheriff will adhere to Equal Opportunity and Affirmative Action Guidelines.

#### COMMENTARY

The Equal Employment Opportunity Commission guidelines for testing procedures apply not only to initial selection, but also to the assignment, advancement and promotion of personnel. These guidelines, enforced by the Federal courts, prohibit employment discrimination against any group protected by the 1964 Civil Rights Act; this includes women, as well as minorities.

Under the Extension Act of 1972 (Public Law 91-261) the authority of the Federal Equal Employment Opportunity Commission was extended to cover the employment practices of state and local government agencies. The Equal Employment Opportunity Commission guidelines prohibit the use of any test that adversely affects the hiring of classes of persons protected by the Civil Rights Act unless the test has been validated and evidences a high degree of utility, and suitable alternative tests are unavailable. Validation requires proof that the test will predict job performance or will detect important elements of work behavior connected to the job for which the candidates are being evaluated. Most written tests of mental ability, particularly IQ tests, have not

been validated.

## STANDARD

2 Documentation, in addition to a written policy, must be provided to establish that for every entry level position, there is a job announcement. Such announcements must include the following components, pursuant to the Civil Service Law (where applicable):

- \* A description of the duties associated with the position to be filled;
- \* Requirements that must be met in order to qualify for the position;
- \* Information that prospective candidates need to know about the application process; and
- \* Notice that the agency is an Equal Opportunity Employer.

Job announcements must be sufficiently advertised in the community through the news media.

## COMMENTARY

Many Sheriffs hire deputies and civilian personnel solely by their discretion, and without public announcements, due to the personal liability that Sheriffs have for civil subordinates. A determination must be made whether reliance on a Sheriff's discretion, or adherence to standard practices, is appropriate for the hiring of civil personnel.

## B. Selection

### STANDARD

- 3 A written policy statement, supported by appropriate documentation, shall set out the sequential steps of the Office of the Sheriff's hiring practice.

### COMMENTARY

The Office of the Sheriff's hiring procedure should include the following steps for deputy sheriff positions (these are not listed in appointed sequential order):

- \* Application screened
- \* Letter sent to appear-deadline
- \* Background questionnaire completed
- \* Photo card
- \* Fingerprint fee
- \* Physical Fitness Screening Test  
Pass/Fail
- \* Written Exam  
Pass/Fail
- \* Oral Exam  
Pass/Fail
- \* Background Investigation  
Mental Hygiene  
Credit Bureau  
Fingerprint Records
- \* Hearing Test

Pass/Fail

- \* Medical Exam

Pass/Fail

- \* Psychological Exam

Pass/Fail

- \* Personal Interview with Sheriff

- \* Final Selection

A list of fully-qualified candidates will be given to the Sheriff for a selection of the exact number of candidates needed to fill existing vacancies.

#### STANDARD

- 4 Documentation, in addition to a written policy, must be provided to establish that the Sheriff designates a person(s) or position(s) responsible for administering selection activities. The agency must maintain written documentation that describes all components of the selection process. Agency records must denote the title of the person or group having the authority to appoint new officers.

#### COMMENTARY

The selection process within the agency must be under the control of the Sheriff or his designee. The sequential steps used by the agency must be enumerated in demonstrating how an applicant becomes a member of the agency.



## STANDARD

- 5 Written documentation shall establish that all candidates for deputy sheriff shall be required to possess a high school diploma or its equivalency.

## COMMENTARY

The high school education requirement for the selection of police officers has prevailed for many years. Whereas high school graduation once served as an index of superior achievement, this is no longer true in an era of increasing high education. It is likely that the future will see some period of college work specified as a prerequisite for initial police employment.

So that agencies can deal effectively with civil law enforcement problems in an increasingly complex and sophisticated society, there should be parallel increases in the level of education and training required for law enforcement agencies. Officers who have received a broad, general, formal education have a better opportunity to /gain a more thorough understanding of society, to communicate more effectively with citizens, and to engage in the exploration of new ideas and concepts. A college education also tends to facilitate subsequent in-service training during an officer's career.

Officers already appointed should be given opportunity and incentives to pursue college education.

## STANDARD

- 6 Written documentation, in addition to a written policy, shall establish that the age for candidates for deputy sheriff shall be in conformity with the age span for all police officers as set out in Civil Service Law Section 58, and/or current applicable law.

## COMMENTARY

The existing law on age span for police officers is contained in Civil Service Law, section 58, whose provisions concerning age parameters are presently under attack in federal court. Although there is some contention that Civil Service Law age requirements have no application to the Office of the Sheriff, this standard suggests but does not require that deputy sheriffs comply with the requirements of that law.

Current Civil Service Law provisions require a police officer applicant to be at least 20 years old, but not older than 29, with some adjustments for military service.

Because most departments do not have civil service coverage for deputy sheriffs performing civil duties, it is not uncommon for persons over age 29 to be hired for these (and other civilian) positions.

In any event, this standard would apply only to new candidates for appointment. Part-time deputies would not be expected to meet this standard.

## STANDARD

- 7 Written documentation, in addition to a written policy, shall establish that all candidates for deputy sheriff must meet height, weight, and physical fitness standards as prescribed by the Municipal Police Training Council.

## COMMENTARY

The Municipal Police Training Council has been in the business of prescribing Height, Weight, and Physical Fitness Standards for Police Officer Candidates for close to thirty years and has, from time to time, amended such standards to conform to legislative changes and case law. No authority, judicial or other, has ever denied that physical fitness is essential to the job of civil law enforcement and the MPTC standards are designed to insure physical fitness.

In adopting the MPTC Standards for police officer candidates as the official standard of compliance for all of the offices of Sheriff within New York State, each agency is encouraged to review the procedures currently utilized and where required, take appropriate steps to bring said procedures into compliance with MPTC standards.

Compliance with this standard will prove of benefit to deputy sheriffs individually, as well as to their Association.

Deputy sheriffs, whether performing civil or criminal law enforcement duties, are considered "police officers" for various purposes. Unless the state legislature creates a new category of "civil deputy sheriff", which does not now exist, state mandates for deputy sheriffs should apply to those deputies assigned to the sheriff's civil division.

This standard is not intended, at present, to apply to part-time officers.

## STANDARD

- 8 Written documentation, in addition to a written policy, shall establish that candidates for deputy sheriff will be required to successfully complete an emotional stability and psychological fitness examination prior to appointment to probationary status, using valid, useful and non-discriminatory procedures. Such screening must be conducted by qualified professionals.

## COMMENTARY

This standard requires that candidates for deputy sheriff successfully complete a psychological screening test. It expresses the concern of the New York State Sheriffs' Association that civil law enforcement personnel be psychologically healthy and capable of enduring emotional stress.

Police stress is a matter of great concern to police professionals today and is regarded as a critical problem in all areas, urban and rural. Increased levels of ability to handle police stress can be anticipated following psychological screening of candidates, designed to eliminate those who are emotionally or otherwise unfit for police service.

The basic objective of the psychological screening program is to identify those individuals who, in moments of severe or sustained stress in field conditions would either disorient under stress and become immobilized, or conversely, overreact and precipitate a crisis.

The purpose of the psychological screening program is essentially to screen out unfit candidates, rather than predict good ones, since "good" performance measures are, as yet, virtually impossible to validate and raise serious fair employment issues.

Only psychologists or psychiatrists are to be used to assess the emotional stability and psychological fitness of candidates. Law enforcement officers, personnel technicians, or other agency staff should not attempt to interpret psychiatric or psychological profiles. Only qualified psychologists or psychiatrists shall make such judgements to ensure proper interpretation and legal defensibility of the selection process.

It is recommended that a record of the results of emotional stability and psychological fitness examination(s) be maintained on file. The agency should also maintain a report of each emotional stability and psychological fitness examination to ensure that proper procedures are followed, and to provide data for continuing research and legal defense, if needed.

#### STANDARD

- 9 A written directive shall require that all candidates for deputy sheriff and civilian personnel be interviewed prior to appointment. The directive shall require that the oral interview be conducted using a set of uniform questions. Those questions must be valid and non-discriminatory, with the results recorded on standardized forms. Appropriate documentation shall be provided.

#### COMMENTARY

An interview is an integral component of the formal process for the selection of qualified police applicants.

Face to face contact can be used to measure job-related characteristics and personal attributes not readily measured by other components of the hiring process.

The interview's results must be recorded and evaluated using job-related criteria.

The interview is meant to complement required psychological examinations and background investigations and other selection tools such as polygraph examinations.

The Sheriff may appoint a panel to conduct these interviews, but the Sheriff may conduct a separate personal interview with the candidate.

The attributes measured may include such traits as oral communication, self-confidence, self-control, persuasiveness, analytic ability, ethics, creativity, and awareness of social environment.

Rating scales should be designed to result in realistic and statistically significant differences in appraisals.

Legal requirements suggest that the forms be retained in the applicant's files. They may be used in defense of litigation on adverse impact, etc.

## STANDARD

- 10 Written documentation, in addition to a written policy, shall establish that all candidates for deputy sheriff prior to selection must undergo a thorough standardized background investigation by the Office of the Sheriff to determine that they possess acceptable moral character for a law enforcement officer.

## COMMENTARY

A background investigation permits the systematic collection and evaluation of data concerning an applicant's life including information concerning his educational history, work record, physical and emotional health, character and integrity.

An adequate background investigation should be quite comprehensive, covering family data, education, employment, medical and military history, mental hygiene, residences, organizations and affiliations, references, credit record, police record and phone number.

As far as practicable, information concerning a deputy sheriff candidate should be gathered through personal interviews with persons who have knowledge of his activities.

A sample standardized questionnaire set out in Appendix 1.8A contains the in-depth information required, thus making the initial employment application very simple and concise.

## STANDARD

- 11 Documentation, in addition to a written policy, must be provided to establish that all verbal and written tests used in the selection process are administered, scored evaluated and interpreted in a uniform non-discriminatory manner.

