STANDARD OPERATING PROCEDURES
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INTRODUCTION

The Efficiency and professionalism of the Kannapolis Police Department is largely dependent upon the principles of leadership, ethical conduct and discipline. When any group is organized to achieve a common goal, there is a need to direct and coordinate the activities of its members if the best interests of the group are to be served and its objectives are to be reached. Policies, rules, and regulations provide the police organization with some of the guidelines and controls necessary to fulfill its mission.

This Manual is designed to provide a clear understanding of the constraints under which you work and the expectations of the Department in regard to your conduct and performance. It is to be used as a tool to supplement individual training, judgment and experience, and should not discourage personal initiative. All members are encouraged to submit recommendations for constructive change to ensure that this manual continues as a relevant document.

In Order to perform their duties properly, all members of the Kannapolis Police Department are to become familiar with and obey the rules and procedures adopted by the Department. Each member has a responsibility and duty to seek clarification from supervisors of any order, rule or regulation not clearly understood.

Whenever any policy, procedure, rule or regulation contained herein shall conflict with a law of federal, State or City government, the law of the higher jurisdiction shall apply. In the event of any conflict within this manual, interpretation shall be the authority of the Chief of Police.

If Any Clause, sentence, provision or section of the General Orders contained in this manual are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the illegality or invalidity of such clause, sentence, provision or section shall not affect the validity of the remaining portions.

We Must bear in mind that no guidelines can be established which would embrace all circumstances and situations which may be encountered in the discharge of police duties. Some situations must be left to the judgment and discretion of the individual member. We must at all times, however, remain aware of the consequences of our actions and the ethical standards of our profession.

FOREWORD

The authority to administer our laws and the sometimes awful responsibility of depriving a citizen of his or her freedom or property or even life - that degree of authority should be guided by a very real and clearly defined set of rules.

But there should also be more than rules. There should be a set of **values** that is clearly defined, commonly agreed to, and consistently followed. Law is not enough - there must be conscience as well.

Kannapolis is a very special place to live, to work, to rear children, and to retire. All of us in the Kannapolis Police Department are committed, by virtue of our values, to work in partnership with our citizens to preserve and improve that quality of life.

We are not perfect. We sometimes make mistakes, and we try to learn from them and improve. But we are **committed**, for we too live here, have our children in schools, and are a part of this community. We take that commitment seriously, and sometimes put our lives at risk to fulfill it.

We want our citizens, our partners and clients, to be aware of our values. We hold ourselves to these standards and want our citizens to know that they, too, can expect to hold us to them. Few agencies in civil service offer their clients as much.

Terry L. Spry
Chief of Police

VISION

The Kannapolis Police Department and the community envision a future in which all stakeholders work in partnership to achieve an improved state of economic well-being, an enhanced quality of life and a reduction of crime, social disorder, and fear of crime.

MISSION

The Kannapolis Police Department exists to serve all people within our jurisdiction with respect, fairness and dignity. We are committed to the prevention of crime and the protection of life and property; the preservation of peace, order and safety; the enforcement of laws and ordinances; and the safeguarding of constitutional guarantees.

CORE VALUES

***Members of the Kannapolis Police Department embrace the established values of the City of Kannapolis: Excellence, Professionalism, Integrity, and Stewardship*.**

- We believe that the protection of life and property is our highest priority.
- We will respect and protect the rights and dignity of all persons and conduct all citizen contacts with courtesy and compassion.
- We will strive for excellence in our delivery of law enforcement services and will utilize training, technology and innovation to achieve that goal.
- We recognize our interdependent relationship with the community we serve and will remain sensitive to the community's priorities and needs.
- We recognize the individual worth of each of our members.
- We believe that we must honor the public trust by holding ourselves to the highest standards of professional policing.
- We commit ourselves to always act in a manner that brings credit to our profession, our agency and ourselves.

LAW ENFORCEMENT CODE OF ETHICS

AS A LAW ENFORCEMENT OFFICER, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I WILL keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I WILL never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I RECOGNIZE the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I KNOW that I am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I WILL constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession - Law Enforcement.

LEGAL DISCLAIMER

The directives contained in this policy manual are for departmental use only and do not apply in any criminal or civil proceeding. Departmental policies and procedures are not to be construed as creating higher standards of safety or care in an evidentiary sense with respect to third party claims. Violations of policy or procedure will only form the basis for administrative sanctions. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

In the event of any conflict between these directives and any policy or ordinance of the City of Kannapolis, or State or Federal law, the terms and conditions of that policy, ordinance or law shall prevail. In the event of the amendment of any ordinance, policy or law incorporated into departmental directives or upon which they rely, these directives shall be deemed amended in conformance with those changes.

Terry L. Spry
CHIEF OF POLICE

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 100-01

SUBJECT: GOALS & OBJECTIVES
DISTRIBUTION All Personnel
EFFECTIVE DATE: 03-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this Order is to establish procedures for the annual development of departmental goals and objectives. By implementing a system of goals and objectives, three broad purposes are served. First, members are given direction and unity of purpose, and can observe that their efforts have a direct relationship to the accomplishment of agency goals. Second, each component is given the opportunity to participate in the development of performance objectives relating to departmental goals. Third, administrators and managers are provided with a means of evaluating the overall performance of agency components under their command.

POLICY

It shall be the policy of the Kannapolis Police Department to establish a clear mission statement and to involve employees at all levels in the development of annual goals and objectives that advance the police mission. Objectives will provide a basis for evaluating the contribution of each work unit toward the achievement of departmental goals, and will provide direction to component supervisors in establishing priorities for the use of agency resources.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Goal: a relatively broad statement of a particular end or result that one intends to achieve. A goal usually requires a relatively longer time span to achieve, and whenever possible, should be stated in a way that permits measurement of its achievement.

2. Objective: an action to be performed and/or result that one intends to attain in order to achieve partial fulfillment of a goal. An objective is a sub-unit or element of a goal, and therefore is narrower in scope and requires a shorter time period to accomplish.

PROCEDURES

A. AGENCY MISSION DEFINED

1. The Kannapolis Police Department exists to serve all people within our jurisdiction with respect, fairness, and dignity. We are committed to the prevention of crime and the protection of life and property; the preservation of peace, order and safety; the enforcement of laws and ordinances; and the safeguarding of constitutional guarantees.

B. FORMULATION OF DEPARTMENTAL GOALS AND OBJECTIVES

1. The agency's mission statement and strategic plan will be used as the primary guide for development of annual goals and objectives. Whenever possible, the goals and objectives formulated for each fiscal year will coincide with the implementation of the strategic plan. This allows the agency to ensure a high level of coordination between short and long term goals and provides for budget planning necessary to provide required funding.

2. The Chief of Police will meet with the Deputy Chief, and Bureau and Division Commanders in JANUARY of each year for the purpose of formulating and updating agency goals for the upcoming fiscal year. Goals established as part of this annual process must directly relate to the attainment of the agency's mission; must be realistically attainable; and must be measurable.

3. Once the Leadership Team has established preliminary annual goals, Division Commanders will meet with personnel under their command for the purpose of reviewing the goals and formulating divisional performance objectives for the upcoming fiscal year. Employees at all levels will be provided with the opportunity to contribute to the development of these objectives. Division level meetings will be conducted for the following purposes:

   (a) To review the agency's strategic goals and mission statement;

   (b) To receive instruction in the development of performance objectives, to include:

      (1) Objectives must work toward the attainment of stated agency goals;
      (2) Objectives must be realistically attainable;
      (3) Objectives must be measurable;
      (4) Objectives must be specific to their division but may overlap or compliment the objectives of other components.

   (c) To solicit employees for their ideas and suggestions pertaining to performance objectives for the upcoming fiscal year.

4. Division Commanders will review all input, prepare a written statement of the annual performance objectives for their Division, and forward completed materials to their respective Bureau Commander. Each performance objective should identify the agency goal to which it relates, define the specific action to be accomplished, specify how achievement of the objective will be measured, and identify the associated budgetary impact.

5. Bureau Commanders will meet with their division commanders to review, discuss, and prioritize submitted materials. Approved performance objectives will be submitted to the Chief of Police by JUNE 1ST of each year. Bureau Commanders should include any recommendations regarding changes to the department's strategic plan or mission statement.

6. By JULY 1ST of each year, a comprehensive listing of agency goals and performance objectives for the upcoming fiscal year will be posted electronically on the agency's computer network and made available to all agency personnel.

C. EVALUATION OF ATTAINMENT OF GOALS AND OBJECTIVES

1. Evaluation of the level of achievement of performance objectives is essential in order to measure the extent to which departmental goals were met, and to identify the reasons for success or failure. Supervisors at all levels are responsible for tracking the progress of their component on a continuing basis, and for ensuring that adequate effort and activity are committed toward the attainment of stated performance objectives.

2. Progress reports will be prepared by each Division Commander and submitted for review to the Bureau Commander on a quarterly basis. Quarterly progress reports are due no later than 15 days following the end of each quarter of the fiscal year. Upon approval by the Bureau Commander, progress reports will be posted electronically on the agency's computer network and made available to all personnel.

3. In JULY of each year, Division Commanders will evaluate the overall progress made by their components toward the attainment of its stated performance objectives for the previous fiscal year and will submit a final report to their respective Bureau Commander. The evaluation of each performance objective should include:

   (a) Level of attainment;
   (b) Description of activity that took place;
   (c) Reasons for any failure to attain the objective;
   (d) Overall effect or result of effort expended.

4. The Chief of Police or his designee will compile an annual report summarizing the level of attainment of agency goals and performance objectives during the previous fiscal year. This summary will be posted electronically on the agency's computer network and made available to all personnel.

INDEX AS:

Goals & Objectives
Mission Statement

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 100-02

SUBJECT: MUTUAL AID
DISTRIBUTION All Personnel
EFFECTIVE DATE: 02-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish policy and procedure regarding interaction with other criminal justice agencies and organizations that provide regional services.

POLICY

To be successful, law enforcement and other agencies within the criminal justice system must cooperate with and assist one another. In order to achieve such cooperation, agreements need to be made in advance of the occurrence of those events that necessitate mutual aid. This requires advance planning, agreement as to the role each agency will play in an incident, and a clear understanding of each agency's jurisdiction and responsibilities. It will be the policy of the Kannapolis Police Department to cooperate fully with other criminal justice agencies and organizations within the community and throughout the State in order to provide the highest level of police service possible.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Agency Head: the director or chief officer of any State or local law enforcement agency including the chief of police of a local department, chief of police of a county police department, and the sheriff of a county; or an officer of one of the above named agencies to whom the head of that agency has delegated authority to make or grant mutual aid requests, but only one officer in the agency may have this delegated authority at any time.

2. Mutual Aid: an exchange of services, personnel, and/or equipment between law enforcement agencies during times of emergencies and related situations as provided by law.

3. Assisting Agency: an agency that provides personnel, services, and/or equipment to assist another agency.

4. Requesting Agency: an agency that requests or receives personnel, services, and/or equipment from another agency.

5. Emergency Situation: an actual or potential condition that poses an immediate threat to life or property. In the context of mutual aid, it means an emergency that exceeds the capability of a local agency to counteract successfully.

PROCEDURES

A. LEGAL AUTHORITY

1. North Carolina General Statutes 160A-288 and 90-95.2 allow municipal and county law enforcement agencies to temporarily provide assistance to other municipal and county law enforcement agencies pursuant to written mutual aid agreements. These statutes provide for the temporary lending and borrowing of personnel, equipment, and supplies.

2. The City Council of the City of Kannapolis has adopted a Resolution authorizing the Chief of Police to enter into mutual aid agreements with other law enforcement agencies in accordance with the statutes enumerated above.

B. WRITTEN MUTUAL AID AGREEMENTS

1. The Department will seek to establish and maintain written mutual aid agreements with other law enforcement agencies in the region so as to be in a position to provide or request emergency assistance without delay.

2. A listing of law enforcement agencies with which the Department has executed a written mutual aid agreement will be posted on the agency's computer network and available to all supervisors. The listing will specify the mutual aid agency, type of agreement, and expiration date (if applicable). This listing will be updated as needed by the Chief of Police.

3. Written mutual aid agreements will be executed only by the Chief of Police and will include, at a minimum, the following elements:

   (a) The legal basis for the written mutual aid agreement;

   (b) Procedures for requesting and providing mutual aid assistance;

   (c) Identity of those persons authorized to request/grant mutual aid; and

   (d) Procedures for investing assisting agency personnel with the legal authority to act within the requesting agency's jurisdiction.

C. GENERAL PROVISIONS

1. The Kannapolis Police Department will respond to a request for mutual aid assistance if the request can be honored without impairing the capacity of the Department to provide police protection to the property and citizens of the City of Kannapolis.

2. The Chief of Police may permit officers of the Kannapolis Police Department to work temporarily with officers of assisting agencies, including in an undercover capacity, and may temporarily lend equipment and supplies.

3. The City of Kannapolis will assume all liability and responsibility for injury or death to any Kannapolis Police Officer while responding to the request for law enforcement mutual aid in accordance with North Carolina law. The City of Kannapolis will not, however, assume any

liability or responsibility for the injury or death of any personnel of an outside agency providing or receiving assistance.

4. The City of Kannapolis will assume all costs of salaries, wages, or other compensation for its own personnel who respond to requests for mutual aid assistance, and will further assume the cost of supplies and equipment used specifically in response to the request for assistance, unless otherwise specified by mutual agreement.

5. While on duty with the requesting agency, Kannapolis Police Officers shall be subject to the lawful operational commands of their superior officers in the requesting agency, but for personnel and administrative purposes (including pay and other compensation), they shall remain under the control and authority of the City of Kannapolis.

6. While working with a requesting agency, a Kannapolis Police Officer will have the same jurisdiction, powers, rights, privileges, and immunities as the officers of the requesting agency in addition to those normally possessed.

D. EMERGENCY REQUESTS FOR MUTUAL AID ASSISTANCE

1. In an emergency situation, the initial request for emergency mutual aid assistance need not be in writing (unless specifically required by the assisting agency), but a written request from the head of the requesting agency must be provided to the head of the assisting agency as soon thereafter as possible. In an emergency situation, the initial notification may be made by telephone, radio, or CIIS message.

2. The highest-ranking on-duty field supervisor may authorize emergency requests and grants of mutual aid assistance. All emergency requests and grants of aid made pursuant to this General Order are to be reported by the authorizing supervisor to the Chief of Police prior to ending the tour of duty on which such action occurred. The report will be in memorandum form and shall contain the following:

   (a) Details of the date/time, nature and scope of the mutual aid transaction, including copies of any CIIS messages or other relevant documentation;

   (b) If the Kannapolis Police Department is the <u>requesting agency</u>, the authorizing supervisor will complete a Form KPD-161 (Request for Mutual Aid Assistance) and forward same to the Chief of Police for signature and disposition;

   (c) If the Kannapolis Police Department is the <u>assisting agency</u>, the authorizing supervisor will ensure that the head of the requesting agency is notified to provide a written request to the Chief of Police as soon as possible.