## COMMENTARY

The formal process for the selection of qualified applicants should include a written test of mental ability or aptitude. The mental ability of an applicant should be measured through the use of job related ability or aptitude tests. These job-related ability tests should meet the requirements of Federal Equal Employment Opportunity Commission guidelines.

The Offices of the Sheriff which are civil service shall continue to utilize the civil service-administered testing process for entry level applicants.

Offices of the Sheriff which are not civil service shall require entry level applicants for officers to successfully pass an entry level New York State civil service examination for the position of officer or an equivalent examination. Candidates shall be considered for employment as long as they are certified as having passed the civil service examination for officer and are on a currently valid civil service list. The results of the civil service testing and the score obtained by the applicant shall be advisory in nature to the hiring agency and any ranking criteria of applicants shall be at the option of the hiring agency. Applicants for civilian positions may be required to take such written tests as the Sheriff may require.

Written tests must be valid and nondiscriminatory to be used as part of the selection process. This is true for any test used or relied upon by the agency, including those which are commercially developed and those used by state and local civil service

commissioners. All cutoff scores, passing points, and/or numerical rankings used in the selection process, should be documented as having validity, utility, and a minimum adverse impact.

Any operational elements of the process--time limits, oral instructions, practice problems, answer sheets, and scoring formulas--should be clearly set forth and carried out identically for all candidates. Failure to do so may prohibit validation of the process and make the agency more susceptible to legal challenges. The selection of qualified candidates requires that all the components of the process be consistent with those applied and administered in actual practice.

The agency shall maintain and have available for inspection all records and data which will disclose the impact of tests and other components of the selection process by identifiable race, sex, and ethnic group. Documentation must be available in the event of litigation or allegations involving alleged discrimination.

## STANDARD

- 12 Documentation, in addition to a written policy, must be provided to establish that records of entry level candidates who have been selected or rejected will be maintained for a minimum of six years beyond the duration of their employment, and/or in accordance with the Education Law.

Exit interviews should be conducted of all personnel upon leaving their position. Documentation of such interview shall be maintained in that employee's personnel file.

## COMMENTARY

The record to be kept should include:

- written examination results
- physical agility test results
- medical examination results
- emotional stability psychological findings
- oral interview results
- background investigations

## STANDARD

- 13 Documentation, in addition to a written policy, must be provided to establish that all officers take an appropriate oath of office to enforce the law and uphold the Constitution of the United States, the Constitution of the State of New York, and any other applicable requirement.

## C. Training

### STANDARD

- 14 Written documentation, in addition to a written policy, shall establish that deputy sheriffs shall be required to successfully complete the basic course for police officers as prescribed by the Municipal Police Training Council. This requirement shall not apply to deputy sheriffs who are not responsible for the enforcement of the general criminal laws of the State of New York and are not mandated to receive this MPTC training by General Municipal Law Sec. 209-q.

### COMMENTARY

Since the Municipal Police Training Council was created in 1960 and mandated training for police became a reality in New York State, (the first in the nation), the basic course for police as prescribed by the MPTC has been recognized as essential to superior police performance. Most deputy sheriffs have for years been a part of this training program and this Standard now makes mandatory the successful completion of the Basic Course by all duly appointed deputy sheriffs.

GML Section 209-q requires all police officers who are "responsible for the prevention or detection of crime and the enforcement of the general criminal laws of the State" to complete the MPTC basic course. At least one court has held that all deputies, because they are police officers, must have this training - even if the deputies are assigned exclusively to jail duties. The office of BMP takes the position that all deputies, even those assigned to civil divisions, must have MPTC training.

It is intended by this standard that if a deputy may be assigned to perform criminal law

enforcement duties, he or she must have the required MPTC training. Thus, it is not simply the assignment of the officer to the civil unit, but rather a review of his or her actual duties, that will determine whether or not the MPTC training is required.

## STANDARD

15 A written directive shall require a Field Training Officers Program (FTO), which deputy sheriffs must successfully complete. Such program must last a minimum of four weeks and be completed in a timely manner, within one year of the recruit's assignment to the civil division or assigned to civil duties. The recruit officer, who may not necessarily be a recent hire, must be accompanied and supervised by an MPTC or NYSSA certified Field Training Officer. The program content shall be approved by the Sheriff, person in charge of the civil division and the agency's Training Director, and shall contain, in addition to any requirements imposed by the foregoing personnel, at a minimum, the following:

A. Daily written evaluations, including

1. Proper application & completion of civil forms,
2. Correspondence with attorneys & creditors,
3. Proper use of internal forms, reports & schedules,
4. Grammar, spelling, technical terms.

B. Specific performance criteria, including

1. Officer safety,
2. Driving skills, routing skills,
3. Knowledge of local codes and civil law,
4. Stress & non-stress situations,
5. How to levy, evict, conduct sales, etc.,
6. Radio protocol,
7. Acceptance of criticism,

8. Proper service methods & record keeping.

C. Observed interaction with,

1. FTO
2. Ethnic groups,
3. Supervisors & co-workers,
4. The public generally.

Documentation must establish that such program is properly conducted

#### COMMENTARY

In addition to the training and skills taught in the classroom, a field training program for all probationary, first year deputies will be provided by all agencies. This program of on-the-job training shall be as carefully administered, supervised and evaluated as the formal classroom training for it is here that good and lasting street habits can be properly acquired. Examples of F.T.O. Programs for various size offices of the Sheriff are maintained at Association Headquarters and are available upon request.

## STANDARD

- 16 Written documentation, in addition to a written policy, shall establish that Deputy Sheriffs are mandated to complete an annual course of in-service training. A minimum of twenty-one (21) hours will be dedicated to the following course areas:

### Use of force

- \* Justification (Penal Law Art. 35)

lecture

evaluation

- \*Firearms Qualification

range program

- \*Defensive Tactics

use of police baton, or other impact instrument

use of chemical agents, if used by the agency

proper use of handcuffs

- \*Multi-Media or First Responder Course

First Aid (Multi-Media Standard First Aid)

CPR

- \*Legal Mandates \*\*\*

law updates

CPLR

CPL

V&T, etc.

\*\*\* May be fulfilled by either classroom presentation or publication.

## COMMENTARY

Civil Accreditation Manual, Revised, January 2013

All civilian personnel shall receive instructions and updates on statutory and procedural changes to the civil division. Documentation shall be retained of the materials covered by such instruction or updating.

## STANDARD

- 17 Written documentation, in addition to a written policy, shall establish that Deputy sheriffs promoted to a first-line supervisory rank will be required to successfully complete the course in Police Supervision as required by Title 9 Part 6021.7, and the NYSSA Advanced Civil School, within two years of appointment.

## COMMENTARY

Pursuant to an Executive Order promulgated by the Governor, police officers appointed to first-line supervisory positions on or after July 1, 1967 must satisfactorily complete the course in police supervision. Adequate supervision and management of a law enforcement agency or any business requires specialized training in the principles and key components that determine the effectiveness of organizational administration.

Many Sheriff's offices have long participated in this mandated police supervisory course and this standard will further bolster this indispensable training in supervisory methods and techniques.

The NYSSA presently offers an advanced civil course, designed for supervisory personnel who have successfully attended the NYSSA's Basic Civil School.

## STANDARD

- 18 Written documentation, in addition to a written policy, shall establish that Deputy sheriffs and civilian personnel, within one year of appointment, shall successfully complete the Basic Civil School provided by the NYSSA.

## COMMENTARY

The NYSSA has sponsored a Basic Civil School for over 10 years, and has graduated almost 500 students. Participation is currently within the discretion of the Sheriff. Basic civil schools are generally offered three times in each two year period.

## STANDARD

- 19 Documentation, in addition to a written policy, must be provided to establish that officers shall not be authorized or permitted to carry or use any firearm in connection with the performance of their official duties, with the exception of authorized departmental firearms training, unless such officers have satisfactorily completed that portion of an approved Municipal Police Training Council Program or a program that meets or exceeds those requirements that constitute the basic course of instruction in the use of deadly physical force and in the use of firearms.

## COMMENTARY

Prior to using any personal or agency issued firearm on or off duty in connection with the performance of official duties, a new officer must have completed a basic firearm training program.

## STANDARD

- 20 Documentation, in addition to a written policy, must be provided to establish that the instructors used by the agency to provide the required 21 hour in-service training be certified in accordance with instructor standards and qualifications as set forth in Part 6024 or 6025 of the New York State Codes, Rules and Regulations or meet similar instructor standards and qualifications as set forth and administered by the agency.

## COMMENTARY

An agency that sets its own instructor standards must have written instructor standards and qualifications. Evidence must show that the agency adheres to these standards.

## STANDARD

- 21 Documentation, in addition to a written policy, must be provided to establish that the second-line supervisors and above receive annual training including in-service training and managerial skills as specified by the Sheriff.

## COMMENTARY

It is the intent of this standard to continually provide managerial skill level training to upper management. Various mechanisms are available to meet this training, such as private industry, professional seminars, college courses, and video.

## STANDARD

- 22 Documentation, in addition to a written policy, must be provided to establish that the civil division maintains accurate records for all training courses attended by members of the division including a list of agency members who attended such course A copy of the course curriculum must be maintained as prescribed by law.

## COMMENTARY

All agency members attending training courses not sponsored by the agency must obtain a copy of the course curriculum to be maintained by the agency as an official training record.

## STANDARD

- 23 A written directive shall require that the civil division maintains accurate records for all training courses that it sponsors, including in-house training, and shall include notes from staff meetings and meetings with other agencies or organizations when civil matters are discussed. Lesson plans and an official copy of the course curriculum must be maintained as prescribed by law. Documentation must establish that such directive and procedures are properly applied and recorded.

## COMMENTARY

Departmental and divisional level staff meetings traditionally include matters that can be considered training, whether specific to a particular agency or more general in nature. It could involve a statute change or a procedural modification. Also, many agencies take part in cooperative, informal meetings with other local civil divisions to discuss common issues. These are extremely helpful and a record of such meetings must be kept.

Agencies that have not maintained lesson plans on file have lost some civil court cases. The plans should thus be maintained indefinitely.

## D. Discipline

### STANDARD

- 24 Written documentation, in addition to a written policy, shall establish that the office of the sheriff will adhere to standards established by the contractual negotiations, civil service law, departmental regulations or other statutory requirements in respect to disciplinary practices.

### COMMENTARY

There should exist a standard policy with respect to disciplinary procedures.

Effective discipline is a positive process seeking "to train or develop by instruction." Among the programs having an impact on discipline, in a law enforcement agency, are selection, training, direction, supervision, and accountability, all of which are independent elements.

Discipline and accountability are essential to a law enforcement agency whose integrity can only be maintained by an effective and responsive disciplinary system. A clearly defined policy governing an agency's internal discipline, when established, will provide a predetermined method of informing the public and members of the agency when charges prove sustained or unfounded.

Some sheriffs' offices, whether by adoption of civil service coverage or by labor contract, provide for notice of charges and a hearing to determine whether there is

good cause for discipline or discharge. Other offices, however, discipline or discharge civil deputies solely at the sheriffs' discretion.

## STANDARD

- 25 Documentation, in addition to a written policy, must be provided to establish that a written directive specifies the circumstances in which an employee may be relieved from duty.

## COMMENTARY

The intent of this standard is to establish the powers and authority of each command level, including supervisory levels, for relieving officers from duty. Such relief may be a temporary administrative action due to an employee's physical or psychological fitness for duty or the results of an internal affairs investigation.

STANDARD

- 26 Documentation must be provided to establish that a written directive specifies the role of supervisory and command staff in the disciplinary process and the authority of each level thereof relative to disciplinary actions, in accordance with existing labor contracts, if any.

## STANDARD

- 27 Documentation must be provided to establish that a written directive outlines a grievance procedure.

## COMMENTARY

Good management practice recognizes that a carefully deigned grievance process can help to reduce personnel dissatisfaction, increase morale, identify problems in the organization and increase the positive perception employees have of the organization. Job stability is an integral part of the job environment.

## STANDARD

- 28 Written documentation shall establish that a tenure policy for employees in the civil division of the Office of Sheriff without civil service status shall be established which shall insure that all personnel other than a confidential employee, shall not be dismissed after the probationary period except for just cause and with an opportunity for an appeal process.

## E. Performance and Evaluation

### STANDARD

- 29 Written documentation, in addition to a written policy, shall establish that the Office of Sheriff has adopted a standard performance evaluation system for deputy sheriffs and civilian personnel.

### COMMENTARY

Evaluation and selection of law enforcement personnel for promotion and advancement should be an integral part of the personnel development process, beginning with identification of personnel who appear to have the potential for intensive development, continuing with assessment of their progress, and culminating with their final evaluation for advancement or promotion.

Evaluation of personnel should be accomplished on a regular basis and should be related to the skills, ability and knowledge required for a specific position. An employee's ability should be measured by his grasp of these requirements and his performance of the tasks required in the advanced position. His progress should be documented.

Every Office of the Sheriff should periodically evaluate the potential of every employee to perform at the next higher level of responsibility. This evaluation should be part of the regular performance evaluation that should be completed at least annually. Specific data concerning every employee's job performance, training, education and experience should support the periodic evaluation for promotion and advancement.

In the accreditation process, an assessment team shall verify the use of performance appraisal as a tool in personnel promotion and advancement.

## STANDARD

- 30 Documentation, in addition to a written policy, must be provided to establish that civil personnel successfully complete a period of probation lasting at least one year from the date of appointment or otherwise as provided by collective bargaining agreements. Written documentation demonstrates that personnel are evaluated at least twice during this period subject to the limitations of a collective bargaining agreement.

## COMMENTARY

It is the intent of this standard that the agency evaluate the officer periodically throughout the probationary period in order to adequately assess the individual's development and progress.

## STANDARD

- 31 Documentation must be provided to establish that the sheriff's office maintains a written procedure governing the process used for promotion.

## COMMENTARY

Documentation should be provided that the agency provides a written announcement of the promotional process which includes, at a minimum:

- a description of the positions or job classifications for which vacancies exist;
- a schedule of dates, times and locations of all elements of the process;
- a description of eligibility requirements, and;
- a description of the process to be used in selecting personnel for the vacancies.

Documentation should also be provided to establish that procedures used for promotions are job related and non-discriminatory.

## STANDARD

32 Documentation must be provided that a written directive establishes criteria and procedures for the development of promotional eligibility lists, if any, to include at a minimum:

- \* the numerical weight, if any, assigned to each eligibility requirement
- \* the system of ranking eligible employees on the lists
- \* the duration of the lists
- \* written certification of eligible employees
- \* the system for selecting names from the lists
- \* attendance
- \* past work performance

## COMMENTARY

This standard is primarily for non-competitive civil service positions. It is not designed to tell an agency how it is to promote, as long as procedures are followed that comply with the standard guidelines. The standard may be complied with by following civil service guidelines that meet the standard requirements.

## II. UNIFORM STANDARDS OF PROCEDURE

### STANDARD

33 Each Office of the Sheriff will maintain a comprehensive Manual of Standard Operating Procedures for the Civil Division, and documentation must establish that such rules, regulations, policies and procedures are in actual use and that such are properly applied. This manual shall contain, in addition to any topics which may be required by the Sheriff or person in charge of the Civil Division, a specific and detailed operating procedure governing all aspects of the following:

A. Review of process prior to acceptance:

Review procedure; by whom; determination of acceptance or rejection; processing of rejections; records; forms.

B. Acceptance of process:

Procedure for docketing; records; office routing; assignment; necessary papers.

C. Time stamp:

Documents stamped, where; back-up devices and procedures; off-hour procedures/places; operation.

D. Execution and service of process:

1. Income executions, CPLR 5231 & 5241;
2. Property executions, CPLR 5201, 5232(a) & (b), 5236;
3. Sales;
4. Arrests, Judiciary Law & Family Court Act;
5. Attachments;
6. Orders of Seizure;
7. Evictions, RPL & RPAPL;
8. Family Court process;
9. Non-enforcement civil process;
10. Miscellaneous enforcement process & process affecting existing files.

E. Returns:

Official and supplied forms; routing; dissemination

F. Use and maintenance of county owned or other-r vehicles.

G. Computer use:

Data entry; forms; authorization for use; maintenance; security, both physical & access; data retrieval; back-ups & data loss control.

COMMENTARY

A standard operating procedure and policy manual will cover all major civil law enforcement activities consistent with a particular agency's mission and resources. The NYSSA working through its Civil Practice Committee will provide technical and staff

assistance to any requesting agency in addressing any issue related to standard operating procedure and policy development either on a specific case basis or on a more general basis. The Committee will work with the requesting agency's staff personnel in conducting a review and assessment of current policy and procedures and in developing new policy procedures for manual inclusion. The final approval and acceptance of any policy shall rest with the Sheriff of the requesting Office of Sheriff.

The SOP Manual may include part or all of the training manuals provided by the NYSSA and the Comptroller's Manual for County Sheriffs. The Standards Operating Procedure should also include:

- a) review prior to receipt
- b) receipt of process
- c) time stamp
- d) execution and service
- e) returns
- f) receipt for funds
- g) field collections
- h) check cashing
- i) change making
- j) refunds
- k) transmittal
- l) separation of civil monies
- m) bank deposits
- n) copy of deposit slip
- o) night-time deposits
- p) charge back

While these manuals can provide a solid foundation for the development of policies and

procedures, they are not intended to act as actual operational rules for any agency. Generally but with some exceptions, the contents of these manuals can be worked into the agency's specific procedures in order to best serve each particular agency's requirements.

A comprehensive SOP Manual serves several important purposes. It allows each employee to not only be aware of what is required of him or her, it can be referenced for unusual or uncommon situations. New hires use it as a training manual. It is instrumental in performance evaluations and disciplinary actions. It can be subpoenaed in a court action for a variety of reasons, including the exoneration of an agency for actions taken. This manual should be updated regularly.

- 34 The Office of the Sheriff will have a written policy, supported by appropriate documentation, regarding the carrying and use of a firearm by members of the civil division.

#### COMMENTARY

The Office of the Sheriff will have a policy that governs the use of firearms by employees and insures their adherence to such policy. The directive shall conform with Article 35 of the NYS Penal Law and will make reference to the use of deadly physical force and the procedures used upon discharge of any firearm.

## STANDARD

35 The Office of the Sheriff will have a written policy, supported by appropriate documentation, regarding arrest procedures by all members of the civil division.

## COMMENTARY

The Office of the Sheriff will establish a policy and procedure for making arrests; insuring that members comply with the CPLR, NYS Criminal Procedure Law, as well as departmental policy. The directive will cover areas including, but not limited to,

- a) Authority to arrest;
- b) Procedures for arrests;
- c) Fingerprinting; and
- d) Photographing

## STANDARD

- 36 The Office of the Sheriff will have a written policy, supported by appropriate documentation, regarding court appearances and conduct by all members of the agency, and that policy must be disseminated to all civil division personnel.

## COMMENTARY

The Office of the Sheriff will have a policy covering the appearance of any employee or member in any court or before a hearing board. The appearance of members/employees of any agency are constantly being observed by the court jurors while in and out of the courtroom. Members/employees' appearance, conduct and attitude should be such as to add to the dignity of the court as well as the credibility of the Office of the Sheriff and its members. The policy shall cover areas such as proper attire, preparedness, and notification of non-appearance.

## STANDARD

- 37 The Office of the Sheriff will have a written policy, supported by appropriate documentation, regarding personal appearance of all members of the agency (uniforms and equipment) in the performance of their duties.