E. NON-EMERGENCY REQUESTS FOR MUTUAL AID ASSISTANCE

1. Mutual aid assistance of a non-emergency nature (e.g. undercover drug campaigns, traffic checkpoints, special events, etc) must be requested in advance by the Chief of Police.

2. Non-emergency mutual aid assistance will be coordinated through specific <u>written</u> requests of a temporary duration. A Request for Mutual Aid Assistance form (KPD-161) or legal equivalent will be used for this purpose. Temporary assistance will be carried out in accordance with prevailing law, and will include all applicable features of mutual aid agreements for emergency assistance.

F. FEDERAL LAW ENFORCEMENT ASSISTANCE

1. When it is determined that emergency assistance from federal law enforcement agencies is necessary, such request will be made by the Chief of Police, or his designee, in accordance with any protocols established by the particular federal agency contacted.

2. Written mutual aid agreements are not required in order to request emergency assistance from a federal law enforcement agency. However, the assistance requested must be within the authorized mission and jurisdiction of the federal agency contacted.

G. NATIONAL GUARD ASSISTANCE

1. The Chief of Police will determine the need for assistance from the National Guard during emergency situations (i.e. civil disorders, disasters, etc.) and will advise the City Manager accordingly. The City Manager will coordinate with the County Emergency Management Director(s) to forward a request to the Secretary of Crime Control & Public Safety or the State Warning Point if emergency assistance is needed.

2. All non-emergency requests for logistical, technical, or manpower assistance from the National Guard in support of local law enforcement operations must be authorized in advance by the Chief of Police or his designee.

H. COMMUNICATIONS

1. In mutual aid operations, the requesting agency is normally responsible for designating a mutually accessible channel for radio communications with assisting agencies. For local operations, radio communication will be handled through the Kannapolis Police Department Communications Center utilizing the regional 800 MHz trunked system.

2. Selected channels (talk groups) in the regional 800 MHz trunked radio system have been designated for law enforcement mutual aid use. These channels may be used when appropriate and feasible to support operations of a mutual aid nature.

3. In the event that an assisting agency does not have the radio capabilities to operate on the regional 800 MHZ system, the Department shall either provide the assisting agency with appropriate communications equipment or assign liaison officers to work directly with personnel from the assisting agency and relay pertinent radio communications.

I. CONCURRENT LAW ENFORCEMENT JURISDICTION

1. Officers of the Kannapolis Police Department have been granted powers and authority vested in peace officers. Such powers, duties, and authority may be exercised within the corporate limits of the City, within one mile of the corporate limits of the City, and on all property owned or leased to the City wherever located.

2. The primary responsibility of providing law enforcement service for the City lies with the Police Department. While the Kannapolis Police Department has the authority to enforce all laws within the City, it shares this authority concurrently with other agencies.

3. The Rowan County and Cabarrus County Sheriff's Departments have responsibility for serving civil processes within portions of the City located within their respective county. These Departments also have authority to enforce laws and conduct operations within those portions of the City that are located within their respective counties. However, in keeping with established custom, the Sheriff's Departments do not routinely answer calls for service or provide other primary services normally conducted by the Kannapolis Police Department within the City limits.

4. Certain other local police agencies have concurrent jurisdiction in limited areas of the City by virtue of their having extraterritorial jurisdiction within one mile of their corporate limits. These agencies include the Concord Police Department, and the Landis Police Department.

5. Under NCGS Chapter 74E, the Attorney General can authorize a public or private educational institution or hospital, a State institution, or a corporation engaged in providing on-site police security personnel services for persons or property to establish a company police agency. Company police agencies do not have the statutory authority to enter into mutual aid agreements with public law enforcement agencies pursuant to NCGS 160-288. This does not, however, prohibit the Department from rendering law enforcement assistance to company police agencies in accordance with applicable law and departmental directives. Classifications of company police include railroad police, campus police, and special police. Company police officers have the same powers as municipal officers and county officers to make arrests and charge for infractions on any of the following:

   (a) Real property owned by or in the possession and control of their employer;

   (b) Real property owned by or in the possession and control of persons who have contracted with the employer to provide on-site company police security personnel services for their property; and

   (c) Any other real property while in continuous and immediate pursuit of a person for an offense committed upon property described in sections (a) and (b) above.

6. State officers have general arrest powers for any crime that occurs in their presence within the City, although their investigative or enforcement jurisdiction may be limited by state law or agency policy. The following state law enforcement agencies and officers have concurrent arrest powers within the City:

   (a) North Carolina State Highway Patrol;
   (b) North Carolina State Bureau of Investigation (SBI);
   (c) DMV Enforcement Division;
   (d) Alcohol Law Enforcement (ALE);
   (e) Alcoholic Beverage Commission (ABC) Officers;
   (f) Probation/Parole Officers; and
   (g) Wildlife Enforcement Officers.

7. It shall be the duty of each member of the Department to assist law enforcement agencies in the lawful execution of their duties while within the City. Primary contact will be the on-duty Patrol field supervisor. Assistance is to be provided, as requested, if such assistance is consistent with the Department's mission and authority.

8. Members of the Police Department are authorized to provide back-up support in accordance with departmental directives to units of other local, state, and federal law enforcement agencies when those units are conducting police functions within the City (i.e. pursuits, traffic stops, searches, criminal apprehensions, etc.) Such back-up may be initiated through the Communications Center or by on-site action of Departmental personnel.

J. RELATIONSHIPS WITH OTHER AGENCIES

1. The Department will maintain on-going liaison with other law enforcement agencies in adjoining jurisdictions and those agencies having concurrent jurisdiction. Such relationship is intended to enhance the exchange of information in criminal investigations, the arrest of fugitives, and the planning of joint operations for dealing with such matters as criminal conduct and traffic operations. Bureau Commanders, or their designee, will serve as the liaison for such activities.

2. To provide a mechanism for feedback and greater understanding and to ensure information exchange and coordination with other justice agencies, the Commander of the Criminal Investigation Division will maintain liaison, through periodic contacts with the following:

   (a) District Attorneys;
   (b) Probation and Parole Authorities;
   (c) Adult and Juvenile Court Counselors; and
   (d) Adult and Juvenile Corrections Authorities.

3. The Police Department will maintain liaison with the Kannapolis Fire Department and the County Emergency Management Director in Cabarrus and Rowan Counties for the development and coordination of plans for the control and management of mutual problems and issues. The Field Operations Bureau Commander will be responsible for such liaison.

4. Departmental briefings by directors, supervisors, and leaders of public and private social services agencies will be held periodically as required to update police personnel on the type of services provided.

5. It shall be the practice of the Department to divert individuals from the criminal justice process, when appropriate. Officers are provided with a listing of those agencies, both criminal justice and social service, which serve our community. When it is determined to be in the best interest of the criminal justice system and the individual involved, officers are to refer him or her to such an agency. Such decisions should result from the exercise of officer discretion, and consultation with supervisory personnel, as necessary.

6. Departmental personnel are expected to review the list of community agencies and become familiar with the resources and services provided.

7. Numerous diversion programs are available through both criminal justice and social service agencies. These include programs for assistance with mental health, detoxification, drug abuse, and juvenile delinquency. Situations that may warrant such referral include, but are not limited to, the following:

   (a) Domestic disputes;
   (b) Problems involving neighborhood youths;
   (c) Persons in need of medical and/or psychological treatment;

(d) Persons in need of food, clothing, and other living essentials; and
(e) Persons in need of assistance or information pertaining to drug or alcohol abuse.

8. The Police Department's role in such programs is to ensure the needs and interests of the criminal justice system are achieved, and to divert individuals to such programs when both they and society will benefit.

INDEX AS:

Mutual Aid
National Guard Assistance

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 100-03

SUBJECT: BIASED BASED PROFILING
DISTRIBUTION All Personnel
EFFECTIVE DATE: 09-01-2001
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this directive is to reaffirm this department's commitment to unbiased policing and state unequivocally, that law enforcement activities that are the result of biased based profiling are not condoned, are unacceptable, and will not be tolerated by the Kannapolis Police Department. Biased based profiling is unethical and illegal and serves to foster distrust of law enforcement by the community we serve. This order will serve as a guideline for Police personnel to prevent such occurrences and to protect our personnel, when they act within the provisions of the law and this order, from unwarranted accusations.

POLICY

It is the policy of the Kannapolis Police Department to patrol in a proactive manner, to aggressively investigate suspicious persons and circumstances, and to actively enforce the motor vehicle laws, while ensuring that citizens are only stopped or detained when there is reasonable suspicion to believe that they have committed, are committing, or about to commit a violation of the law. It is the policy of the Police Department to protect the fundamental rights of all citizens to equal protection under the law and to be free from unreasonable searches and seizures. Accordingly, any profiling in the conduct of enforcement activities by officers of the Kannapolis Police Department is strictly prohibited.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Biased Based Profiling: the selection of individuals based solely on a trait common to a group for enforcement action. This includes, but is not limited to, race, ethnic background, gender, sexual orientation, religion, economic status, age, or cultural group.

2. Enforcement Activities: activities both on and off-duty, undertaken by Police Department personnel that arise from their authority related to employment, oath of office, state statute, Federal Law or City Ordinance. Activities such as traffic contacts, field contacts, arrests, investigations, asset seizure and forfeiture, and general law enforcement contact with citizens.

3. Reasonable Suspicion: suspicion that is more than a mere hunch but is based on a set of articulable facts and circumstances that would warrant a person of reasonable caution in believing that a violation of the law has been committed, is about to be committed, or is in the process of being committed, by the person or persons under suspicion. This information can

be based on observations, training and experience, and/or reliable information received from credible outside sources.

PROCEDURES

A. TRAFFIC STOPS AND FIELD CONTACTS

1. Traffic stops and field contacts between officers and citizens will be in accordance with General Order 800-01 (Arrest and Detention), General Order 800-02 (Constitutional Procedures), and General Order 900-12 (Motor Vehicle Stops), which establish basic protocols to be used when officers are involved with a citizen traffic stop, field contact or temporary investigative detention. A basic interpersonal communication protocol is as follows:

    (a) Greet the person contacted in a respectful manner and identify yourself;

    (b) State the reason for the traffic stop or temporary detention, focusing on the actions of the vehicle or circumstances rather than personalizing the violation;

    (c) Ask the person if there was a reason for the violation, giving them the opportunity to establish a dialogue;

    (d) Politely ask for identification and other required documents;

    (e) Inform the driver or pedestrian as to what action is being taken and what actions, if any, the person must do as a result of the enforcement action;

    (f) Give a professional closing statement to end the contact, refrain from using trite or colloquial expressions.

2. Appropriate enforcement action should always be completed and documented, generally in the form of a written warning, citation, field interrogation card or an arrest.

3. When enforcement action is taken, the appropriate agency paperwork will be completed as required by the specific type of enforcement action and the guiding written directives pertaining to such enforcement action. All enforcement documentation will include the gender, race or ethnicity of the person stopped or contacted, if this information can reasonably be ascertained by physical appearance or from the driver's license or other documents provided by the individual.

4. No motorist, once cited or warned, will be detained beyond the point where there exists no reasonable suspicion of further criminal activity.

5. No person or vehicle will be searched in the absence of a search warrant, or a legally recognized exception to the search warrant requirement, or the person's voluntary consent. Specific guidance pertaining to searches of vehicles, persons, or structures is provided in General Order 800-02 and General Order 800-03.

6. If the officer's vehicle is equipped with a video camera, the video and sound should be activated prior to the traffic stop or citizen encounter, to record the behavior of the vehicle or

the person. The video recorder will remain activated until the person and/or vehicle is released.

7. In the absence of a specific, credible report containing a physical or vehicle description, a person's race, ethnicity, gender or sexual orientation or combination of these will not be a factor in determining probable cause for an arrest or reasonable suspicion for a stop.

8. The deliberate recording of any misleading information related to the actual or perceived race, ethnicity, gender or sexual orientation of a person stopped for investigative or enforcement purposes is prohibited and is a cause for disciplinary action up to and including termination of employment.

B. INVESTIGATIONS, ARRESTS, AND ASSET SEIZURE/FORFEITURE

1. Profiling in itself can be a useful tool to assist law enforcement officers in carrying out their duties, to include the investigation of criminal activity and subsequent arrest as well as asset seizure and forfeiture efforts. Biased based profiling, however, is the selection of individuals based solely on a common trait of a group as defined in this order. The Kannapolis Police Department does not condone and will not allow any officer to engage in biased based profiling (as that term is defined herein) as part of any enforcement activities.

2. Police department personnel will focus on a person's conduct or other specific suspect information supported by articulated facts, which indicate that the person is, or is about to commit a crime, or is presenting a threat to the safety of themselves or others.

3. All agency investigations, including any associated asset seizures or forfeitures, will be carried out in accordance with established agency directives and the provisions of this General Order.

C. BIASED-BASED PROFILING COMPLAINTS

1. Any person may file a complaint with this agency if they feel that they have been stopped, detained, or searched based solely on a biased based profile.

2. No person will be discouraged, intimidated, or coerced from filing such a complaint, or discriminated against because they have filed such a complaint.

3. Any Kannapolis Police Department member contacted by a person who wishes to file a complaint will refer that person to the accused employee’s immediate supervisor, or the on-duty Division or Bureau Commander if the employee’s immediate supervisor is not available.

4. All complaints of bias-based profiling will be documented and processed in accordance with the applicable provisions of General Order 500-02 (Internal Affairs).

5. Dependent on the findings of each complaint investigation, as well as the specific factors involved, affirmative corrective measures will be taken to remedy violations of this policy. These corrective measures may include but are not limited to, training, counseling, and discipline up to and including termination of employment.

6. On an annual basis, the Office of the Chief of Police will conduct and document an administrative review of the agency’s practices with respect to this Order, to include

consideration of any identified citizen concerns. This review will also include a statistical summary of all biased based profiling complaints and associated dispositions for the year under review.

D. SUPERVISOR RESPONSIBILITIES

1. Shift supervisors will be apprised of all biased based profile complaints involving personnel under their command.

2. It is the responsibility of the shift supervisor to monitor the activities of their personnel and to identify potential biased based profile activity.

3. Supervisors will periodically review a sampling of in-car videotapes of traffic stops and citizen contacts as well as reports generated as a result of these incidents and activities.

4. Supervisors will be particularly alert to potential patterns and practices of their personnel that may indicate biased based profiling and treatment of individuals.