## COMMENTARY

The Office of the Sheriff will have a written policy covering the acceptable appearance of all members of the agency and necessary equipment carried by them. This standard is not intended to require the wearing of uniforms, but does require the Office to specify what personal appearance guidelines are appropriate. These standards will relate to such areas as:

- a) Uniforms
- b) Handcuffs
- c) Firearms
- d) All non-issued equipment carried by members
- e) Dress-code
- f) Grooming

## STANDARD

- 38 The Office of the Sheriff has a written directive that prescribes the security and control of prisoners being transported. The directive shall:
- A. Require the search of transport vehicles prior to and after transporting prisoners;
  - B. Require a search of the prisoner by the transporting officer before being transported;
  - C. Govern situations permitting transport of prisoners by officers of the opposite sex;
  - D. Prescribe procedures for transporting/handling sick or injured prisoners; and
  - E. Identify actions for the transporting officer to take following an escape of a prisoner while being transported.

### *Commentary:*

*The intent of this standard is to direct members in proper transporting methods to include handcuffs, restraints, seating arrangements and security.*

### Compliance Verification Strategies

Assessors may seek to verify agency compliance with this standard by using one or more of the strategies listed below. There may be other strategies identified by the agency which could also be acceptable.

- 1) A copy of the written directive should be available for review.
- 2) Interview(s) with agency personnel who transport prisoners to verify their knowledge of and compliance with the directive.

- 3) Review logs or other documentation used by the agency to verify compliance with the directive.
- 4) Interview(s) with medical personnel used by the agency in medical situations can be conducted to verify compliance with the directive.
- 5) Interview(s) with personnel involved in the transport process to ensure that each level of command is aware of its particular role in an escape situation.
- 6) Review agency reports involving prisoner escapes to verify compliance with the written directive.
- 7) If the directive involves an interagency agreement, the assessor should contact representatives of the other agencies to verify that it is in place and understood.

## STANDARD

- 39 The Office of Sheriff will have a written policy, supported by appropriate documentation, regarding appearances or production of records pursuant to subpoenas and trial notices for all members of the civil division.

## COMMENTARY

The Office of the Sheriff will have a written directive which ensures that all members who are legally required to appear in court or at a hearing, by virtue of a subpoena, trial notice, etc., are properly served and notified. The policy shall refer to a written record of the issue and receipt of subpoenas and trial notices. The directive will require the retention of the record for a specific period of time.

## STANDARD

40 The Office of the Sheriff will have a written , supported by appropriate documentation, defining the parameters for the use of physical force.

## COMMENTARY

The Office of the Sheriff will have a written policy covering the "use of force" by members. The policy will be consistent with the provisions of the New York State Penal Law and will outline the responsibilities of the members and supervisors.

## STANDARD

- 41 The Office of the Sheriff will have a written policy, supported by appropriate documentation, regarding the use of handcuffs and non-lethal weapons by all members of the civil division.

## COMMENTARY

The Office of the Sheriff will have a written policy governing the proper use of handcuffs, while insuring uniformity and maximum security. The policy shall also cover the proper use and maintenance of any non-lethal weapons authorized by the agency.

## STANDARD

- 42 The Office of the Sheriff shall have a written Policy and procedure addressing media relations to be used by the Civil Division and by other divisions in civil matters. Such directive shall describe the procedures used in planned and unplanned events; during & after normal civil division operating hours; and when representatives of the media arrive at or are investigating specific civil division activities such as sales, seizures or evictions. Documentation must establish that such policies and procedures are properly applied.

## COMMENTARY

The policy and procedure covers the authority for a member to release written or verbal information and the circumstances under which such dissemination is authorized.

## STANDARD

- 43 The Office of the Sheriff will have a written , supported by appropriate documentation, regarding the procedures for the issuing of orders and bulletins to all members of the civil division.

## COMMENTARY

The Office of the Sheriff will have a written policy which establishes a format and definitions for written orders and bulletins. The policy will provide for proper preparation, indexing and distribution so that all personnel concerned are kept informed of new and revised policies and procedures.

## STANDARD

44. This original standard #44 has been eliminated, and we will reserve this number for future standard revisions.

## STANDARD

45 A written directive shall require the preparation of, and specify the contents of a daily reporting system, by each civil division employee or person who performs civil duties, and it shall specify the review procedures. Such daily reports shall include, in addition to any information required by the person in charge of the Civil Division, the following:

- a. times reporting on & off duty;
- b. activities performed;
- c. service and levy locations and times;
- d. special or unusual events;
- e. signature of the employee and of the review officer.

Documentation must establish that such procedures are properly applied. Documentation may include copies of or review of computer software programs and data used in the Sheriff's civil division.

## COMMENTARY

An activity reporting system will improve the quality and productive worth of reporting done by Sheriff administrators throughout the State and is hereby formally adopted by

this Association.

The value of documenting all requests for services cannot be overemphasized. Civil work is important public business and like any other business should be represented by adequate records of action taken. It is important for the Sheriff to insist that a permanent written record be made of each activity and that this record be initiated at the time the process is received. A record-keeping process of this nature will provide proper administrative control.

There is a direct relationship between the efficiency of the office of the Sheriff and the quality of its records and records procedure. Complete information is essential for effective operations. Reports of civil activity and other matters of concern to the Sheriff must be classified, indexed, and filed so that the information is readily available to the officers working in the field. Analysis of these reports is beneficial to commanding officers.

Since most offices now have computer software to maintain civil division records, it is not required for accreditation purposes to maintain paper copies of records also. Assessors may and likely will ask to review the computer software program used by the civil division and to print sample reports from the software as needed.

## STANDARD

- 46 The Office of the Sheriff will have a written , supported by appropriate documentation, establishing a procedure for the use, dissemination, retention and security of civil records.

## COMMENTARY

The Office of the Sheriff will have a written policy establishing a procedure for the use and dissemination of civil records. The policy will conform to the Freedom of Information Law, Education Law and all other applicable laws and rules and will provide for security and safeguards to protect the confidentiality of the records.

## STANDARD

- 47 The Office of Sheriff will have a written , supported by appropriate documentation, regarding emergency driving procedures used by the members of the civil division.

## COMMENTARY

The Office of the Sheriff will have a written policy containing established guidelines for the operation of police vehicles under emergency conditions. The policy shall include procedures for the pursuit of violators, response to emergencies, and liability. Other areas such as notifications, roadblocks, etc. may also be addressed.

## STANDARD

- 48 Documentation must be provided to establish that the civil division adheres to an established system for the development and promulgation of written directives, including division policies, procedures, rules and regulations, and which:
- \* provides procedures for the formatting, indexing, purging, updating and dissemination of written directives;
  - \* vests in the Sheriff the authority to issue, modify, or approve written directives;
  - \* identifies by name or position any individual, other than the Sheriff, authorized to issue written directives;
  - \* provides procedures for staff review of proposed written directives prior to their implementation; and
  - \* requires signed and dated acknowledgment of receipt of the directives by all affected components and personnel, and subsequent placement of the directive into a manual for future reference or perusal.

## COMMENTARY

An agency should establish a written directive system to ensure that employees receive and understand the individual policies and procedures and rules and regulations relating to the performance of their official duties.

### III. ORGANIZATION OF THE CIVIL DIVISION

#### STANDARD

- 49 Documentation, in addition to a written policy, must be provided to establish that the civil division has an official organizational chart that is routinely updated and distributed to all members. The chart must reflect the chain of command and lines of authority for communication within the agency and must be hierarchically organized.

#### COMMENTARY

It is imperative that a vehicle be designed to insure the continuity of command and organizational behavior for the Office of the Sheriff.

To enhance coordination, all personnel should understand the authority and responsibilities of every organizational component within the Office of the Sheriff.

The Office of the Sheriff should establish a formal structure through which organizational components are arranged, defined, directed and coordinated.

The Office of the Sheriff should establish a policy of employees' accountability. A major priority of a law enforcement agency should be assurance that each employee is made fully accountable for the use of delegated authority, as well as for the failure to use it.

## STANDARD

- 50 A written directive must describe the duties and responsibilities of each job classification within the Civil Division. Such descriptions will include all duties actually performed in addition to any specified in a job announcement or list prepared by any local or state agency. Such descriptions shall include any applicable chain of command requirements. Documentation must establish that personnel perform the duties stated within the classification and, where applicable, the defined replacement personnel in instances of planned and unplanned absences.

## COMMENTARY

Documentation must be provided to establish that a written directive requires that responsibility be accompanied by commensurate authority.

STANDARD

51 Documentation, in addition to a written policy, must be provided to establish that the civil division has a staffing table that provides the following information:

- \* total personnel strength as authorized by the county and Sheriff; and
- \* number of personnel, by rank or job title, within each organizational component, including civilians.

## STANDARD

- 52 Documentation, in addition to a written policy, must be provided to establish that for purposes of the distribution of field personnel, the civil division maintains and periodically updates its service area organized into identified service area(s).

## COMMENTARY

The periodic update of service areas encourages the civil division to distribute personnel according to calls for service as well as geography.

## STANDARD

- 53 A written directive shall require that each employee is accountable for the use of delegated authority, shall specify the circumstances under which such authority is implemented, and shall define the parameters of accountability. Documentation must establish that such procedures are properly applied.

## COMMENTARY

Each officer is responsible for his or her acts and omissions while on duty. A law enforcement officer is given an enormous amount of delegated authority through state and local laws. Each officer must be accountable and responsible for this authority.

## STANDARD

- 54 A written directive shall require supervisory personnel to be accountable for the performance of the employees under their command. Such directive shall specify how supervisors are to determine employee performance, what is done with any reports or evaluations and procedures to protect supervisors from unauthorized acts or omissions by subordinates. Documentation must establish that such procedures are properly applied.

## COMMENTARY

This directive and procedure insures conscientious supervision and addresses liability. This directive is closely linked to any evaluation process.

STANDARD

- 55 Documentation must be provided to establish, and a written directive shall require, that employees to obey any lawful order of a superior, including any order relayed from a superior by an employee of the same or lesser rank.