E. TRAINING

1. As part of the agency's Field Training program, all newly hired personnel shall receive documented training on biased based policing to include a comprehensive review of this general order.

2. As a part of the Police Department's annual program of training, sworn officers will be provided with training in bias based profiling issues, including legal aspects. This training may be a component of training blocks dedicated, but not limited to, one or more of the following subjects:

   (a) Annual legal update training;
   (b) Search and seizure training;
   (c) Traffic stops;
   (d) Interview and interrogation;
   (e) Asset seizure and forfeiture;
   (f) New general order training;
   (g) Legal updates;
   (h) Ethics training.

INDEX AS:

Biased Based Profiling
Field Contacts
Investigative Detentions
Traffic Stops

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 200-01

SUBJECT: ORGANIZATION & AUTHORITY
DISTRIBUTION All Personnel
EFFECTIVE DATE: 03-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to define the general functions and authority of the Department, and to establish a formal structure through which organizational components are arranged, defined, directed, and coordinated.

POLICY

It shall be the policy of the Kannapolis Police Department to maintain an internal structure, which is organized according to function, establishes unity of command, and ensures maximum effectiveness in the delivery of law enforcement services within the limits of agency authority and the practical constraints of available personnel and resources.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Component: a sub-division of the agency, such as a bureau, division, section, or unit.

2. Function: the general term for the required or expected activity of an organizational component.

3. Line Function: the portion of the Department's total activity that is directly concerned with the accomplishment of agency objectives in the area of field operations. Officers engaged in line functions are responsible for the primary tasks of protection of life and property, prevention of crime, and the rendering of other public services in accordance with Departmental policy.

4. Staff Function: the portion of the Department's total activity that is concerned with the support and assistance of line components in the accomplishment of agency objectives.

PROCEDURES

A. DEPARTMENTAL FUNCTIONS AND AUTHORITY

1. The City of Kannapolis operates under the council-manager form of government, as provided in NCGS Chapter 160A, Article 7, Part 2.

2. The Police Department of the City of Kannapolis has been established by City Council under the authority of NCGS Chapter 160A-281 and Chapter I, Section 1-1 of the City Charter. These sections, read in conjunction with NCGS 160A-147 and Chapter 601 of the Session Laws of 1947, give the City Manager authority to appoint the Police Chief and such number of police officers as determined necessary by the City Council.

3. The Police Department is responsible for the following primary functions:

   (a) Prevention and detection of criminal activity;

   (b) Apprehension of offenders;

   (c) Protection of life and property;

   (d) Enforcement of laws and ordinances; and

   (e) Provision of other services that may be deemed proper and authorized functions of a police agency.

4. The Chief of Police, and every officer of the Department, shall have all the powers vested in law enforcement officers by statute or common law within the corporate limits of the city, within 1 mile of the corporate limits of the city, and on property leased or owned by the city wherever located. City police officers also have the power to serve all civil and criminal processes that may be directed to them by any Officer of the General Court of Justice and may enforce the ordinances and regulations of the City of Kannapolis as the City Council may direct. (NCGS 160A-285, 160A-286, 15A-401, 15A-402.)

5. The Chief of Police, and every officer of the Department, before entering upon the discharge of official duties, shall be required to take and subscribe before a person authorized to administer oaths in such cases, the oath of office required by Article VI of the Constitution of North Carolina. The executed oath of office will be retained in the officer's public safety file.

6. The Department shall be organized with such operational and support units as may be established by the Chief of Police for the purpose of achieving Departmental objectives. The actual personnel strength of the Department shall not exceed that allocated by City Council and authorized by the City Manager.

7. Department personnel and resources shall be organized in a manner that ensures efficiency and effectiveness at minimal cost. It is essential that the organizational structure be relevant and flexible, and that a constant and continuing program of inspections and evaluations is established to ensure that the needs of the agency and community are met.

8. Specific duties and responsibilities for individual departmental components and units can be found in applicable operational and personnel policies, and in the job descriptions for agency positions.

B. ORGANIZATIONAL STRUCTURE

1. The Department is organized into three major components: the Office of the Chief of Police, the Field Operations Bureau, and the Support Services Bureau.

2. The Office of the Chief includes the Chief of Police, Deputy Chief, the Professional Standards Lieutenant, the Administrative Assistant, and the Police Planner/Accreditation Manager. This component is responsible for the overall direction and administration of the Department.

    (a) The Chief of Police is the chief executive officer of the Police Department and serves as authorized in North Carolina General Statute 160A-281. The Chief has the authority and responsibility for the overall management, direction and control of the operations and administration of the Department in accordance with the ordinances, policies and regulations established by the City of Kannapolis. The Chief of Police reports to the City Manager and exercises direct supervision over the Deputy Chief, Administrative Assistant, and Police Planner/Accreditation Manager. The organizational subdivisions within the personal span of control of the Chief of Police shall be grouped by functions (i.e., line, staff and administrative).

    (b) The Deputy Chief is the second in command of the agency and provides direct assistance to the Chief of Police in the overall management, direction, and control of the operations and administration of the Department. The Deputy Chief reports to the Chief of Police and exercises direct supervision over the Support Services Captain and Field Operations Captain.

    (c) The Professional Standards Lieutenant reports to the Deputy Chief and provides support in all areas of administrative investigation to include: pre-employment background investigations, rotation wrecker issues, ABC permitting, and internal administrative investigation. Additional duties and responsibilities are at the direction of the Chief of Police and/or Deputy Chief.

    (d) The Administrative Assistant provides direct clerical and administrative support to the Chief of Police, prepares special reports, keeps administrative records, and handles related duties as directed.

    (e) The Police Planner/Accreditation Manager provides administrative assistance to the Chief of Police in the planning, development, implementation and analysis of agency policies, programs and objectives. The Police Planner/Accreditation Manager is also responsible for coordinating departmental activities related to the National Law Enforcement Accreditation process.

3. The Patrol Division performs the primary line functions of the Department. The Patrol Division is commanded by a Captain who reports to the Deputy Chief and exercises direct supervision over each Patrol Lieutenant.

    (a) The Patrol Division is organized into four squads, each commanded by a Lieutenant and supervised by one or more Sergeants. The Patrol Division is charged with the primary responsibility of providing line level police services which include preventive patrol; crime prevention activities; response to calls for service; investigation of crimes, accidents, incidents and conditions, including the apprehension of offenders; traffic direction and control; maintenance of public order; provision of emergency services; service of legal process; development of relationships between citizens and the agency; and reporting of information to appropriate agencies and organizational components.

(b) The Patrol Division also has primary responsibility for the planning, analysis, implementation, monitoring, and coordination of the agency's traffic safety activities. Specific responsibilities include the investigation of traffic collisions, traffic law enforcement, operation of speed measuring devices, oversight of the chemical testing program, parking control, funeral escorts, traffic direction and control; traffic engineering activities, and traffic safety programs.

4. The Support Services Bureau performs the primary staff functions of the agency and consists of two major divisions: the Staff Services Division and the Criminal Investigation Division. This Bureau provides investigative and operational support to Patrol Division components. The Bureau is commanded by a Captain, who reports to the Deputy Chief and exercises direct supervision over the Lieutenant of the Criminal Investigation Division, the Records Unit, and the Training & Evidence Officer.

(a) The Staff Services Division consists of two units: the Technical Services Unit and the Community Services Unit. This Division performs both internal and external support functions, which assist line components.

(1) The Technical Services Unit is supervised by a Sergeant and is responsible for the agency's telecommunications function. Additional responsibilities include crime analysis and the preparation of informational reports, which provide assistance to operations commanders and administrators in alleviating major crime problems and effectively deploying agency resources.

(2) The Community Services Unit is supervised by a Sergeant, and is responsible for crime prevention activities, and the delivery of community-based programs such as DARE, School Resource Officers, and Community Watch.

(b) The Criminal Investigation Division (CID) consists of two units: the Felony Investigations Unit and the Vice & Narcotics Unit. This Division has primary responsibility for the investigation of more serious or complex offenses and gathering of criminal intelligence. The CID is commanded by a Lieutenant, who reports to the Support Services Bureau Commander and exercises direct supervision over the Sergeant of each unit.

(1) The Felony Investigations Unit is supervised by a Sergeant and has primary responsibility for the investigation of felony offenses such as homicide, burglary, rape, robbery, aggravated assaults, frauds, arson and other offenses that are not assigned to uniformed officers or other units for continued investigation. One investigator is designated as the Crime Scene Officer and is responsible for providing technical assistance in processing crime/incident scenes for physical evidence and performing identification services.

(2) The Vice & Narcotics Unit is supervised by a Sergeant, and has primary responsibility for the suppression and investigation of the illegal use, possession and sale of controlled substances, as well as vice activities such as: prostitution, illegal gambling, the illegal possession, use and sale of

alcoholic beverages, and the distribution and sale of obscene or pornographic materials.

(3) The Criminal Investigation Division is also responsible through the coordinated utilization of its resources for the investigation and suppression of unlawful activities by members of organized groups or associations engaged in or promoting extortion, theft, fencing, loan sharking, labor racketeering and similar offenses for profit; or engaged in supplying illegal goods and services such as narcotics and weapons trafficking; or engaged in other unlawful conduct that may involve the illegal use of force, fraud, bribery or corruption.

C. EVALUATION

1. There must be a continuing process of evaluation to ensure that the organizational structure meets the contemporary needs of the agency. A review will be conducted on at least an annual basis to determine if the structure should be modified or continued in its present form.

2. The agency's organizational structure will be depicted on an annually updated organizational chart and made available to all personnel. The chart will reflect the chain of command and the lines of authority and communication within the Department.

INDEX AS:

Authority
Oath of Office
Organizational Structure

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER 200-02

SUBJECT: COMMAND AND SUPERVISION
DISTRIBUTION All Personnel
EFFECTIVE DATE: 10-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of the General Order is to establish a departmental command structure and to define the authority and responsibility of supervisory personnel.

POLICY

It shall be the policy of the Kannapolis Police Department to provide for the positive direction, coordination, and control of agency employees and operations through the use of supervisory personnel. Commanders and supervisors will be responsible for planning, organizing, and directing the personnel and operations under their assigned area of command to ensure the effective and responsive delivery of police services. Commanders and supervisors at all levels are to manage their subordinate personnel in a manner that promotes efficiency and professionalism, and shall provide positive leadership, support, and direction conducive to effective job performance and high morale.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Chain of Command: vertical lines of formal internal communication going upward or downward within the organizational hierarchy through each successive level of command.

2. Commander: a term referring to the highest ranking officer assigned to a Division, Bureau or department level component. Command level officers are those holding the rank of Lieutenant or higher.

3. Span of Control: the number of persons directly reporting to any one supervisor.

4. Supervisor: generally refers to first line supervisory positions, however, in a broader sense, all members holding rank or having supervisory or management responsibilities are considered supervisory personnel.

5. Unity of Command: the concept that each employee is directly accountable to only one immediate supervisor at any given time.

PROCEDURES

A. COMMAND STRUCTURE & INTERNAL COMMUNICATION

1. The rank order for sworn personnel, in descending order of rank, shall be as follows:

    (a) Chief of Police
    (b) Deputy Chief
    (c) Captain
    (d) Lieutenant
    (e) Sergeant
    (f) Police Officer

2. Civilian supervisory positions may be established by the Police Department to provide for the effective management and supervision of components employing non-sworn personnel. When so established, civilian supervisors will report directly to the sworn supervisor or division commander with responsibility for that component.

3. In order for agency operations to be managed effectively, the chain of command regarding the routing of routine internal communication and reports downward and upward through successive levels of command will follow the established order of rank, with the following exceptions:

    (a) Command and supervisory personnel may communicate with any employee of subordinate rank for the purpose of discipline, direction, evaluation, or inspection.

    (b) In emergency situations where normal chain of command procedures are not feasible due to the absence of an immediate supervisor or when the delay required to notify the immediate supervisor is not practical.

    (c) The reporting of misconduct or corruption involving the employee's immediate supervisor or commander.

4. In order to promote open and effective <u>informa</u>l communication and encourage employee input regarding agency issues, policies and operations, all supervisors and commanders of the Police Department shall observe an official "Open Door" policy. Accordingly, any employee may informally communicate or confer informally with any supervisory or command level officer, without the need to obtain the prior permission of his/her immediate supervisor. If such communication involves an issue that should properly be directed through the member's normal chain of command, the higher ranking officer will bear the responsibility for directing the employee to the appropriate supervisor accordingly. It will be the shared responsibility of all supervisory personnel to establish and maintain a work environment that fosters effective internal communication and cooperation.

5. All members shall adhere to the normal chain of command for formal internal communications and operations unless procedures or orders from proper authority dictate otherwise.

B. UNITY OF COMMAND

1. Each organizational component shall be under the direct command of only one supervisor. Unit level components will be supervised by a Sergeant. Division level components will be supervised by a Lieutenant. Bureau level components will be supervised by a Captain.

2. To ensure that employees are aware of what is expected of them and to promote efficiency and responsibility, each employee will be directly accountable to only one immediate supervisor at any given time. In Division level components having more than one Sergeant, each employee will be accountable to only one Sergeant for the purpose of performance evaluation. This designation will be made at the beginning of each evaluation period.

3. Patrol Division squads normally have two Sergeants assigned for supervisory duty based on designated areas of geographic responsibility (e.g., east side or west side of the City). Patrol officers will report directly to the Sergeant with supervisory responsibility for the geographic area or zone to which they have been assigned. In the event that only one Sergeant is on duty and available, all patrol officers will report directly to the remaining Sergeant, unless otherwise directed by proper authority.

C. COMMAND SUCCESSION PROTOCOL

1. In the event that the Chief of Police is absent, unless otherwise designated, the order of command succession will be as follows:

    (a) Deputy Chief;
    (b) Captains, by seniority;
    (c) Lieutenants, by seniority.

2. During the temporary absence of a command level officer, when no other provision is made by higher authority, command of the affected component will automatically be assumed by the senior subordinate supervisor. For the purpose of command succession among supervisors of equal rank, seniority is determined first by length of service in rank, and secondly by length of service with the Department.

D. COMMAND PROTOCOL FOR JOINT OPERATIONS

1. In situations where personnel of different divisions or components of the police department are engaged in joint operations, unless otherwise specified by applicable directives, the command protocol will be as follows:

    (a) In operations involving separate components from within the same Bureau, the highest ranking supervisor present from that Bureau will exercise command.

    (b) In operations involving separate components from different Bureaus, command will be determined as follows:

        (1) In tactical or in-progress situations requiring immediate field response, the ranking supervisor present from the field operations component will exercise command;

(2) In investigative situations, the ranking supervisor present from the assigned investigative component will exercise command.

E. SPAN OF CONTROL

1. In order to ensure the effective direction, coordination and control of agency personnel, the following limits are established for the immediate span of control of commanders and supervisors:

   (a) Chief – 6 employees
   (b) Deputy Chief – 6 employees
   (c) Captain – 8 employees
   (d) Lieutenant – 10 employees
   (e) Sergeant – 12 employees

F. AUTHORITY AND RESPONSIBILITY

1. At every level within the agency, personnel will be delegated the authority commensurate with their assigned duties and responsibilities. Consequently, all personnel will be held fully accountable for the use, as well as the failure to use, such delegated authority.

2. All officers holding a command or supervisor rank within the Department will have general supervisory authority over all officers and employees of any subordinate rank or status.

3. Supervisory authority will ordinarily be exercised only within the scope of the supervisor's assignment. However, in the event of an emergency, or when the delay necessary to notify a subordinate employee's immediate supervisor may result in damage to the Department's interests, any commander or supervisor may direct or correct the activities or actions of any subordinate member. Commanders and supervisors exercising authority outside the normal scope of their assignment will be held accountable for such action.

4. Supervisory personnel are to manage their subordinate personnel so as to improve their quality of performance by:

   (a) Providing positive leadership and direction conducive to effective job performance and high morale;

   (b) Rendering on-the-job instruction in the proper performance of assigned duties;

   (c) Inspecting, evaluating, and reviewing job performance, equipment, facilities, and reports to ensure adherence to current policies, procedures and directives.

5. Supervisory personnel shall assume responsibility for the proper conduct and discipline of assigned subordinates, and shall not show partiality, favoritism, or undue leniency.

6. Commanders and supervisors will be responsible for the planning, organizing, directing, coordinating, controlling and staffing of activities and operations under their assigned area of command to assure the efficient and effective performance of police functions.

7. Supervisory personnel are accountable for the performance of employees under their immediate control and shall take appropriate corrective action in the event that any laxity, misconduct, incompetence, corruption, inefficiency, or neglect of duty is discovered.

8. Commanders and sworn supervisors may exercise all the statutory powers of law enforcement officers within their jurisdiction and shall be responsible for the enforcement of the laws of the State of North Carolina and the ordinances of the City of Kannapolis.

G. ISSUANCE / OBEDIENCE OF ORDERS

1. Orders from commanders and supervisors to subordinate personnel are to be in clear, understandable language, and issued in furtherance of the police mission. Such orders may be issued verbally, through written form, or if necessary, relayed through other personnel.

2. No commander or supervisor may knowingly issue any order that is contrary to departmental or City policy, prevailing law, or City ordinance. Employees are required to obey any lawful order of a superior officer, including any order relayed from a superior officer by an employee of the same or lesser rank. Willful failure to obey a lawful order will constitute insubordination.

3. Members receiving an order conflicting with or contradicting any previously issued order or instruction will advise the commander or supervisor issuing the order of such conflict. Responsibility for countermanding the original order or instruction then rests with the commander or supervisor issuing the second order. If so directed, the last order is to be obeyed. Orders and instructions may be countermanded when necessary and in the best interests of the Department. Commanders and supervisors issuing conflicting orders will be responsible for justifying the need for such action.

4. No member is expected to obey an order that is contrary to any provision of law or local ordinance. Obedience to an unlawful order is never a defense to an unlawful action. Responsibility for refusal to obey such an order will rest with the refusing member, who will be required to justify such refusal.

5. Members who are given lawful orders that they believe to be unjust or unfair must first obey the order to the best of their ability, then proceed to appeal the order in writing to the next higher authority in the chain of command. This appeal should contain details of the order and action taken, and a request for relief from such order.

H. SUPERVISORY COMPETENCE

1. Commanders and supervisors are required to maintain sufficient competence to effectively perform their assigned duties and responsibilities. Commanders and supervisors found to be incompetent are subject to disciplinary action, including demotion and dismissal.

I. STAFF MEETINGS

1. Commanders and supervisors at all levels shall periodically confer with their subordinate staff through formal meetings for the purpose of instruction, briefing, discussion, and promotion cooperation and uniformity. The composition and frequency of staff meetings will be as follows:

(a) Command staff meetings to include the Chief of Police, Deputy Chief, Bureau Commanders, and Division Commanders, will be conducted on at least a monthly basis;

(b) Division and unit level staff meetings will be conducted on at least a monthly basis in accordance with guidelines provided by the responsible Bureau Commander.

2. In order to promote effective communication and cooperation among organizational components, periodic attendance by selected staff members other than those specified above may be required.

3. Attendance at staff meetings is mandatory unless authorization for absence has been specifically granted by the Chief of Police or commander presiding over the meeting.

INDEX AS:

Chain of Command
Command Protocols
Command Staff Meetings
Command Structure
Command Succession
Issuance of Orders
Open Door Policy
Span of Control
Supervision
Unity of Command

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: **200-03**
SUBJECT: WRITTEN DIRECTIVES
DISTRIBUTION All Personnel
EFFECTIVE DATE: 04-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish a uniform system for the development and dissemination of agency written directives.

POLICY

The Kannapolis Police Department will utilize a formal system of written directives to provide employees with a clear understanding of the constraints and expectations related to the performance of their duties. While such a system is not intended to be all-inclusive, the establishment of written directives will help to ensure a high degree of planned, consistent and accountable police service. The Chief of Police shall have the authority to issue, modify, and approve all written directives within the agency as necessary.

DEFINITIONS

The following definitions are for the limited purposes of this General Order and may not apply in all other cases:

1. Written Directive: any written document used to guide or affect the performance or conduct of agency employees.

2. General Order: written orders issued by the Chief of Police containing policy, rules and/or procedures.

3. SOP Manual: the official repository of agency policies, rules and procedures. The term SOP Manual will refer to both the electronic version and hard copy reproductions.

4. Special Order: a written directive affecting only a segment of the department or a statement of procedure regarding an issue that is limited in scope or temporary in nature.

5. Memorandum: a written document generally used to clarify, inform, or inquire and transmitted between agency members or organizational components.

6. Personnel Order: a written directive announcing changes in the classification, designation, or assignment of agency personnel (e.g., promotions, transfers, special designations, etc).

PROCEDURES

A. DEPARTMENTAL SOP MANUAL

1. The Standard Operating Procedures (SOP) Manual will serve as the official repository of departmental policies, rules and procedures. The SOP Manual is organized into broad topic areas with individual directives identified by a unique number. It also contains a table of contents and a subject index.

2. The SOP Manual is electronically posted on the department's computer network and is accessible to all employees on a 24-hour basis. In addition, reference copies of the SOP Manual are available in each major component for access by all agency personnel. Where any discrepancy may exist between the electronic SOP manual and a reference copy, the electronic version shall prevail.

3. Reference copies of the SOP Manual are for the common use of members assigned to the various components. These manuals shall be immediately returned to their assigned location when not in use to ensure ready availability to other personnel.

4. Upon initial appointment, new employees will be provided with a unique password and receive instruction on how to access the electronic SOP Manual. Such access will be acknowledged in writing by the employee.

5. New directives, updates and revisions shall be incorporated into the electronic SOP manual and reference copies by the Chief of Police or his designee. When changes are made to the SOP manual, appropriate notice will be sent to each Bureau and Division Commander. It shall be the responsibility of each Bureau and Division Commander to review such changes with their subordinate personnel. Once this review has been completed, each employee will be required to sign a certification of receipt and understanding (form KPD-153). Commanders will return the completed KPD-153 form to the Accreditation Manager by the indicated due date.

6. Directives contained in the SOP Manual are the property of the Kannapolis Police Department and may not be disseminated to any person not currently employed by the Kannapolis Police Department without the prior approval of the Chief of Police.

7. The directives contained in the SOP Manual are intended for departmental use only. In the event of any conflict between these directives and any city ordinance, city policy, state or federal law, the terms and conditions of such ordinance, policy, or law shall prevail. In the event of any amendment of any city ordinance, city policy or law incorporated by reference into the SOP Manual, or upon which they rely, these directives shall be deemed amended in conformance with those changes.

B. DEVELOPMENT OF WRITTEN DIRECTIVES

1. General Orders will be developed and issued at the direction of the Chief of Police. General Orders will be reviewed on an annual basis and will remain in effect until amended or rescinded. General Orders will be prepared in the general format shown in Attachment #1, and shall consist of the following sections, as applicable:

    (a) <u>Purpose</u>: a statement of the intended purpose of the General Order.

(b) Policy: a general statement of agency position or philosophy on the subject matter addressed in the Order.

(c) Definitions: terminology that may be specific to the General Order.

(d) Rules: specified directives from which no deviations or exceptions are permitted.

(e) Procedures: guidelines to be followed, or aspects of policy intended to guide personnel in the application of the policy.

(f) Subject Index: a listing of cross-references by subject or topic.

2. Special Orders will be issued by the Chief of Police and prepared according to the general format shown in Attachment #2. Special orders will be reviewed annually and shall remain in effect until amended or rescinded.

3. Personnel Orders are issued by the Chief of Police and maintained in the affected member's public safety file. A copy will be provided to the affected employee and distributed to relevant supervisory personnel as required. Personnel orders will be prepared according to the general format shown in Attachment #3 and will remain in effect until superceded or upon the specified expiration date.

4. Written or electronic memoranda may be issued by any member having the need to convey or seek information. Written memoranda should be prepared according to the general format shown in Attachment #4. The date and subject heading will serve as the control function. Electronic memoranda should identify the sender and intended recipients, as well as the date and subject of the message. Memoranda are temporary in nature and require no review.

C. REVIEW OF EXISTING DIRECTIVES

1. Written directives are subject to periodic review and revision in order to provide agency members with updated and effective direction. Any member discovering material that is no longer current or that contains errors or discrepancies has an obligation to report such information to the appropriate supervisor for review and correction. The final responsibility for effecting necessary changes will rest with the issuing authority.

2. Upon review, an existing directive may be rescinded, amended, or continued in its present form. When amended, a new revision date will be assigned to the directive. The general process for review, updating, and purging of written directives will be as follows:

   (a) General Orders and Special Orders will be reviewed on an annual basis, unless circumstances dictate that an earlier review is necessary.

   (b) Reviews of existing directives will be conducted by the command staff, accreditation manager, and/or other personnel as directed by the Chief of Police. Such reviews are to include an opportunity for participation and input by affected line personnel.

   (c) When changes to an existing directive are approved, the electronic SOP manual will be updated accordingly and appropriate notice provided to all personnel.

3. Nothing in this section shall be construed as limiting the authority of the Chief of Police to effect changes in departmental directives without prior internal review when such action is deemed in the best interests of the agency.

D. DEVELOPMENT OF NEW DIRECTIVES

1. New General Orders and Special Orders will be reviewed prior to issuance. This review will be conducted using the same procedure as reviews of existing directives. The purpose of this review is to provide employees with an opportunity to participate in the development of agency policies and procedures, and to ensure that proposed directives are clearly written, fair and practical. Commanders and supervisors are to consult with line level employees to obtain their ideas and feedback on proposed policies.

2. The Chief of Police will be responsible for obtaining appropriate review of proposed policies by legal counsel and/or the City Manager as required.

3. Upon final approval, the new directive will be electronically posted in the SOP manual and notice provided to all personnel accordingly. Written acknowledgement of the receipt of notice of such changes will be obtained from each employee and instruction relevant to the new directive will be provided by appropriate supervisory or training personnel.

E. DISSEMINATION OF DIRECTIVES

1. No portion of the SOP manual may be disseminated to any person not currently employed by the Kannapolis Police Department without the prior authorization of the Chief of Police or valid court order.

F. LEGAL DISCLAIMER

1. All directives issued by the Police Department are for internal use only, and do not enlarge an employee's civil or criminal liability in any way. Departmental written directives should not be construed as creating a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of such directives will only form the basis for administrative sanctions by the Department.

INDEX AS:

General Orders
Memoranda
Special Orders
Personnel Orders
Written Directives

ATTACHMENT #1

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER:	**000-00**
SUBJECT:	(SUBJECT HERE)
DISTRIBUTION	All Personnel
EFFECTIVE DATE:	00-00-0000
LAST REVISION DATE:	00-00-0000
BY ORDER OF:	Terry L. Spry, Chief of Police

PURPOSE

(The purpose of the General Order here)

POLICY

(General statement of agency position on the subject matter)

DEFINITIONS

(Terminology that may be specific to the General Order)

RULES

(Specific directives from which no deviation or exception is permitted)

PROCEDURES

(Outline of departmental procedures and guidelines)

INDEX AS: **CALEA REFERENCE**:

ATTACHMENT #2

KANNAPOLIS POLICE DEPARTMENT

SPECIAL ORDER:	**SO-000**
SUBJECT:	(SUBJECT HERE)
DISTRIBUTION	All Personnel
EFFECTIVE DATE:	00-00-0000
LAST REVISION DATE:	00-00-0000
BY ORDER OF:	Terry L. Spry, Chief of Police

OVERVIEW

(Brief overview of relevant topic, background information, and purpose of Order as applicable)

PROCEDURES

(Outline of departmental procedures and guidelines)

INDEX AS: **CALEA REFERENCE**:

ATTACHMENT #3

KANNAPOLIS POLICE DEPARTMENT

PERSONNEL ORDER: 2000-00

ACTION TYPE: (Nature of Action Taken)
MEMBER NAME: (Name of Employee)
EFFECTIVE DATE: 00-00-0000
ISSUE DATE: 00-00-0000
ISSUING AUTHORITY: Terry L. Spry, Chief of Police

(Main Body of Personnel Order Here)

BY ORDER OF: _____
Chief of Police

ATTACHMENT #4

MEMORANDUM

TO:

FROM:

DATE:

SUBJECT:

(Main Body of Memorandum Here)

cc: (Copy Distribution List)

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: **200-04**
SUBJECT: CRIME ANALYSIS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 05-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to define the crime analysis function, and to establish procedures for the collection, analysis, dissemination, and use of crime information

POLICY

Crime analysis is a departmental function whereby information relating to criminal offenses is collected, collated, analyzed, and disseminated. Crime analysis is intended to provide currently useful information to assist operational personnel in meeting their tactical crime control and prevention objectives, and to assist command and administrative personnel in planning and strategic decision-making. It shall be the policy of the Kannapolis Police Department to provide for the effective analysis and utilization of crime data in order to ensure the efficient deployment of organizational resources, and the establishment of relevant enforcement priorities.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Administrative Analysis: examining crime data and aggregate crime information to support administrative decisions relating to budget, policy, staffing, and intra/inter-agency coordination.

2. Crime Analysis: a systematic process of collecting, categorizing, analyzing and disseminating timely and useful information that describes crime patterns, crime trends and potential suspects.