STANDARD

- 56 Documentation must be provided to establish, and a written directive shall specify, procedures to be followed by an employee who receives a conflicting order or directive.

#### IV. RECOGNITION OF EMPLOYEE PERFORMANCE

##### STANDARD

- 57 The Office of the Sheriff shall adopt an official awards program which include the civil office and a written directive will describe this program, including the specific methods for eligibility, nomination & selection (if applicable), and the presentation of all awards. It shall also describe all such awards. Documentation must establish that such program and procedures are properly applied.

##### COMMENTARY

A uniform statewide awards program is provided in the appendix which establishes methods and criteria for rewarding employees.

This program enhances consistency in the rewarding of employees.

The awards program includes methods of rewarding, letters of recognition, awards for merit and valor.

MISSION STATEMENT/PURPOSE OF CIVIL DIVISION

STANDARD

- 58 Documentation, in addition to a written policy, must be provided to establish that the agency has a written mission statement defining its role and which is disseminated to all personnel.

## STANDARD

- 59 Documentation, in addition to a written policy, must be provided to establish that the agency goals and objectives are developed and that they are periodically reviewed, updated and disseminated to all personnel.

## COMMENTARY

By establishing and routinely updating goals and objectives, an agency has a basis for measuring progress, as well as for ensuring direction and unity of purpose.

## STANDARD

- 60 Documentation, in addition to a written policy, must be provided to establish that the civil division periodically but at least annually, prepares and provides to its members a written evaluation of the degree to which the division has attained its goals and objectives.

## COMMENTARY

Some goals and objectives may not change annually, while others may change more often. The wording encourages administrators to evaluate goals and objectives as often as may be appropriate.

## V. FISCAL MANAGEMENT

### STANDARD

- 61 Documentation, in addition to a written policy, must be provided to establish that the sheriff has the authority and responsibility for the fiscal management of the division. If the sheriff does not personally perform the fiscal management function, a written directive designates the position or component having the responsibility for fiscal management.

STANDARD

62 Documentation, in addition to a written policy, must be provided to establish that there is an accounting system which includes the preparation of at least monthly status reports showing:

- initial appropriation for each account or program;

- balances at the commencement of each period;

- expenditures and encumbrances made during the period; and

- unencumbered balances.

## STANDARD

- 63 A written directive shall specify the procedures for the collecting, safeguarding and disbursing of all funds, especially cash, and such directive to include the specific procedures for, at a minimum:
- a. the operations of any allotment system or, alternatively, records of appropriations among the various agency components;
  - b. preparation and purpose of specified financial statements;
  - c. internal monitoring;
  - d. identification of person or persons authorized to receive and disburse funds.

Documentation must establish that such procedures are properly applied.

## COMMENTARY

This standard addresses the fiscal activities of the agency as a whole and the relationship between the various divisions/components of the agency to the departmental fiscal operations.

Procedures developed to implement this standard will ensure that cash is properly

handled within the agency. The system may be simple or complex. Examples of receipt and disbursement include bail transactions, petty cash, and other cash brought into the office.

## STANDARD

- 64 A written directive must detail the procedures used for the internal monitoring of the fiscal activities of the civil office, to include:
- a. the person or persons who perform any reviews and reconcilements and the procedures used in their absence;
  - b. the types of reviews and reconcilements performed, the forms & formats used, and the details for the preparation, use and completion of any reviews and reconcilements;
  - c. the required time periods within which such reviews and reconcilements must be performed;
  - d. procedures used when discrepancies are discovered.

Documentation must establish that such procedures are properly applied.

## COMMENTARY

The Sheriff or his designee should have a procedure in place for monitoring the fiscal activities of the office. There may be different types of systems, but there must be safeguards in place to ensure that the money appropriated in the budget is spent in the proper manner.



STANDARD

- 65 Documentation must be provided to establish, and a written directive shall govern, procedures for safeguarding inventory and control of county property, equipment and other assets in the custody of the civil division.

## STANDARD

- 66 Documentation must be provided to establish, and a written directive shall designate, the person(s) responsible for the management and accountability of county owned property. Accountability for county owned property is a responsibility of the property manager so designated.

## COMMENTARY

Documentation must be provided to establish that a designated person(s) be responsible for the distribution and issuance of county owned property to authorized users.

## STANDARD

- 67 Documentation must be provided to establish, and a written directive shall govern, the procurement or requisitioning of county owned property.

## COMMENTARY

The intent of this standard is to establish formal control over the requisitioning of supplies and property. Large agencies would find it very difficult to have this function centralized. The intent of the standard can be met as long as a division has formal control of the process.

## STANDARD

- 68 A written directive must describe the Civil Division property system which includes the specifics for the proper recording, storage, classification, retrieval and disposition of all property, and the procedures used in instances of loss, theft or damage to, any property in custody or control of the Civil Division, whether in actual physical custody or otherwise. Documentation must establish that such procedures are properly applied.

## COMMENTARY

An adequate property management system is necessary to protect the chain of custody and to maintain the agency's credibility with the judiciary and the public.

## VI. RECORDS MANAGEMENT

### STANDARD

- 69 A written directive shall provide that a designated person(s) is responsible and accountable for the care, condition and storage of all property held by the Civil Division pursuant to any civil process. Such directive shall describe the procedures used for the proper indexing and control of such property. The directive shall define the extent and conditions of such responsibility and accountability of the designated person(s). Documentation must establish that such procedures are properly applied.

## STANDARD

- 70 A written directive shall provide that: whenever a new property custodian is designated, an inventory on approved specified forms, is conducted to ensure that all records are correct and properly annotated and verifying the status and condition of all property; and that all inventories and reconcilements are maintained in a prescribed location. Documentation must establish that such procedures are properly applied.

## COMMENTARY

The intent of this standard is not to require the accounting of every single item of property, but rather to ensure the continuity of custody. The standard can be met as long as the inventory is sufficient to ensure the integrity of the system and the accountability of the property.

## STANDARD

- 71 A written directive must specify the procedures, forms, format and physical locations used to control and safeguard all money, firearms and items of value that may require special security or storage arrangements by the Civil Division by virtue of any civil process. Documentation must establish that such procedures are properly applied.

STANDARD

- 72 Documentation, in addition to a written policy, must be provided to establish that the division has a records management system.

## STANDARD

- 73 Documentation must be provided to establish that the Civil Division's record management system is governed by a written procedure, and that such procedures are properly applied, and that such system includes but is not limited to:
- a. procedures governing the creation of records (types of records, forms and formats, personnel authorized/required to create records and when);
  - b. specific contents of records;
  - c. procedure for review for completeness and accuracy;
  - d. controls for indexing, routing & follow up;
  - e. record maintenance to include filing system particulars and security;
  - f. records retrieval;
  - g. procedures for responding to routine requests and those made pursuant to the Freedom of Information Laws;
  - h. procedure for complying with report of Education requirements.

## STANDARD

- 74 A written procedure must direct that the Civil Division creates and maintains records, to include at a minimum, all civil process received by subject matter; parties to the action; date of receipt; service information: when, how, by whom, location; returns; affidavits; correspondence; and financial activity. Documentation must establish that such procedures are properly applied.

## STANDARD

- 75 A written directive must mandate and describe the divisional reporting system, such directive to require the preparation and contents of daily, monthly and annual reports that include itemized and consolidated records of docket activity, monies handled and enforcement activities. Such directive shall identify by title the person(s) who are responsible for the compilation of such reports, the distribution table, the due dates and the verification of such reports. Documentation must establish that such directive is properly applied.

STANDARD

- 76 Documentation, in addition to a written policy, must be provided to establish that the division maintains a master name index of judgment debtors and defendants.

## VII USE OF FORCE

### STANDARD

- 77 Documentation, in addition to a written policy, must be provided to establish that the division maintains an arrest history record on each person arrested by the division.

STANDARD

78 Documentation must be provided to establish, and a written directive shall require, that personnel will use only the force necessary to effect lawful objectives.

COMMENTARY

## STANDARD

- 79 Documentation and a written policy must be provided regarding the use of force that is consistent with Article 35 of the Penal Law.

## COMMENTARY

An agency may have a policy that is more restrictive than Article 35 but not less restrictive.

## STANDARD

- 80 Documentation, in addition to a written policy, must be provided to establish that all sworn personnel are issued copies of and are instructed in the division's policies concerning the use of force.

## COMMENTARY

Compliance with the standard must include a policy for the use of deadly and non-deadly physical force.

STANDARD

- 81 There shall be a written policy, supported by appropriate documentation, regarding the discharge of warning shots and that copies of the policy are disseminated to all sworn personnel.

STANDARD

- 82 There shall be a written policy, supported by appropriate documentation, regarding the use and carrying of firearms and ammunition both on and off duty and that copies of the policy are disseminated to all personnel.

## STANDARD

- 83 There shall be a written policy, supported by appropriate documentation, regarding the use of non-lethal weapons by division personnel and that copies of the policy are disseminated to all personnel.

## COMMENTARY

This standard will ensure the proper use of non-lethal weapons such as chemical agents, impact weapons, batons, or tear gas. The agency should also identify any prohibitions against the carrying of such weapons.

## STANDARD

- 84 Documentation, in addition to a written policy, must be provided to establish that an internal process exists to document, review and dispose of any incident wherein an officer discharges a firearm other than in training or for lawful recreational purposes.

## COMMENTARY

The agency should have a firearms incident review policy to ensure that firearms are used correctly, and to evaluate the need for further training, and to evaluate the adequacy of the firearms and ammunition for the incident. The process should evaluate the circumstances and results of the incident and include a review of on and off-duty incidents, accidental discharges and the destruction of animals regardless of whether the incident occurred in or outside of the geographical area of employment.

## STANDARD

85 Documentation must be provided to establish that a written report detailing the circumstances of the incident is submitted whenever an officer:

- \* takes an action that results in or is alleged to have resulted in injury or death of another person; and/or
- \* applies force through the use of non-lethal weapons.

## COMMENTARY

This standard is designed to protect the officer and the agency against potential lawsuits. The report should address the use of deadly and physical force and the use of lethal and non-lethal weapons.

## VIII. INTERNAL AFFAIRS

### STANDARD

86 Documentation, in addition to a written policy, must be provided to establish that a written directive specifies the activities of the internal affairs function, to include:

recording, registering and controlling the investigation of complaints against personnel;

supervision and controlling the investigation of alleged or suspected misconduct within the division; and

maintaining the confidentiality of the internal affairs investigation and records.

### COMMENTARY

Every agency should have a policy to investigate and promptly adjudicate all allegations of employee misconduct. In order to ensure the integrity of the agency and its members, all reports or accusations made against members of the agency should be completely investigated.

## STANDARD

- 87 There shall be a written policy, supported by appropriate documentation, which defines the type of complaints to be investigated by the line supervisors and which are to be reviewed and maintained by the division's internal affairs function.

## COMMENTARY

Examples of serious categories of complaint include, but are not limited to: corruption, brutality, death or serious injury, criminal misconduct and breach of civil rights. An agency must provide for the review of these types of investigations by a higher authority.

Other categories of less serious complaints that might be investigated by an immediate supervisor include, but are not limited to: officer tardiness, officer rudeness and insubordination.

## STANDARD

- 88 Documentation, in addition to a written policy, must be provided to establish that a position or individual is responsible for the internal affairs function with the authority to report directly to the Sheriff.

## COMMENTARY

The internal affairs function is vital to the integrity of the agency. Fundamental fairness to all participants must be guaranteed through impartial investigations and review. The Chief Executive Officer has the primary responsibility for this function.

## STANDARD

- 89 Documentation, in addition to a written policy, must be provided to establish that the written directives relating to the administration of the internal affairs function are disseminated to all personnel.

## COMMENTARY

It is essential that all members be cognizant of the department's internal affairs policies and procedures and that all steps in the process are explained and understood. These directives should include the authority of the internal affairs officer, the interview process, procedures to be followed, and officer rights.

## STANDARD

- 90 Documentation, in addition to a written policy, must be provided to establish that the Internal Affairs function investigates and maintains a record of all complaints against the division or its employees.

## COMMENTARY

In order to maintain integrity with the department and the high morale of its officers, all complaints must be investigated whenever they contain sufficient factual information to warrant such investigation. Each complaint--whether in person, by telephone, letter or given anonymously--should be investigated to a logical conclusion. Some complaints may be resolved by giving an explanation to the complainant regarding the department's regulations. Whether or not a full investigation is warranted, an adequate record must be maintained.

## STANDARD

- 91 A written directive must provide that the Internal Affairs function notifies the complainant as well as any affected employees concerning the disposition of complaints against any such employee(s) or the division or agency. Documentation must establish that such procedure is properly applied.

## COMMENTARY

There is no legal reason why this standard could not be included in the program. It should be stressed, however, that participating divisions are only required to release the disposition of complaints. There is no requirement to release the penalty, if any, or other details.

## STANDARD

- 92 Documentation, in addition to a written policy, must be provided to establish that records pertaining to internal affairs investigations are securely maintained by those responsible for the internal affairs function.

## COMMENTARY

Due to the sensitivity of these records, they must be maintained under lock and key and only be accessible to designated personnel.

## STANDARD

- 93 Documentation, in addition to a written policy, must be provided to establish that the Internal Affairs function maintains liaison with the prosecutor's office and county attorney where appropriate in investigations involving alleged criminal conduct on the part of the employee.

## COMMENTARY

Participation by the prosecutor's office maintains public confidence in the internal affairs function. Compliance with this standard may be shown by written policy and/or documentation of routine notifications to the prosecutor's office for legal advice involving criminal activity.

## IX. PUBLIC RELATIONS

### STANDARD

94 Documentation must be provided to specify the position(s) in the division responsible for the public information function and that a directive identifies by name or position those individuals within the division who may release information to the news media:

- \* at the scene of an incident;
- \* from agency files;
- \* at any time the public information officer is not available.

## STANDARD

- 95 A written directive must specify the person(s), by title, who are authorized to perform community relations functions with respect to the operations of the Civil Division. Documentation must establish that such directive is properly applied.

## COMMENTARY

Law enforcement agencies are often called upon, usually through speaking engagements, to advise, assist and inform the public about various topics. In order to coordinate the department's efforts, it is essential to designate a person or component to be responsible for such assistance to the public. However, the person so designated may delegate to different units, according to specialty, assignments to meet the public requests.

All personnel in the agency, both sworn officers and civilians, should project a positive image and become involved in community needs. The conduct of each employee reflects on the agency as a whole, and the burden of achieving the agency's community relations objectives should be shared. Every employee must be aware of the different programs that the agency has so that they can inform the community.

Community relations is not the same as media relations. A community relations benefit is realized by the Sheriff's Office when local social and professional organizations request a Civil Division representative to address their group. These organizations and the general public can better appreciate the work performed by the Civil Division which aids in better communication and understanding for everyone. Some examples could include an address to a local landlord's group about eviction procedures. The collection of money judgments is an ideal topic for business organizations. Meetings with your

local Magistrates and Court Clerks associations serves to improve communication and appreciation for each other's duties.

STANDARD

- 96 This standard has been deleted by action of the Civil Practice Committee at its February, 1996 meeting. This standard number will be reserved for future use.

## X. OFFICE OPERATIONS

### STANDARD

97 A written policy shall established a listing of employee positions within the Civil Division and a detailed explanation of their specific duties. This list shall substantially conform to the following:

- A) **Member in Charge:** The member in charge of civil unit shall be responsible for the overall operation of the civil unit, which shall include preparation and adjustment of work schedules and attendance control as specified by department policy; preparation and review of reports; review of policies and procedures including recommendations for changes as needed; the duties imposed upon him/her by these rules and procedures; and such other duties as may be assigned by the Sheriff.
- B) **Deputy Sheriff:** Deputy sheriffs assigned to the civil unit shall be responsible for serving and enforcing civil process, which shall include making levies and seizures of property; conducting public auctions; making arrests; filing of returns, affidavits and certificates related to civil process; maintenance of related records and reports; and such other duties as may be required or assigned by the member in charge of the civil unit or other competent authority.
- C) **Clerk/Typist:** One staff member shall be assigned the duties of clerk/typist. This person shall prepare docket records, certificates, affidavits and returns; maintain files; answer authorized inquiries; and shall perform such other duties as may be assigned by the member in charge of the civil office or other competent authority.

- D) **Bookkeeper/Account Clerk:** One staff member shall be assigned the duties of bookkeeper or account clerk. This person shall be responsible for posting the cash journal, subsidiary ledger accounts, the disbursements journal; shall prepare checks, the bank reconciliation, the monthly financial reports; and shall perform such other duties as may be assigned by the member in charge
- E) **Cashier:** One staff member shall be assigned the duties of cashier. This person shall be responsible for issuance of receipts; preparation of bank deposits; preparation of posting media for the bookkeeper; identification of collections; a monthly cash report, and such other duties as may be assigned by the member in charge of the civil unit or other competent authority.

Documentation and/or observation must establish that persons occupying all such positions actually perform the stated duties.

#### COMMENTARY

This standard requires separation of specific duties. Example: duties of Member in Charge not to be assigned to employee of lesser rank. A clear separation of duties between clerk/typist and the bookkeeper must be maintained. It is important that an employee who issues or prepares receipts or who is accountable for taking in money, shall not make bank deposits or issue checks. That person may prepare bank deposits, but should not be involved in the process of going to the bank and getting receipts for deposits.

## STANDARD

- 98 There shall be a written policy establishing the hours operation of the Civil Division and such policy shall specify the chargeable rates of pay, the rules and procedures to be employed in situations requiring overtime or off-hour action. Such policies and rules shall not conflict with any applicable collective bargaining agreement.

## COMMENTARY

The civil unit shall be open for business Monday through Friday, except for legal holidays, from 9:00 a.m. to 5:00 p.m.

The member in charge of the civil unit should prepare a work schedule in accordance with departmental rules, and/or collective bargaining agreements where applicable, which shall be approved by the Sheriff. The schedule shall provide for coverage, exclusive of Sundays, sufficient to serve and execute all mandates and other process delivered to the civil office.

Whenever additional manpower shall be required on a compensation-overtime basis to protect, preserve, transport, or sell property, the cost of such manpower shall be taken out of the proceeds of an applicable sale or collection or charged to the requesting party as appropriate. Such costs collected shall then be transmitted to the county finance officer.

The written policy will include the minimum business hours as required by County Law Sec. 206. Policy also will cover hours necessary to meet demands of process.



## STANDARD

- 99 A written directive shall authorize the creation of and uses for a fee schedule, utilizing Art. 80 of the CPLR, which must include fees for service and enforcement of all types of enforcement and non-enforcement civil process. A schedule must also be maintained which specifies the applications and general or preliminary charges utilized pursuant to CPLR 8012(c), 8013(c) & (d), as well as for poundage. A schedule must also be maintained consisting of the round trip mileage charges for various locations within the county.

Schedules must be kept up to date and conform with any applicable statutes and must be made available upon request to any interested party.

Documentation must establish that such directive is properly applied.

## COMMENTARY

Civil litigation is basically private in nature and the county should generally not be obligated to support private litigation with public funds. Payment of fees, expenses and poundage are statutory and must be collected.

In order to eliminate confusion, avoid unnecessary delays and standardize procedures, each department shall maintain a schedule of fees and expenses that is detailed enough to ensure that litigants know what your requirements for the service of process and the enforcement of mandates are.

No statutory authority exists for the waiver of fees, poundage or expenses. Any employee who waives a fee shall be liable to the Sheriff's Office for any sum actually

lost by virtue of such employee's act or omission.