3. GIS: refers to a Geographic Information System; a computer software application that enables the Department to analyze crime data and other relevant information based on specific geographic and temporal parameters.

4. Strategic Analysis & Planning: long term analysis and planning intended to address crime trend and pattern forecasting, resource allocation and situational analysis, and which is based on given geographical regions, specific crime types, seasonal fluctuations, or special events.

5. Tactical Analysis & Planning: short term analysis and planning intended to detect crime trends and patterns, establish suspect-crime correlations, target/suspect profiles and crime potential, which is based on specific geographical areas, modus operandi, and/or specific suspect information.

PROCEDURES

A. ORGANIZATION

1. The Police Planner will serve as the Department's primary crime analyst, and will be responsible for specific duties related to this function.

2. Other components and individuals will perform duties related to crime analysis that are specific to their scope of responsibility.

3. The crime analysis function of the Department will include the following elements:

   (a) Collection of crime data;
   (b) Collation of crime data;
   (c) Analysis of crime data;
   (d) Dissemination of analyzed crime data;
   (e) Feedback analysis and program evaluation.

4. Crime analysis should provide currently useful information to aid operational personnel in meeting their tactical crime control and prevention objectives by:

   (a) Identifying and analyzing methods of operation of individual criminals;
   (b) Providing crime pattern recognition.

5. Crime analysis information may also be used to assist in long-range planning by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

B. OPERATIONS

1. The sources of data utilized for crime analysis by the Police Department will include, but is not limited to:

   (a) Incident/Investigation reports;
   (b) Supplemental reports;
   (c) Arrest reports;
   (d) SBI Criminal Identification & Information Section (CIIS) reports;
   (e) Field Contacts;
   (f) Other data captured in CAD or RMS.

2. The Police Planner will compile and submit a monthly statistical report to Bureau and Division Commanders. Additionally, the Police Planner will compile and submit a crime analysis report to the Chief of Police on a quarterly basis. The fourth quarter report will also serve as an annual crime analysis report. These documents are designed and intended to provide timely information on crime patterns and crime trends in the community.

3. All data used for analytical purposes shall be verified to exclude erroneous and duplicate data. This verification may include second party review or other methods designed to insure accuracy.

4. Other crime analysis reports used by the Department may include:

    (a) Staff studies;
    (b) Crime summaries;
    (c) Alert bulletins;
    (d) Specific crime reports, as needed.

5. Crime analysis information will be disseminated to the appropriate Departmental members and components as follows:

    (a) Information relevant to the operational and tactical plans of line units will be sent directly to each Division Commander;

    (b) Information relevant to the development of the agency's strategic plans will be sent to each Bureau Commander and the Chief of Police;

    (c) Information pertaining to both tactical and strategic plans will be sent to all affected components when a specific need is determined.

6. Factors to be included in the crime analysis function will include, at a minimum, the following:

    (a) Frequency of crime by type;
    (b) Geographic factors;
    (c) Chronological factors;
    (d) Victim and target descriptors;
    (e) Suspect descriptors;
    (f) Suspect vehicle descriptors;
    (g) Modus operandi factors;
    (h) Physical evidence information;
    (i) Problem or community policing strategies, if any.

7. The Department, through reports from the Police Planner, Records Unit, and other components, will document both the temporal and geographic distribution of selected crimes. This documentation will provide information by type of offense, time of day, and zone of occurrence.

C. USE OF CRIME ANALYSIS INFORMATION

1. The use of crime analysis information is required in the development of Departmental tactics, strategies, and long-range plans.

2. Division Commanders of operational units will utilize available crime information for tactical analysis and planning, including the development of plans for directed patrols, stakeouts, and other tactical countermeasure activities.

3. Bureau Commanders will utilize available crime information for strategic analysis and planning. Strategic analysis is intended to address crime trends/pattern forecasting and will be used to support command level decisions related to resource allocation, personnel distribution, prioritization of objectives, and strategic planning.

4. The Chief of Police will utilize available crime information for administrative analysis and planning. The analysis of aggregate crime data will be used to support administrative decisions related to long-range planning, budgeting, staffing, policy development, and intra/inter-agency relations.

D. EVALUATION OF CRIME ANALYSIS INFORMATION

1. The Police Planner will consult regularly with command and supervisory personnel to evaluate the relevance and adequacy of crime analysis information provided, and to review strategies and tactics employed as a result of such analysis.

2. The evaluation and review of crime analysis data will address, at a minimum, the following:

   (a) Were crime trends effectively identified?

   (b) Were the methods developed effective in meeting established goals and objectives?

   (c) Is the information generated an effective tool for controlling crime in the community?

3. Suggestions for changes and/or additions to the collection, dissemination, and use of crime analysis information should be forwarded to the Police Planner.

4. The Police Planner will annually document those efforts directed toward the evaluation of the Department's crime analysis function, and forward reports of such evaluation to the Chief of Police.

E. PUBLIC DISSEMINATION OF CRIME ANALYSIS INFORMATION

1. The Chief of Police, or his designee, will be responsible for the release of crime analysis information to the public and news media. Specified crime information will be released for the purpose of enhancing public knowledge and generating community support.

2. Dissemination of crime analysis data to other criminal justice agencies, organizations, and individuals will be made as approved by the Chief of Police.

INDEX AS:

Crime Analysis
GIS

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 200-05

SUBJECT: FISCAL MANAGEMENT
DISTRIBUTION All Personnel
EFFECTIVE DATE: 05-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish policy and procedure related to Departmental budgeting, accounting, and fiscal control procedures.

POLICY

The policy of the Kannapolis Police Department is to conduct all fiscal matters of the agency in accordance with the established controls and procedures of the City of Kannapolis, and applicable North Carolina law.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Appropriation: money allocated to the Police Department by City Council to spend for authorized purposes, such as for personnel services, operating expenses, capital outlay, etc.

2. Encumbrance: a commitment in the form of a purchase order, contract, salary, or similar item that will become payable when goods are delivered, or services rendered.

3. Unencumbered Balance: that part of an appropriation or allotment that has not been committed and is thus available for expenditure.

PROCEDURES

A. ADMINISTRATION

1. Primary authority and responsibility for City fiscal management, accounting and budget execution is delegated by the City Manager to the Director of Finance, who develops and promulgates general procedures for accounting and budget control. The Director of Finance maintains primary auditable fiscal accounts and exercises expenditure approval authority for all municipal activities in accordance with approved budgetary authorization.

2. The Chief of Police has responsibility for preparation of the police budget and the fiscal management of the department's authorized resources to ensure compliance with the accounting and budget control procedures established by the City of Kannapolis. The fiscal management function includes, at a minimum:

(a) Development, coordination and submission of annual budget requests and periodic budget amendments in accordance with city requirements as determined by the Director of Finance and approved by the City Manager;

(b) Supervision of department expenditures and maintenance of internal fiscal controls, including the submission and authentication of required documents and the maintenance of internal records related to expenditures; and

(c) Review of periodic budget reports related to police department expenditures and budget account balances.

3. The Chief of Police manages the fiscal activities and funds allocated to Administration and General Services. Although the Chief is ultimately responsible for all fiscal matters of the agency, selected responsibilities may be delegated to specific individuals or components in order to facilitate the effective administration and operation of the Department. The Deputy Chief, Field Operations Bureau Commander, and Support Services Bureau Commander are designated as Budget Administrators and are responsible for the following:

   (a) Properly managing the fiscal activities and funds allocated to their respective budgets to ensure that expenditures do not exceed appropriated resources;

   (b) Acquisition, distribution, inspection and accounting of departmental property and equipment assigned to their respective components;

   (c) Maintaining records of appropriations and expenditures; and monitoring expenditure accounts, including monthly verification through automated access to the City's General Ledger of cumulative expenditures and balance remaining in each account;

   (d) Administrative management of the motor vehicle expenses for assigned vehicles;

   (e) Informing the Chief of Police of any budgetary questions and/or problems with City fiscal administration procedures as they relate to their respective components.

B. ANNUAL BUDGET

1. Bureau Commanders and Administrators, as well as other designated members, will actively participate in the preparation of annual budgets. Such participation will include, but is not limited to:

   (a) Preparing and submitting program budgets and associated budget forms, including line-item budget requests and budget narratives.

   (b) Preparing justification reports /forms for any new personnel positions, new or expanded costs, and capital outlay.

   (c) Coordinating budget requests with the development of annual goals and objectives as required by departmental policy.

2. Written recommendations and justification for line-item expenditures, particularly those dealing with requests for additional personnel or the acquisition of capital equipment items, will be

based on detailed operational and activity analyses which clearly demonstrate the specific need or operational capability to be enhanced.

3. Command level staff meetings will be conducted to review all program budgets to assure Department-wide understanding of the final submission data, rationale, and implication for each organizational unit.

4. Upon adoption of a final budget ordinance by the City Council, each Budget Administrator will be provided with a copy of the final budget and will take appropriate action to ensure proper accounting and control of the expenditures of their respective units.

C. ACCOUNTING AND AUDITING

1. The City of Kannapolis maintains a computerized accounting system (general ledger) under the direction and control of the Finance Director. This system indicates the appropriation for each departmental account, balances at the end of the monthly period, expenditures, encumbrances and credits made during each month to each account; and the unencumbered balance remaining in each account.

2. Budget Administrators and other designated members are authorized view-only access to the City's general ledger in order to reconcile internal accounting and purchasing data with the City's official financial records; and to facilitate control over police budget execution and monitoring of expenditures and account balances. Any discrepancies will be called to the attention of the Finance Director and/or Chief of Police for appropriate inquiry and reconciliation.

3. Budget Administrators are to prepare a printed budget summary from the City's computerized general ledger for their accounts at the end of each calendar month. A copy of this report will be forwarded to the Chief of Police for review. In addition to the reports required for regular budget accounts, budget summaries are to be prepared for any capital project funds or grant funds being administered by that Bureau.

4. As required by NCGS 159-34, an independent audit is conducted annually of the accounts and finances of the City of Kannapolis to ensure the integrity of fiscal control procedures. All Police Department accounts and finances are included in this audit and are open for inspection by such auditors at any time. Department personnel will provide full cooperation and assistance to auditors conducting such procedures.

D. POSITION CONTROL

1. As part of the annual budget process, the number and classification of authorized positions for the Police Department is established by City Council. The Chief of Police will ensure that the number and classification of positions filled are in accordance with the positions authorized by Council. Requisitions for supplemental personnel or staffing of vacant positions will be prepared and submitted as needed in accordance with procedures established by the City.

2. The Chief's Administrative Assistant will submit employee status forms to the Director of Human Resources on any reported change in the status of employees to ensure proper position accounting. Periodic personnel listings from the City Human Resources Director will be verified by the Administrative Assistant and any discrepancies called to the attention of the Chief of Police.

3. To assist in managing position control, the Deputy Chief will maintain a staffing table showing the number of allocated positions, the number of positions filled and vacant, and the number of any outstanding conditional offers of employment.

E. PURCHASING

1. All departmental transactions pertaining to the requisition and purchase of equipment, supplies and services shall be in accordance with applicable law and the purchasing policies of the City of Kannapolis. The Chief of Police or appropriate Bureau Commander will coordinate with the City Purchasing Agent in the development of specifications for items requiring standardized purchases, contracts, or formal bidding procedures. Formal bids, when required, will be administered by the City Purchasing Agent in accordance with applicable law and city policy. The Chief of Police will have the authority to make the final departmental determination regarding all purchases or acquisitions.

2. Requisitions for the purchase of equipment, supplies or services are to be submitted electronically through use of approved software. All such requisitions are to be properly prepared and submitted by the appropriate budget administrator or other designated employee.

3. Budget Administrators are authorized to approve purchase requisitions and check requests drawn on program budgets under their area of command in accordance with City policies and departmental procedures.

4. The Chief of Police, budget administrators, and other agency members issued or approved to use City provided Purchase Cards are authorized to make necessary purchases of supplies, equipment, meals, lodging, or other travel and training expenses in accordance with the purchasing policies of the City.

5. All documentation relating to the purchase and receipt of equipment, supplies and services will be prepared and submitted in accordance with established City policies and procedures.

F. SUPPLEMENTAL APPROPRIATIONS AND FUND TRANSFERS

1. When situations arise involving circumstances that could not have been anticipated by prior fiscal planning, the Chief of Police may submit a request for supplemental appropriations to the City Manager, who in turn, may seek City Council authorization.

2. The Chief of Police may request approval of the transfer of funds from one departmental or project account to another in the interest of effective fiscal management. Such requests must be submitted on an approved form and authorized by the City Manager and Finance Director. All requests for fund account transfers must be submitted via the chain of command to the Chief of Police for final departmental review and approval.

G. ASSET FORFEITURE AND CONTROLLED SUBSTANCE EXCISE TAX PROCEEDS

1. All funds received from federal or state agencies as proceeds from asset forfeiture proceedings, controlled substance excise taxes, or court ordered restitutions shall immediately be forwarded directly to the Chief of Police, who will coordinate the proper accounting and disposition of such funds with the City Finance Director.

H. CONFIDENTIAL FUNDS

1. Appropriations to selected budget accounts provide for the establishment of a cash fund to support covert vice and organized crime control functions such as, but not limited to: payment of informants, purchasing drugs and contraband, and special expenses related to covert surveillance and undercover activities.

2. The Commander of the Support Services Bureau will be responsible for the administration and accounting of all confidential funds in accordance with the provisions of General Order 700-06 (Confidential Funds). Financial records and receipts relating to the expenditure or transfer of special expense funds will be retained for a period of three (3) years.

3. At the end of each fiscal year, the City Accountant will conduct a review of confidential fund transactions to ensure proper documentation and accounting of expenditures. The results of this review will be reported to the Director of Finance and Chief of Police.

I. RECEIPT OF FUNDS FROM PUBLIC TRANSACTIONS

1. Records personnel are authorized to receive funds in payment for permits and licenses, parking fines, and other authorized public transactions. The Chief of Police may authorize additional personnel to receive such funds when deemed in the best interest of the Department.

2. All monies received as a result of authorized public transactions shall be accounted for by issuance of a cash register receipt. Records personnel will maintain a daily summary of cash register receipts as a permanent record.

3. A daily bank deposit of previous day's receipts will be made by 1:00 P.M. the next business day and a duplicate copy of deposit slip will be forwarded to the City Finance Director.

4. The Clerk of Court or other originator generally forwards legal process service fees directly to the Finance Director. Any funds of this nature that are directed to the Police Department shall be promptly forwarded to the City Finance Director.

J. TRAVEL EXPENSES

1. All reimbursement or advances for authorized travel expenses will be in accordance with the policies and procedures established by the City of Kannapolis.