All fees and expenses shall be paid in advance in accordance with the established department schedule. The exceptions are:

- 1) State and political subdivisions shall be billed for service, fees and expenses by submitting an official claim voucher after service is rendered.
- 2) Fees for receiving or levying pursuant to an execution in a "small claims" judgment issued out of a district or city court shall not be collected in advance, but shall be added to the amount to be levied and taken out of any sums collected or the proceeds of a sale by virtue of such execution.

Any additional fees or expenses that become due after an action is initiated should be deducted from any sums collected or the proceeds of any sale prior to distribution to the prevailing party. Poundage shall be collected on all proceeds received. In the event there are no proceeds from which to deduct additional fees or expenses, the party who delivered the process or requested the service shall be liable to the Sheriff's Office for payment.

Any expense that may be expected to be incurred that is not listed in the department schedule, shall be estimated by the department and the estimate shall be advanced by the party requesting action prior to execution of the mandate. This may be evidenced in the situation where specific jewelry is to be seized and an appraisal may be necessary to determine authenticity and value.

Poundage is that sum or portion of monies collected that is due the Sheriff for service rendered. Poundage is calculated at the rate of 5% within the County of New York City and in all other Counties, 5% of the first \$250,000 collected and 3% upon the

residue collected. Poundage shall be collected on settlements as well as on the proceeds of sales and sums collected in connection with execution and attachments in accordance with law and other process.

Whenever a notice of motion to cancel a notice of attachment is served upon the sheriff's office, the records shall be searched to determine if any fees or expenses remain unpaid and such facts shall be reported through channels to the county attorney.

Prior to the delivery of a chattel to the person entitled to possession pursuant to an order of seizure, all outstanding fees and expenses shall be paid by the person entitled to possession.

Controlling Statutes/Legal Reference are: CPLR 5231, 5334, 6225, 7016, 8011, 8011a, 8011b, 8012 and 8013; County Law 54, 407, and 660; Public Officers Law 70.

## STANDARD

100 A written directive shall specify the procedures governing the receipt, inventory, processing, storage, release and security for all personal property coming into the custody or control of the Sheriff's Office, or processed by the Sheriff's Office, by virtue of any civil process. This directive shall specify any forms or reports to be used and detail their preparation and use. It shall specify all policies and procedures regarding the use of outside vendors or service providers that are used in any civil enforcement matter. It shall specify the procedures used in the management and disposition of various types of property based upon such things as size, form and value, as well as a policy or procedural differences between types of processes. The directive shall require all such property to be inventoried and such inventory and associated paperwork to become part of the file record. Documentation must establish that such policies and procedures are properly applied.

## COMMENTARY

The purpose of an inventory is to reduce the likelihood of claims due to pilferage, carelessness, etc., and to reduce exposure to liability for loss for such claims.

A) **Form of Inventory:** An inventory should include the date of inventory, location where inventory was taken and stored, the signature of the employee taking the inventory and, where possible and relevant, the value of property seized, a description of each item including model and serial number. An official form shall be adopted and used for such purposes. Damages or defects shall also be recorded.

- B) **Method of Inventory:** At least two employees should be assigned to prepare an inventory. One employee will report pertinent facts to a second employee who shall record them. Both employees should sign and date each inventory sheet completed.
- C) **Security of Inventory:** All property coming into the custody or control of the department should be adequately secured so as to reasonably protect it against theft, spoilage, damage, destruction or loss. In special cases, it may be necessary to post a deputy sheriff to guard seized property. In this event, cost of labor will be charged and will be paid in advance of any seizure.
- D) **Theft, Destruction or Other Losses:** Theft, destruction or other losses must be reported immediately, directly to the Sheriff, by any employee having knowledge of the theft or loss. A proper investigation shall then be conducted concerning all aspects of the theft or loss.
- E) **Hold Harmless Agreements:** Levied and seized personal property should not be left in the custody or control of the person from whom it was seized or levied except upon a written direction of the party requesting the seizure or levy. A further hold harmless agreement should be obtained from the party retaining control of the property, covering the county, the Sheriff, and his deputies and other employees.
- F) **Perishable Property and Depreciation:** Whenever an employee gains official custody or control of perishable personal property, appropriate steps shall be taken to legally dispose of the property or obtain appropriate instruction of a court. Whenever it shall come to the attention of an employee that such property may or will substantially depreciate before he may reasonably expect to

dispose of it, he shall take appropriate steps to advise the court of record and request directions. Advanced payments for expenses should be collected where appropriate.

- G) **Eviction of Commercial or Private Property:** It is recommended that the enforcement officer inventory any and all property that becomes subject to an eviction proceeding. All property in a commercial enterprise should be inventoried as labeled in exact quantities. Special provisions may have to be made in the case of a liquor or drug store.

Likewise in the eviction of a private resident, all belongings should be examined and inventoried. Although it is not necessary to list all items in a container, it may be necessary to identify what is in the container and a brief description of the contents (i.e., one box-personal clothing, one barrel-dishes, etc.). Conditions of all furniture should be noted. Any contraband that may be discovered during the inventory should be reported immediately to the criminal division for action.

The Sheriff may be responsible for damage or loss maliciously committed on the actual scene of the eviction. His responsibilities end when he has successfully completed the eviction and leaves the scene. Once again, special action may be required if valuable items are to be left unattended (coin collection, jewelry, works of art, etc.).

## STANDARD

- 101 A written directive shall specify the policies and procedures for service of process on persons under eighteen years of age, actually or apparently incompetent, residents of psychiatric or skilled nursing facilities, inmates and prisoners, and, in counties where applicable, Native Americans on state or federal reservations. Such directive shall comply with CPLR 309, the Family Court Act and any other applicable statutes. Documentation must establish that such directive is properly applied.

## COMMENTARY

The Family Court Act and the Criminal Procedure Law have generally established sixteen as the age of criminal responsibility. Various limits of responsibility below this level have been applied, but only for limited circumstances. Since suitable age has been variously described by the courts depending upon particular circumstances, some measure must be provided administratively to guide employees to make a safe decision.

Establishing and maintaining good relations with any Native American Tribe or group is vital for not only "civil" matters but in criminal proceedings.

## STANDARD

- 102 Documentation, in addition to a written policy, shall establish that employees shall not engage in the business of private process serving, nor shall they serve any process which has not been officially received and recorded by the department, unless specifically authorized by written regulations.

## COMMENTARY

Employees of sheriffs offices are often well known in their community. It is often difficult for community members to know precisely when a deputy is "on duty" or "off duty" unless his job assignment requires a uniform. If an allegation of improper or illegal act arises out of an "off duty" service, the first issue which arises is whether the deputy was on or off duty, and whether the Sheriff is responsible for the act or omission. Another issue which sometimes arises is whether the debtor obeyed an instruction of the deputy that he was not legally required to comply with, or because he believed the deputy was on duty and legally empowered to issue such instruction. This type of problem is likely to occur where the deputy seizes cars pursuant to execution by day and repossesses them for private concerns by night. In addition, the deputy would be well advised to confine his services to authorized "on duty" status, since he gains all the benefits of his employment (such as authority) to act, compensation insurance coverage, etc.). This section might also be appropriately added to departmental rules related to outside employment.

## STANDARD

- 103 Documentation, in addition to a written policy, shall establish that civil process and mandates shall not be executed or served beyond the geographic limits of the county, except upon order of a court of competent jurisdiction or in accordance with statute.

## COMMENTARY

This rule is designed for two purposes. First, the County Law does not extend the sheriff's duties as an officer of the court beyond the territorial limits of the county. It therefore makes no sense to assume liability beyond that which is required. Secondly, extension of process beyond the territorial limits of the county can alter the delicate balance of priority rules for process such as executions, etc.

## STANDARD

- 104 A written directive will specify the procedures used in addressing inquiries into civil office records. This procedure shall specify what types of records can be accessed and disseminated by telephone, and to whom; by fax; and which must be in writing. It must specify the circumstances when, where, how and to whom original and copied documents may be released. If certain forms are used in these procedures, or logs are kept, their use, retention and security must be described. Documentation must establish that such directive is properly applied.

## COMMENTARY

The party who has delivered process to the civil office is entitled to know the status of such process and to prompt responses. Defendants, respondents and judgment debtors are entitled to know the status of process which affects them.

Inquiries may extend to process delivered by other parties where such process affects the status of the inquiring party.

Inquiries from persons who do not have process on file with the civil unit relative to such inquiry should not receive a response from the civil office.

Public access to records in the civil unit shall be made by application to the public access officer designated by the county pursuant to the Public Officers Law.

All subpoenas shall be reviewed by the county attorney prior to response. Official records shall be subpoenaed by judicial subpoena which shall be served upon the Sheriff or the Undersheriff only.

## STANDARD

- 105 Written documentation, in addition to a written policy, shall establish that the county attorney shall be the legal advisor to the civil unit unless otherwise directed by the Sheriff. In addition, legal opinions may be sought from the New York State Sheriffs' Association upon written approval of the Sheriff. Whenever there is a conflict of legal opinion among the parties regarding a civil matter, the opinion of the county attorney shall be sought and shall prevail unless otherwise directed by the Sheriff.

## COMMENTARY

All requests for legal opinions on matters related to process on file in the civil unit shall be forwarded through channels to the Sheriff or his designee. The Sheriff shall review all requests forwarded to him and shall thereafter submit such requests as are appropriate or required by this procedure to the proper advisor.

The county attorney shall be provided with a copy of any process served upon the department which names the county, the Sheriff, the department, an employee or former employee as a defendant, respondent, witness, or any other legal capacity. This includes a notice of claim, summons with or without a complaint, subpoena or any other process. Any process served upon the Sheriff or the department which might require an appearance in court on behalf of the Sheriff or the department as an office of the county, or as authorized by law shall also be copied and such copy delivered to the county attorney. A memorandum should be attached to the process so served which shall detail the name of the server, the party he/she represented, the date and time of service, and both the process and the memorandum shall be forwarded to the Sheriff and his designee through channels. The Sheriff and his designee shall be the proper authority to communicate with the county attorney.