2. The Commander authorizing official travel will complete a training order and request for check for travel expenses in accordance with departmental guidelines. Cash advances for travel should be requested at least ten (10) days in advance of the date the funds will be needed.

3. Employees shall promptly complete and submit a Travel Expense Voucher via the chain of command upon return from authorized trips, to include a record of expenses and associated receipts required by the Department. When a cash advance is requested and received for meals at the per diem rate, it will not be necessary for the employee to submit a Travel Expense Voucher unless additional expenses such as lodging, registration fees, etc., have been incurred.

4. Reimbursement for authorized travel expenses not advanced to the employee may be requested by submitting a completed Travel Expense Voucher and associated receipts via the chain of command. The appropriate budget administrator will complete a request for check accordingly. Reimbursement due shall be paid to the employee by check. Funds due the City should be submitted by check or money order (cash should not be submitted) along with a completed Travel Expense Voucher. Approved vouchers will be forwarded to the City Finance Director, and upon request the employee shall be provided a written receipt for the returned funds.

K. INTERNAL MONITORING

1. Internal monitoring practices will enable the Department to determine if established fiscal control procedures are being administered effectively, and to evaluate the performance of members responsible for specific fiscal management functions.

2. In order to provide continuous internal monitoring of the Department's fiscal control activities, Bureau and Division Commanders will include an inspection of the non-cash fiscal activities conducted within their respective units as part of the regular line inspection process.

3. Special inspections of both cash and non-cash fiscal activities of departmental components may be conducted at the direction of the Chief of Police to ensure compliance with established fiscal control procedures.

4. The Support Services Bureau Commander will prepare and maintain a quarterly accounting report of all cash funds where agency personnel are permitted to receive, maintain or disburse cash.

L. PROPERTY CONTROL

1. The Chief of Police is responsible for ensuring departmental compliance with the City of Kannapolis inventory control procedures. Agency inventory control functions will include:

    (a) Proper accession of all capital equipment and other fixed assets;

    (b) Proper disposal or disposition of damaged or surplus property;

    (c) Periodic inventory verification as required by the Director of Finance; and

    (d) Maintenance of internal inventory control records for departmental property, equipment and capital assets.

2. Distribution, issuance, and accountability for Departmental property shall be a responsibility of the Bureau Commanders, dependent upon the type of property involved. Bureau and Division Commanders are responsible for evaluating the operational readiness of property assigned to their respective units through regular line inspections.

3. Selected members may be designated responsibility for the control and maintenance of departmental property not specifically issued or assigned to an individual employee. Bureau Commanders shall establish property management responsibilities for such items of property assigned to their respective bureaus. Reporting and disposition of property that is damaged or

surplus will be in accordance with established city and department policies. Lost, stolen, or missing property must be reported in writing to the appropriate supervisor.

4. Periodic inventories of Departmental property, equipment, and other assets will be administered through the City Finance Office. The Chief of Police will designate members of the department to assist representatives of the City Finance Office in conducting the inventory.

INDEX AS: **CALEA REFERENCE**:

Budget
Fiscal Management
Purchasing
Travel Vouchers

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 200-06

SUBJECT: PLANNING AND RESEARCH
DISTRIBUTION All Personnel
EFFECTIVE DATE: 05-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish a research and planning function within the Kannapolis Police Department and to set guidelines for planning activities.

POLICY

Planning for a law enforcement agency involves the development and utilization of limited personnel, equipment, and resources in ways that will favorably affect future public welfare. Due to the complexity of delivering police services in a rapidly changing society, it is essential that the Kannapolis Police Department carefully research alternatives and adequately plan for its future programs, operations and services. It shall be the policy of this agency to carry out planning functions on a regular basis in order to ensure the effective management of current police services, and to better anticipate future needs.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Planning: the development of strategies designed to bring about a desirable future condition. Short term planning is normally referred to as “tactical” planning, while long range, multi-year planning is referred to as “strategic” planning.

2. Research: the systematic and objective analysis of controlled observations that may lead to the development of generalizations resulting in the prediction and ultimate control of events.

PROCEDURES

A. ADMINISTRATION

1. The Police Planner will be responsible for the planning and research function within the Kannapolis Police Department and will report directly to the Chief of Police.

2. The Police Planner will have access to all reports, studies, analyses, and evaluations completed by other agency components in order to permit the accurate evaluation and exchange of relevant information, and the timely formulation of programmatic recommendations.

B. PLANNING & RESEARCH FUNCTIONS

1. Specific planning and research activities to be conducted by the Police Planner include, but are not limited to:

    (a) Administrative reports management;
    (b) Accreditation management;
    (c) Collection, review, and dissemination of analytical reports;
    (d) Strategic Plan tracking and reporting;
    (e) GIS-Based crime analysis to identify trends and patterns for crime control planning; and
    (f) Recruitment Plan review.

2. Additional planning and research activities will be performed by the various components of the Agency. These additional activities will be specific to the Bureau or Division assignment and may include, but are not limited to:

    (a) Incident and crime report analysis;
    (b) Operational planning;
    (c) Budget development and analysis;
    (d) Systems analysis;
    (e) Criminal intelligence analysis;
    (f) Strategic operational planning;
    (g) Grant application and management;
    (h) Pursuit analysis;
    (i) Traffic collision and enforcement analysis; and
    (j) Directed patrol projects.

C. ANALYSIS OF ACTIVITIES

1. The analysis of a wide range of agency operational activities is conducted as provided in departmental directives. Quite often, the analysis is an ongoing activity that is summarized in monthly, quarterly, and annual reports. These analyses reflect the reported data by:

    (a) Type of activity;
    (b) Frequency of activity;
    (c) Geographic factors; and
    (d) Modus Operandi.

2. The allocation of departmental resources is based on analysis of operational activities.

3. The various reports and studies from the analysis of operational activities are disseminated to the affected units. The Chief of Police, along with the Deputy Chief and Bureau Commanders, shall receive all such reports.

D. MULTI-YEAR (STRATEGIC) PLANNING

1. The Police Planner will serve as the coordinator for the development of a multi-year plan for the Police Department. The plan will normally cover a period of five (5) years. The Chief of Police, Deputy Chief, Bureau and Division Commanders, and such other personnel as may be designated by the Chief of Police will assist in the development of this plan.

2. The strategic plan will encompass the following elements:

    (a) Goals and operational objectives;
    (b) Anticipated workload and population trends;
    (c) Anticipated personnel level; and
    (d) Anticipated capital improvements and equipment needs.

3. The strategic plan will be reviewed on a quarterly basis to ensure its continued relevance, and to determine the level of progress made toward achieving the stated goals and operational objectives.

4. On an annual basis the Chief of Police, or his designee, shall complete a systematic review of the strategic plan. This review shall include the identification of involved stakeholders and decision makers, opportunities for improvement in associated systems or processes and contributing factors to future risks.

5. Based upon the results of progress and system reviews the plan shall be revised as needed.

INDEX AS:

Multi-Year Planning
Planning & Research
Strategic Planning

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 200-07

SUBJECT: PERSONNEL ALLOCATION & DISTRIBUTION
DISTRIBUTION All Personnel
EFFECTIVE DATE: 09-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish policy and procedures for the allocation and distribution of agency personnel.

POLICY

The Kannapolis Police Department will allocate and distribute personnel resources on the basis of sound assessments of the needs of the community served. The Department will also review the distribution and allocation of personnel on a regular schedule in order to make any needed adjustments.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Auxiliary: a civilian affiliated with the law enforcement agency in a part-time, non-sworn capacity, with or without compensation, because of his or her interest in contributing to the agency's role in a support capacity.

2. Civilian: any full time or part time non-sworn employee of the Police Department.

3. Personnel Allocation: the total number of Police Department personnel as authorized by the Kannapolis City Council based on the activity level of the agency.

4. Personnel Distribution: the assignment of individual workloads within each organizational component of the Police Department.

5. Rotating Assignment: a temporary assignment outside the normal duty area of an employee that is utilized for in-service training and career development. Rotating assignments will be staffed when feasible in accordance with prevailing departmental needs.

6. Specialized Assignment: an assignment characterized by increased levels of responsibility and specialized training, but within a given position classification or rank.

7. Specialized Training: training to enhance skills, knowledge, and abilities taught in either recruit or other in-service programs. Specialized training may include technical, supervisory, and assignment specific topics.

8. Staffing Table: a table that indicates the number of agency personnel allocated by the City of Kannapolis, the actual number of personnel employed, their current assignment and their sworn status.

9. Workload Assessment: a non-scientific determination of service needs to ascertain the number of personnel necessary to complete specific tasks or to fulfill certain objectives.

PROCEDURES

A. STAFFING TABLE

1. The Department utilizes a Staffing Table as part of a position management system that provides the following information:

    (a) The number and type of each position (sworn or civilian) authorized by Kannapolis City Council;

    (b) Personnel distribution information on the actual number of positions allocated and filled within each of the agency's major organizational components (delineated by program budget area);

    (c) Personnel information based on race, gender, and sworn/civilian status;

    (d) The number of frozen positions (if any), the number of pending separations, conditional offers of employment or new hires, and the number of available vacant positions.

2. The Staffing Table shall be maintained in electronic format on the agency's computer network for access by all personnel and will be reviewed periodically and revised as necessary to reflect changes in personnel strength and distribution.

3. A detailed organizational chart will be used to supplement the staffing table. This chart is a graphic representation of each allocated position within the agency by component assignment, job title, and status (sworn or civilian). The organizational chart will be updated at the beginning of each fiscal year and/or as changes occur to the organizational structure.

B. WORKLOAD ASSESSMENT

1. To ensure that the personnel strength of agency components is consistent with the workload, personnel will be allocated based upon workload assessments.

2. The responsible Bureau Commander will conduct workload assessments for agency components each year, prior to the annual budget process. Recommendations on staffing levels based on these assessments will be submitted to the Deputy Chief who will combine them into a single document to be submitted to the Chief of Police for budgeting consideration. Consideration should be given to the following information:

    (a) Outstanding programs and projects;
    (b) Job analysis;

(c) Personnel strength authorized by the City Council;
(d) Number of incidents/tasks handled by hour of the day and day of the week;
(e) Average time required to handle incidents/tasks; and
(f) Time lost through days off, holidays, and other leaves compared to the total time for each assignment.

C. PATROL PERSONNEL ALLOCATION

1. The allocation of personnel to the Patrol Division shall be based on a workload assessment to include the following information:

   (a) Number of incidents handled by field operations personnel during a specific period;

   (b) Average time required to handle an incident at the unit level;

   (c) Calculation of the percent of time that should be available, on an average, to the patrol officer for handling incidents during a standard shift;

   (d) Time lost through days off, holidays, and all other leave, compared to the total time required for each assignment.

2. Source data to complete the assessment will be compiled by the Records Unit from the Computer Aided Dispatch (CAD) system and records management system for annual review by the Field Operations Bureau Commander.

3. The Field Operations Bureau Commander shall calculate, on an annual basis, the assignment/availability factor for patrol personnel. The assignment/availability factor is a ratio representing the total person-days available (the number of personnel multiplied by 365 days) compared with the actual person-days available for assignment (potential person days less time lost due to days off, leave, holidays, training, court, etc.).

D. PERSONNEL DISTRIBUTION

1. Personnel allocated to each organizational component will be distributed in a manner consistent with workload demands. These distributions will take into account the time and location factors necessary to complete a task and encourage equalization of individual workloads.

2. Bureau Commanders will re-assess the distribution of their personnel annually, with consideration of the following factors at a minimum:

   (a) Workload according to shift periods;
   (b) Hourly distribution of activities;
   (c) Peak activity periods;
   (d) Number of patrol zones;
   (e) Configuration of patrol zones.

3. Patrol personnel will be distributed in accordance with temporal and geographic distribution of incidents, and/or in accordance with established operational strategies, to equalize individual workloads.

(a) Source documents for such assessment will include monthly activity reports and crime analysis reports;

(b) Shift scheduling for field units will be in accordance with established City and departmental policies and procedures;

(c) Scheduling and assignment of personnel will be based upon activity type and peak periods of activity and will be altered as necessary to ensure the efficient deployment and use of available manpower.

4. The number of patrol zones on each shift is the same. These zones are set based on the geographic layout of the City of Kannapolis and a grouping of reporting areas in order to equalize the workload more easily. To cover the workload in each zone, one patrol unit is normally assigned to each zone. In the event of absences, patrol zones with common borders are consolidated and are patrolled by one patrol unit.

E. SPECIALIZED & ROTATING ASSIGNMENTS

1. Specialized or rotating assignments of personnel will be based on the prevailing operational needs of the Department. These assignments will afford personnel an opportunity for individual growth, acquisition of special skills, and increased job knowledge and abilities.

2. Bureau Commanders shall prepare a list of each specialized and rotating assignment within their scope of authority on an annual basis. The review will include a statement of purpose for each assignment and an evaluation of the initial problem/condition that required implementation of the assignment, as well as a recommendation of whether to continue the assignment. These findings will be forwarded to the Chief of Police for final approval.

3. The duration of specialized assignments will be based on the needs of the Department, as identified in the annual review conducted according to this General Order. The Chief of Police may adjust the staffing levels of these assignments at any time to address specific needs of the agency. The list of specialized assignments approved by the Chief of Police include, but are not limited to, the following:

   (a) Criminal Investigator / Vice-Narcotics Investigator;
   (b) Crime Scene Officer;
   (c) D.A.R.E. Officer;
   (d) K-9 Handler;
   (e) School Resource Officer (SRO);
   (f) Field Training Officer (FTO);
   (g) Special Response Team / Police Negotiator;

4. The duration of rotating assignments will be no less than thirty (30) days, and no more than ninety (90) days, based on the needs of the Department and current manpower allocations. The list of rotating assignments approved by the Chief of Police shall include, but are not limited to, the following:

   (a) Criminal Investigation Division;
   (b) Crime Scene Unit;
   (c) Community Services Unit.

5. At the conclusion of a rotating assignment, the first line supervisor of that assignment shall prepare a memorandum detailing the officer's activities, performance, and suitability for future assignment in that unit or division. This memorandum should also include recommendations for any additional training that might benefit the employee. This memorandum shall be disseminated to the employee's immediate supervisor, Bureau Commander(s), and the Chief of Police.

6. All vacancies to be filled within a specialized or rotating assignment will be announced by a memorandum from the Bureau Commander having responsibility for the assignment. Interested officers must complete and forward a memorandum via the chain of command to the responsible Bureau Commander detailing their interest and qualifications. This memorandum will include, at a minimum: the applicant's date of employment, previous assignments or work experience, and any specialized training or qualifications relevant to the announced vacancy. Each level of the candidate's chain of command must attach a recommendation regarding the officer's suitability for the assignment requested. Memorandums must be expedited through the chain of command and submitted to the responsible Bureau Commander by the specified due date.