The following instrument should be submitted to the county attorney for his opinion as to form and sufficiency.

- 1) All deeds and other instruments that convey title of real property pursuant to judgments, or other authority of law.
- 2) All civil arrest orders and warrants prior to executions.
- 3) Any instruments upon direction of the Sheriff.

STANDARD

- 106 Documentation, in addition to a written policy, shall establish that employees shall not advise or recommend an attorney or law firms to anyone in relation to any process being handled by the civil unit, not shall they offer legal advice.

## STANDARD

107 There shall be a written procedure, supported by appropriate documentation, governing all aspects of money handling by the Civil Division. This written directive shall include specific, detailed management for the following:

a. Issuance of receipts: types of receipts, their preparation and use; authorized users; security; voids; re-orders; storage; reconcilements.

b. Collection of money and property in the field: how accomplished; receipts used; security of money collected; during regular hours and off-hours; necessary personnel; inventory procedures; vendor/service provider policies.

c. Check cashing: permitted circumstances; receipt; endorsements; authorization; security; acceptable forms of payment; procedures for returned checks tendered to the Civil Division.

d. Refunds: when permitted; authorization; form of refund.

e. Transfers of funds between employees: when authorized; procedures and forms used; reconcilements.

f. Separation of civil monies: definition of "civil" and "non-civil" monies; separation particulars, both physical and through ledgers; authorization for uses; control & access; security; reconcilements; disbursement details; management of discrepancies, loss, theft.

g. Change bank and change making: permitted circumstances; contents of

bank; location and security; reconciliation; authorization for use and access, reasons; management of discrepancies, loss and theft.

h. Bank deposits: creation; transmittal to bank; internal and external security; reconcilements between employees, between ledgers, and between the civil office and the bank; recording; storage; discrepancies; night or other off-hour deposits

i. Acceptance of personal checks: permitted circumstances; types allowed, holds; procedure when returned by bank; endorsements; security.

j. Making disbursements: authorization; reconcilements; format and security for check registers; security and procedures for use of check making machines and signature plates or stamps; court ordered disbursement procedures; records, methods; procedures for uncashed checks and those returned as undeliverable; payment of bills; County revenue procedures; disbursements to Courts.

Documentation must establish that such directive is properly applied.

#### COMMENTARY

Strict receipt procedures must be enforced to insure against losses, and to hold all employees accountable for the monies they handle. Generally, check cashing, change making and cash refunds should not be permitted. A strictly controlled banking procedure will ensure security for all funds received in the civil office, and avoid liability problems for the sheriff and the civil office personnel.

The procedures set forth in the various NYSSA manuals as well as the New York State Comptroller's Manual for County Sheriffs are generally acceptable and can be used as a base or guideline when developing your own policies and procedures. Be advised that those procedures and suggestions are guidelines only and each civil office must develop their own policies and procedures that address each topic in detail and specificity in a manner which best suits their individual resources.

STANDARD

- 108 Written policy, supported by appropriate documentation, shall provide that a record shall be kept of every instrument accepted for service or filing which shall include a pre-assigned control number; the date and time of receipt; a description of the papers received; the name of the person to be served; the name and address of the party who issued the process; the name of deputy assigned to serve the process; a note of any correspondence, return or other pertinent fact related to the process; title of action; and fees collected.

STANDARD

- 109 Written policy, supported by appropriate documentation, shall provide that a report of service shall be maintained on all process accepted for service which shall include: the name of the person served; the date and time of service; a description of the person served; method of service; a record of all attempts at service; any reason for non service of the process; the address of server; if any alternate person was served, their relationship to the person served; any copies mailed pursuant to the statute; the date of return; and the signature of the deputy.

## STANDARD

110 A written directive shall require that a record be made of all enforcement procedures used in all enforcement cases, including: dates, times and locations of all levies, services, seizures, arrests and inventories; dates, times and locations of all sales, as well as the names and addresses of all bidders present and their bids; inventory of all property seized, levied upon, impounded or otherwise coming under the care, custody or control of an employee; description of arrested persons and the particulars of any arrest; any such other records related to any enforcement activities as specified in the directive and its procedures as required by the person in charge of the Civil Division. Documentation must establish that such procedures are properly applied.

## STANDARD

- 111 A written directive and procedure will require that the specified appropriate personnel will, on specified forms, include a statement for the reason for the return of-all process. Such procedure shall require the signature of the person making such return and that a copy is maintained with the file. Documentation must establish that such procedures are properly applied.

STANDARD

- 112 A written procedure shall require that all supplies, whether used, unused, voided or destroyed, of pre-numbered accounting forms, checks, receipts, etc. shall be perpetually inventoried, and shall also provide that they be kept secured at all times. Such procedure shall specify the inventory and security measures and shall require the person in charge of the Civil Division to be responsible for such security. Documentation must establish that such procedures are properly applied.

## STANDARD

- 113 A detailed and specific written procedure will authorize the creation and use of the cash receipts journal and the procedure will require, at a minimum, the date of receipt of any funds, the name of the process, the receipt number, the civil unit docket number, the amount received, and the purpose of the receipt and transaction. Documentation must establish that such procedures are properly applied.

## STANDARD

- 114 A detailed and specific written procedure will authorize the creation and use of the cash disbursements journal, and the procedures shall require the journal to include the dates of all disbursements the name of the payee, the check number, the civil unit docket number, the amount of the disbursement and the purpose of the disbursement. Documentation must establish that such procedures are properly applied.

## STANDARD

- 115 A written directive must require the use of a subsidiary ledger and shall describe the procedures for its use, format and reconcilements. Such directive shall require that the ledger be managed independent from other ledgers and that it be maintained for every instrument upon which a collection is made, and such other accounts as shall be approved by the person in charge of the Civil Division, upon recommendation of the bookkeeper, chief fiscal officer, county treasurer or comptroller, or other competent authority. Documentation must establish that such directive and procedures are properly applied.

## STANDARD

- 116 A written procedure must provide for the preparation and use of official receipts. The procedure must address the format for all receipts which shall include the name of the Sheriff's Office, the date of the transaction, reason for the transaction, a description of the instrument upon which the transaction is based, the title of the action or name of defendant/debtor, the name of the payor, the amount, form of payment, signature of the employee conducting the transaction, and that all receipts shall be pre-numbered press stamped. Documentation must establish that such procedures are properly applied and that all receipts are in actual use.

## STANDARD

- 117 A written procedure shall direct that a cashier's report is prepared daily, and shall specify the form(s) used, its preparation, and shall require that it contains at least: a record of all monies received by source and type (e.g., docket payment, fine, bail, charges, poundage, filing fees, mileage, levy fees, miscellaneous fees, escrows, trust accounts, etc.); deposits; accounting of the change bank accounting of any other monies; date and signature of the cashier. The directive shall require all reports to be delivered to the person in charge of the Civil Division the next business day. Documentation must establish that such directive and procedures are properly applied.

## STANDARD

- 118 A written directive shall require creation of a cashier's monthly report and that such report be transmitted to the Sheriff by the cashier by the tenth of each month. The directive shall specify the procedures, forms to be used, its preparation, and will require that it contains a summary of the month's daily cashier's reports, specifying the precise contents therein. Documentation must establish that such directive and procedures are properly applied.

## STANDARD

- 119 Written policy shall provide that the bookkeeper shall prepare a monthly report which shall include the balances from the journals; the adjusted bank balance, which shall include a list of the outstanding checks and deposits in transit; any other adjustments; and an analysis of the cash balance, which shall include the amount due to the County Finance Officer and the total cash balance on hand due to litigants or other persons. Such report shall be transmitted to the Sheriff by the bookkeeper by the tenth of the month following the reporting period.

Documentation must establish that such reports are properly produced and that a written procedure directs such reports to be made and details its contents, form and preparation.

## STANDARD

120 A written directive must require the creation of a yearly report prepared by the person in charge of the Civil Division. Such directive shall require this report to be transmitted to the Sheriff on or before the fifteenth day of January immediately following the reporting period. Such directive shall require the report to be prepared in such form as may be decided by the Board of Supervisors or Legislature and as approved by the Sheriff, that it contains a written procedure providing specific contents of such report, to include at minimum: an itemized list of each type of process handled by the Civil Division; the number of property seizures and types of property; the number of real and personal property sales held; a list of revenue accruals by type: poundage, levy fees, mileage, filing fees, interest earned, miscellaneous fees; and a summary of the total monies collected from judgment debtors and disbursed to judgment creditors; total of monies turned over to the county treasurer as unclaimed; total of bail collected and disbursed; bank charges and reasons for such; any and all other monies that were handled by the Civil Division. Such directive shall require the Sheriff to transmit this report to the Board of Supervisors or Legislature by the first day of February. Documentation must establish that such reports are actually prepared and that the directive is properly applied.

## COMMENTARY

Detailed and summary reports are necessary as vital informational documents used for public relations, management of manpower and other resources for each year's budgetary process, and to keep employees knowledgeable in departmental matters. The report can also assist in the review and formation of annual goals.

It is suggested that each year the Sheriff require formal audit of the financial books and procedure to guard against improprieties, to aid in resource allocation and to insure proper accounting procedures

## STANDARD

- 121 A written directive shall require the creation of a monthly report to be prepared by the person in charge of the Civil Division, and transmitted to the Sheriff by the tenth of the month following the reporting period. Such directive shall specify the procedures for its preparation and shall require such report to include the detailed and consolidated data of all monies collected, disbursed or otherwise handled, by type: poundage, levy fees, mileage, filing fees, interest earned, etc.; bail; fines; miscellaneous fees or charges; disbursements to creditors, courts, etc.; itemized report of each type of process docketed; real and personal property sales; and any other facts or statistics required by the Sheriff. Documentation must establish that such directive and procedures are properly applied.