7. Bureau Commanders with responsibility for specialized or rotating assignments may, at their discretion, incorporate specific selection procedures for interested personnel. Selection procedures must be relevant to the assignment and may include, but are not limited to:

    (a) Written exams;
    (b) Oral Interviews;
    (c) Physical ability tests;
    (d) Psychological evaluations.

8. After review of all relevant material gathered during the announcement and evaluation phases, the responsible Bureau Commander will make written recommendation to the Chief of Police for the selection of personnel to fill existing vacancies. The final decision for assignment will be made by the Chief of Police, who will issue the appropriate Personnel Order(s).

9. If the number of suitable candidates for a specialized or rotating assignment is insufficient to meet the operational needs of the agency, the Bureau Commander with responsibility for the assignment shall solicit recommendations from relevant Division Commanders as to personnel that have the requisite skills and abilities to perform the assignment. The Bureau Commander will then make a formal recommendation to the Chief of Police for the selection and assignment of personnel to fill existing vacancies.

10. General minimum eligibility requirements for all specialized or rotating assignments include the following:

    (a) Candidate must have two (2) continuous years of general law enforcement service and at least one (1) year of service as a sworn officer with the Kannapolis Police Department. This requirement may be waived by the Chief of Police based on an individual's prior experience, specialized training, and qualifications.

    (b) Candidate's most recent performance evaluation must have an overall "Standard" rating or higher.

(c) Candidate must not have been the subject of any disciplinary action for a Category A, B, or C policy violation for a period of one year prior to submitting a request for a specialized or rotating assignment.

(d) Each level of the candidate's chain of command must recommend the officer for consideration for the assignment.

11. Additional eligibility requirements for the rotating or specialized assignment of Criminal Investigator or Vice/Narcotics Investigator:

    (a) Candidate must have demonstrated an interest in criminal investigations and the ability to follow proper investigative procedures.

    (b) Candidate must have demonstrated the ability to pursue all leads in a case to a logical conclusion.

    (c) Candidate must possess superior oral and written communications skills.

    (d) Upon specialized assignment, the candidate must successfully complete a series of approved investigative training courses, including but not limited to: Sources of Information, Interview and Interrogation, Case Management, and Police Law Institute.

12. Additional eligibility requirements for the rotating or specialized assignment of Crime Scene Officer:

    (a) Candidate must have an expressed interest in the field of crime scene processing and identification;

    (b) Candidate must have shown the ability to follow established departmental policy in documentation, collection, preservation of physical evidence;

    (c) Candidate must have demonstrated that he/she understands and practices proper procedural requirements at crime scenes;

    (d) Upon specialized assignment, candidate must complete approved training courses in basic and advanced crime scene investigation and identification procedures.

13. Additional eligibility requirements for the specialized assignment of D.A.R.E. Officer:

    (a) Candidate should hold at least an Associate's degree from an accredited college or university;

    (b) Candidate must be able to demonstrate effective teaching skills, effective writing skills and effective skills in organization;

    (c) Candidate must demonstrate a commitment to youth and the desire to work with drug prevention for children;

    (d) Candidate must present a professional appearance and demeanor;

(e) Upon assignment, the candidate must satisfactorily complete a D.A.R.E. Instructor training course approved by the Department and maintain a valid certification as a D.A.R.E. Instructor;

(f) Upon assignment, D.A.R.E. officers must agree to serve at the discretion of the Chief of Police for a minimum period of two years.

14. Additional eligibility requirements for the specialized assignment of School Resource Officer include:

    (a) Candidate should hold at least an Associate's degree from an accredited college or university;

    (b) Candidate must be able to demonstrate effective teaching skills, effective writing skills and effective skills in organization;

    (c) Candidate must demonstrate a commitment to youth and the desire to work with drug and violence prevention;

    (d) Candidate must present a professional appearance and demeanor;

    (e) Upon assignment, the candidate must satisfactorily complete basic and advanced School Resource Officer training courses approved by the Department;

    (f) Upon assignment, candidate must agree to serve at the discretion of the Chief of Police for a minimum period of two years.

15. Additional eligibility requirements for the specialized assignment of Field Training Officer shall be in accordance with General Order 400-02 (Field Training).

16. Additional eligibility requirements for the specialized assignment of Special Response Team and Police Negotiator shall be in accordance with General Order 600-11 (Special Operations).

17. Additional eligibility requirements for the specialized assignment of K9 Handler shall be in accordance with General Order 600-15 (Canine Operations).

F. AUXILIARY ASSISTANCE

1. The use of auxiliary personnel by the Kannapolis Police Department will be limited to members of the Law Enforcement Explorer's Post #2073 as authorized by the Central North Carolina Council of the Boy Scouts of America.

2. Auxiliary personnel are not sworn law enforcement officers and do not have the authority to make arrests, detain citizens, issue citations, or control the flow of vehicular traffic on public streets. The role of auxiliary personnel is to assist sworn officers in areas where law enforcement actions are not required.

3. The duties of these auxiliary personnel will be limited to functions such as providing direction or general information to citizens during parades and other special occasions, the fingerprinting of children during identification programs, and setting up traffic barriers at special

events. At no time will auxiliary personnel be allowed to function without the direct supervision of a sworn law enforcement officer.

4. Auxiliary personnel will be provided with all equipment necessary to perform assigned duties. In no case shall auxiliary personnel carry any firearm, weapon, or unauthorized equipment.

5. Auxiliary personnel shall receive any necessary training from their departmental advisor during periodic meetings.

6. Auxiliary personnel shall be responsible for the purchase of their uniforms. The uniform shall be designed to be clearly distinguishable from those worn by sworn officers. The uniform shirt and hat shall each display a patch, which clearly identifies the wearer as a member of the Explorer Post. The uniform shall be worn when performing all authorized duties.

G. CIVILIAN PERSONNEL

1. Whenever practical, positions not requiring specific knowledge, skills, and abilities of a sworn officer shall be specified as a civilian position and staffed accordingly. The following positions within the Kannapolis Police Department are specified as civilian positions.

   (a) Administrative Assistant;
   (b) Police Planner / Accreditation Manager;
   (c) Telecommunicator;
   (d) Telecommunicator Shift Supervisor;
   (e) Communications Center Manager
   (f) Senior Office Assistant;
   (g) Records Clerk;
   (h) Records Supervisor;
   (i) Property & Evidence Technician

2. Sworn personnel may be temporarily assigned to these positions based on departmental needs. Such assignments will be considered as temporary duty assignments and will not affect the officer's position classification or rate of pay.

3. In conjunction with the development of the annual budget, the Chief of Police and each Bureau Commander will assess which positions, if any, that should be reclassified and designated as civilian. These recommendations will be presented to appropriate City staff by the Chief of Police as part of the annual budget process.

INDEX AS:

Auxiliary Personnel
Personnel Allocation
Personnel Distribution
Rotating Assignments
Specialized Assignments

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 200-08

SUBJECT: ADMINISTRATIVE REPORTS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 02-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish an internal system for the completion and distribution of Administrative Reports.

POLICY

It shall be the policy of the Kannapolis Police Department to distribute information within the agency on day-to-day operations through the use of Administrative Reports. These reports may vary in format from memoranda to detailed studies. In addition, the Department will develop and maintain a method to report selected agency activities to external sources.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Administrative Report: any official report, memo or form completed to provide information within the agency on a day-to-day operational basis, or to provide information about the agency or agency activities to external sources.

PROCEDURES

A. ADMINISTRATIVE REPORTING SYSTEM

1. The Kannapolis Police Department shall maintain an administrative reporting system to facilitate the exchange of information among all components and/or administrative personnel, and to report selected agency activities to external sources. The administrative reporting system shall include, at a minimum the following:

    (a) A listing of all administrative reports;

    (b) A statement as to the person(s) or position(s) responsible for the formulation of the report(s);

    (c) A statement of the purpose of the report(s);

    (d) A statement of the frequency of the report(s); and

(e) Statement of the distribution of the report(s).

B. REPORT LISTING

1. On or before January 1 of each year, the supervisor of each bureau, division, and unit requiring regular administrative reports will submit a listing of any changes or additions to those reports to the Police Planner/Accreditation Manager. The format will be the same as used by the Department in its Administrative Reports List.

2. The Police Planner/Accreditation Manager will ensure that changes or additions to the listing are published in the Administrative Reports List as soon as possible after the January 1 deadline, and will distribute a copy to each Bureau and Division Commander. The Police Planner will distribute subsequent updates or revisions as needed.

C SUBMISION OF REPORTS

1. Employees designated as the “originator” on the Administrative Reports List will ensure that the appropriate report is submitted to the person(s) indicated in the distribution column at the frequency specified.

2. The Police Planner/Accreditation Manager will maintain a copy of each report required by applicable accreditation standards for documentation of standards compliance. Those reports are indicated on the Administrative Reports List by standard number in the CALEA Standard Column. Copies of these reports will be forwarded to the Police Planner/Accreditation Manager by the originator.

3. The Police Planner/Accreditation Manager will track the submission of reports required for compliance with accreditation standards and shall provide notification to the responsible originator and appropriate supervisory personnel if a delinquency in submission occurs.

INDEX AS:

Administrative Reports
Administrative Reporting System

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 300-01

SUBJECT: LEAVES OF ABSENCE
DISTRIBUTION All Personnel
EFFECTIVE DATE: 10-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental guidelines for the internal administration of city personnel policies governing leaves of absence.

POLICY

Members of the Kannapolis Police Department shall observe established policies regarding leaves of absence as outlined in the City of Kannapolis Personnel & Administrative Policies Manual. Due to the critical nature of law enforcement operations, members of the police department may be required to observe additional internal guidelines as necessary to maintain adequate staffing levels and ensure the continuity of emergency services.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Critical Personnel: personnel assigned to positions within the agency that are necessary to maintain 24-hour police operations. Officers assigned to the Patrol Division, on-call investigators, and telecommunicators are classified as critical personnel.

2. Exempt Employee: an employee designated by the City Manager as exempt from the overtime provisions of the Fair Labor Standards Act (FLSA). Sworn officers holding the rank of Lieutenant or higher are currently classified as “exempt” employees.

3. Non-Exempt Employee: an employee who is subject to the overtime provisions of the Fair Labor Standards Act (FLSA). All non-sworn personnel, and all sworn officers below the rank of Lieutenant are currently classified as “non-exempt” employees.

4. Pay Cycle: the 14-day cycle used by the City to compute payroll for all employees, both exempt and non-exempt.

5. Work Period: shall refer to the 28-day work period established for sworn officers, or the 7-day workweek established for civilian employees, as applicable.

PROCEDURES

A. ADMINISTRATION

1. All members are required to comply with the applicable provisions of City personnel policies and departmental directives governing leaves of absence.

2. Leaves of absence will be subject to restriction and/or cancellation without advance notice by supervisory personnel as required to meet anticipated or emergency operational demands, or to compensate for critical shortages in available on-duty personnel.

3. Bureau Commanders will be responsible for establishing minimum staffing levels for their division level components to avoid manpower shortages created by scheduled leaves of absence. These minimum-staffing levels will apply under normal demand conditions, and may be further restricted by supervisory personnel as conditions warrant.

4. No leave of absence may be granted to command or supervisory officers that would interrupt the continuity of field supervision for on-duty police personnel.

5. It shall be the responsibility of supervisors at all levels to effectively coordinate the scheduling of leave by personnel under their command so as to maintain adequate staffing levels, prevent abuse of leave privileges, minimize accrued overtime, prevent shortages in assigned work hours, and ensure compliance with established policies.

6. Members have a legal obligation, regardless of their leave status, to appear in court or other proceedings as subpoenaed or otherwise required by competent authority. It will be the responsibility of each employee to coordinate any leave of absence affecting a scheduled court appearance with the District Attorney or presiding official.

B. HOLIDAY LEAVE

1. For the purpose of internal record keeping, holiday leave will be computed on an hourly basis (8.0 hours per holiday for civilian employees who work 2080 hours per year, 8.4 hours per holiday for police officers who work 2184 hours per year). Holiday leave is not “earned” by an employee until the holiday is actually observed by the City of Kannapolis.

2. Employees who are not classified as critical will take the holiday on the date the holiday is actually observed by the City. Exceptions to this requirement may be permitted by the Chief of Police on a case-by-case basis as required to meet prevailing operational needs.

3. Critical personnel may take holidays on the date it is actually observed by the City with supervisory approval provided that such action does not impair the continuity or adequacy of police operations.

4. Holiday hours, if not taken on the actual holiday, shall accumulate in a leave bank as the holiday occurs and may be banked until the last day of the pay period for the last pay date in June. Any unused holiday hours will be paid out at regular, straight pay if not used before the last day of the pay period for the last pay date in June of each year.

5. Holiday hours will bank as regular, straight time hours.

6. Holiday hours must be utilized first before using vacation, sick leave, or leave without pay.

7. Unused holiday hours will be paid out at regular, straight hourly pay upon termination.

8. Exempt employees will not receive pay in lieu of holiday leave.

9. When a holiday falls within a period or approved paid leave, the holiday shall not be counted as a leave day in computing the amount of leave debited.

10. An employee who is on leave without pay on the day immediately preceding or following a holiday shall lose the holiday as well as pay for that day.

C. VACATION LEAVE

1. Eligible employees shall accrue vacation leave at a rate determined by the employee's aggregate years of service. All vacation leave will be computed in hours. Vacation leave may be accumulated without any applicable maximum until December 31st of each calendar year. On January 1st, any employee with more than 240 hours of accumulated leave shall have the excess accumulation transferred to sick leave. However, if the employee separates from service, payment for accumulated vacation leave shall not exceed 240 hours.

2. To ensure continuity of services and to facilitate the effective management of available manpower, vacation leave should normally be taken in blocks amounting to a full workday whenever possible. Supervisors may, as conditions permit, approve requests for vacation leave of less than a full workday for personal emergencies or other reasons in the interest of equitable time management.

3. Employees are to request vacation leave in advance through their immediate supervisor. If two employees request vacation on the same date and staffing requirements permit only one absence, the first employee making the request will be granted the leave. If both employees submitted the request at the same time, the employee with seniority will be granted leave.

D. SICK LEAVE

1. Eligible employees accrue sick leave bi-weekly at a rate of 3.7 hours and shall accrue on the last day of the pay period. Sick leave with pay is not a right that an employee may demand but a privilege granted by the City Council for the benefit of an employee when sick. Sick leave may be used for illness, bodily injury, required physical or dental examinations or treatment, or exposure to a contagious disease.

2. Any member who is unable to report for duty or other assignment because of illness or injury shall personally notify their immediate supervisor prior to the required reporting time for duty. Calling the Communications Center or relaying information through a third person does not satisfy this requirement. A family member or third person may give notice only if the employee is incapacitated to the extent that they are unable to personally contact their supervisor.

3. Notice of the desire to take sick leave must be provided on each occasion for which an employee will be absent from duty, unless prior approval has been granted for extended periods of anticipated absence. Failure to notify a supervisor as required by this Order will be considered absence without authorized leave.

4. An employee who is on sick leave shall keep his/her supervisor advised in a timely manner as to their condition and expected date of return to duty. Supervisory and command personnel may require a member to submit a physician's certificate concerning the nature of the illness or injury, and the employee's physical capacity to resume duties.

5. Request for sick leave should be submitted through the City's electronic timekeeping software in advance when a medical absence is anticipated. If advance notice is not feasible, the employee must complete and submit a request for leave immediately upon returning to work.

6. If the employee is out of work and unable to submit a request for leave before the end of a work period, the supervisor shall make the necessary adjustments to the electronic timesheet on behalf of the. Sick leave will be rounded off to the nearest one-tenth of an hour (six-minute increment) when calculating uneven hours of leave for sworn officers and rounded to the nearest quarter hour (15-minute increment) when calculating uneven hours of leave for civilian employees.

7. Members shall not feign illness or injury, falsely report themselves ill or injured, or otherwise attempt to deceive any member of the Department as to the condition of their health in order to avoid duty or to circumvent established policies or directives.

E. BEREAVEMENT LEAVE

1. Members who have a death in their immediate family are entitled to up to twenty-four (24) hours off with pay as bereavement leave to arrange and/or attend the funeral. Bereavement leave will be charged to the member's accumulated sick leave.

F. TRAINING LEAVE

1. Department authorized training leave for non-exempt employees will be recorded as compensable time in accordance with General Order 300-06.

G. MILITARY LEAVE

1. The intent of military leave is to provide employees affiliated with the Armed Forces with twelve (12) workdays per year of authorized leave when called to active duty without the harm of any lost wages. Military leave will be computed in hours at the rate of 8.0 hours per day for civilian employees and 8.4 hours per day for sworn officers. Military leave shall result in no loss of seniority status or benefits that would have normally accrued if the employee had not been absent for such purpose. The employee may request use of vacation leave or leave without pay to supplement absences exceeding those covered by the Military Leave allowance.

2. To utilize military leave, the employee must submit an electronic request for leave, and provide a copy of the military orders calling them to active duty. Military orders must specify the term of active duty, promulgation authority, letter order number and signature of issuing authority.

3. Military leave does not apply to inactive duty weekend drills or attendance at military training schools. The employee may request use of vacation leave or leave without pay to attend weekend training drills or military schools.

4. Employees are required to notify their supervisor at the earliest possible date upon learning of scheduled military duty. All requests for military leave must be coordinated in advance through the Office of the Chief of Police and will be processed by the Director of Human Resources.

H. JURY AND COURT LEAVE

1. Members required to serve on a jury, or as a result of their city duties are required to appear before a court, legislative committee or quasi-judicial body as a witness in response to a subpoena or other directive, shall be allowed authorized leave with pay. *(NOTE: Court attendance by police officers in the performance of their official duties shall be recorded on time sheets as hours worked rather than jury/court).*

2. Employees who appear in court as the plaintiff or defendant in any private action not related to their official duties will not be eligible for Jury/Court Leave but may take accumulated vacation leave for this purpose.

3. While on jury/court leave, sick and vacation leave accruals shall continue as though the employee were on regular duty. Members may keep witness fees and travel allowances received for jury or witness duty in addition to their city compensation.

4. An employee who receives notice of jury duty or witness service must notify their supervisor immediately. If excused as a juror on any given day, the employee is expected to contact his/her supervisor and to report to work as instructed.

I. LEAVE OF ABSENCE WITHOUT PAY (NON-MEDICAL)

1. Employees desiring to take leave of absence without pay should first consult the City Personnel & Administrative Policies Manual, Section 600.04 to determine their eligibility and the procedures for submitting such request.

2. All requests for leave without pay must be coordinated in advance with the Office of the Chief of Police and approved by the City Manager prior to the effective date of the leave.

J. FAMILY OR MEDICAL LEAVE

1. Eligible employees are entitled up to 12 weeks of job-protected leave during any 12-month period for specified family and medical reasons. Employees should refer to the City Personnel & Administrative Policies Manual, Section 600.05 to determine eligibility requirements and procedures for submitting such request.

K. EXCEPTIONS TO DEPARTMENTAL LEAVE PROCEDURES

1. The Chief of Police may grant exceptions to normal departmental procedures governing leaves of absence when necessary to equitably administer the various forms of leave available to eligible employees. Exceptions to normal leave requirements will be determined on a case-by-case basis.

L. ABSENCE DUE TO ADVERSE WEATHER CONDITIONS

1. Due to the emergency nature of law enforcement operations, it is essential that all employees report for work as scheduled during adverse weather conditions if possible. Police employees play a vital role in providing necessary public services during such occurrences.

2. Employees who are unable to report for work shall notify their immediate supervisor as soon as possible. All non-exempt employees who report for work and are subsequently sent home will receive credit for a minimum of two (2) hours.

3. All hours missed by non-exempt employees during adverse weather conditions or other catastrophic occurrence that cannot be made up within the same work period shall be charged to their vacation leave. In the event that an employee does not have sufficient accrued vacation leave, missed time will be recorded as leave without pay.

M. PROCEDURES FOR REQUESTING LEAVE

1. Employees shall submit a request for leave through the City's electronic timekeeping software when requesting a leave of absence.

2. Supervisors at all levels are responsible for reviewing requests for leave to ensure that the request conforms to existing departmental requirements and that adequate staffing levels can be maintained. Supervisors are to approve or deny the request for leave through the use of the City's electronic timekeeping software.

INDEX AS: **CALEA REFERENCE**:

Attendance During Adverse Weather
Leaves of Absence
Requests for Leave

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: **300-02**
SUBJECT: PERSONAL APPEARANCE
DISTRIBUTION All Personnel
EFFECTIVE DATE: 07-15-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish personal appearance standards for all department members.

POLICY

As representatives of the Kannapolis Police Department, sworn officers and civilian members must present a professional image to the public that will inspire trust and confidence. While the Department recognizes the expression of individual tastes, it is necessary that certain guidelines be established for reasons of safety, uniformity, and professional appearance. All members of the department, both sworn and civilian, are expected to adhere to the personal appearance standards specified in this General Order.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Duty Attire: the manner of dress required for the member's current duty assignment. Duty attire is normally a department uniform or conservative professional business clothing.

2. Business Casual Attire: less formal business apparel permitted while attending classroom training, staff meetings, and similar assignments not requiring duty attire or special clothing. The term business casual attire does not include apparel such as shorts, sweat suits, halter tops, sundresses, sandals, tank tops, baseball hats or other headgear, shirts without collars, soiled or torn blue jeans, boots, or military fatigues.

3. Special Attire: specific types of apparel required or authorized for field-based training or special assignments. Examples include athletic type clothing for physical training, military style fatigues for tactical training, and range wear for firearms training.

PROCEDURES

A. GENERAL STANDARDS

1. Each employee, when reporting for duty, court appearance, training classes, off-duty police status employment, special assignment, or otherwise acting in an official capacity as a representative of the Police Department, shall comply with all applicable personal appearance standards specified in this Order.

2. Members shall report for work dressed in appropriate duty attire as required by their current assignment. Uniforms and equipment shall be worn in accordance with established department policies. Each employee is expected to exercise good personal hygiene and to keep their bodies clean and sanitary by daily bathing and grooming.

3. The use of tobacco products by members is prohibited while in public view, in police vehicles, or in police facilities. This prohibition includes the use of cigarettes, cigars, chewing tobacco, snuff, and similar tobacco products.

4. Sunglasses and other personal eyewear must be of a conservative style and design that compliments the duty attire and presents a professional appearance. Mirrored lenses and flamboyant styles or colors are prohibited.

5. Members are prohibited from displaying any body piercing, tattoo, body art, branding, or similar marking on their body which is visible when wearing duty attire. Members with tattoos or similar markings on the arm that would be visible when wearing a standard short sleeve uniform shirt may opt either to wear a Class A uniform or to wear an approved skin patch that covers the tattoos, body art, or branding. A skin patch is any patch, bandage, or material specifically designed to cover tattoos that is of a neutral/skin tone.

6. Appropriate cosmetics, used in moderation, may be worn by female members provided that such use does not detract from a professional appearance or constitute a safety hazard.

7. The wearing of business casual clothing or special clothing may be authorized for certain training classes or other departmental activities. When so authorized, such clothing must be clean, present a well-groomed and conservative appearance, and must be appropriate for the nature and location of the training or activity. Clothing may not be worn that reflects offensive slogans, wording or depictions that are inconsistent with the established values of the Department or the member's position as a police employee.

B. HAIR STANDARDS FOR MALE EMPLOYEES

1. Male employees must wear their hair neatly trimmed and tapered so as to present a well-groomed, professional appearance. The hair on the sides of the head shall be neatly tapered and shall not cover any portion of the ears. The hair on the back of the head shall be neatly tapered and shall not extend below the top of the shirt collar in a normal posture. The hair in front shall not extend lower than 1-inch above the top of the eyebrows. Hair may not be of an artificial color or style that detracts from a professional appearance.

2. The bulk or length of the hair must not interfere with or detract in any manner from the normal wear of uniform headgear. The hair in front may not extend from beneath the uniform headgear when worn.

3. Sideburns shall not extend below mid-ear level and shall at no point be more than 1-inch wide. Sideburns shall be kept neatly trimmed and may not exhibit excessive bulk. Sideburns shall not flare, and shall be trimmed horizontally across the bottom.

4. The face shall be clean shaven, with the exception that the wearing of a neatly trimmed mustache is permitted. The mustache must not extend more than one half inch horizontally beyond the corners of the mouth and must not extend below the corners of the mouth. Mustaches shall not cover any portion of the upper lip. Mustaches must be kept clean and may not exhibit excessive bulk or present a ragged, unkempt, or sparse appearance. Beards and goatees are not permitted.

C. HAIR STANDARDS FOR FEMALE EMPLOYEES

1. Female officers shall wear their hair in a conservative style that presents a professional appearance. Hair shall not extend below the ear lobe on the sides and may not extend below the bottom of the uniform shirt collar in a normal posture. The hair in front may not extend lower than ½ inch above the top of the eyebrows. Hair must not be of an artificial color that detracts from a professional appearance.

   (a) Uniformed and non-uniformed female officers may wear longer hair provided that it can be secured up, presents a professional appearance, and allows proper wear of the uniform headgear. If the hair is long enough to require a clip to keep it in place and conform to standards, the clip should be as close as possible to the hair color. In all cases, the hair may not present a ragged, unkempt or extreme appearance.

   (b) The style, bulk or length of the hair may not interfere with or detract in any manner from the wearing of uniform headgear as required in the performance of duty. The hair in front may not extend from beneath the uniform headgear when worn.

   (c) Conspicuous pins, barrettes and combs are not authorized. No excessive braids, ponytails, or flamboyant hair styles will be deemed professional.

   (d) Wigs that are neat, clean and natural in appearance will be permitted provided that they otherwise conform to the standards specified in this Order.

2. Hair length and style standards normally applicable to female police officers for purposes of safety and to facilitate the wearing of uniform headgear may be waived for civilian female members.

3. No hairstyle, regardless of how it otherwise conforms to these standards, will be considered acceptable if it constitutes a safety hazard with respect to the member's assigned duties or detracts from a professional appearance.

D. JEWLERY STANDARDS

1. The wearing of rings by uniformed members shall be limited to two rings total, regardless of which hand they are worn on. Engagement and wedding band combinations are considered as one ring for the purpose of this standard. The wearing of rings by non-uniformed members will be at the member's discretion provided that the rings do not present a safety hazard or detract from a professional appearance.

2. For safety reasons, sworn officers are cautioned to avoid wearing of necklaces or neck chains. Officers or civilian members who choose to wear necklaces or neck chains are authorized to do so with the following stipulations:

   (a) It must not alter the normal appearance of the departmental uniform;

   (b) It must not present a safety hazard with respect to the members assigned duties;

   (c) It must not detract from a professional law enforcement appearance.

3. For safety reasons, sworn officers are cautioned to avoid the wearing of bracelets or wrist ornaments other than wristwatches and medic alert bracelets (if applicable). Civilian members may wear bracelets at their discretion provided that they are of a conservative style and do not detract from a professional appearance.

4. No earrings, body piercing, or similar jewelry will be worn by male employees. Uniformed female officers may wear small "post" type earrings only. Civilian female members and non-uniformed female officers may wear conservative style earrings at their discretion provided that they do not constitute a safety hazard or detract from a professional appearance.

E. EXCEPTIONS TO PERSONAL APPEARANCE STANDARDS

1. Exceptions to the personal appearance standards specified in this Order may be granted upon the written authorization of the Chief of Police or his designee for such reasons as undercover assignments, special assignments, or unusual medical conditions which require deviation from normal appearance standards. Exceptions authorized pursuant to undercover duty assignments or temporary duty assignments will automatically expire upon the termination of such assignment.

F. INTERPRETATION OF STANDARDS

1. Should a conflict or question arise as to whether a member is in compliance with any provision of this order, such matter should be presented informally to the appropriate supervisor or commander for resolution. In the event that the issue cannot be resolved through informal means, the aggrieved member may present the matter in accordance with established grievance procedures.

INDEX AS: **CALEA REFERENCE**:

Personal Appearance

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 300-03

SUBJECT: GRIEVANCE PROCEDURES
DISTRIBUTION All Personnel
EFFECTIVE DATE: 03-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish guidelines for the departmental administration of City grievance procedures.

POLICY

An important element of a sound personnel system is the existence of a formal method that allows employees to resolve their grievances with management fairly and expeditiously. A well-designed grievance system can help to reduce personal dissatisfaction, improve morale, identify internal problems, and increase the positive perception employees have of the organization. In order to maintain a harmonious and cooperative relationship between the agency and its members, City personnel policies provide for the settlement of problems and differences through an orderly grievance procedure. Members will have the right to present their grievance or adverse action appeal in accordance with established policy free from interference, coercion, restraint, discrimination or reprisal.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Adverse Action: an involuntary demotion, an involuntary reduction in pay, an involuntary transfer, a suspension without pay, a layoff, or dismissal.

2. Advisory Personnel Committee: a panel composed of three members appointed by the Kannapolis City Council to conduct grievance hearings and advise the City Manager and City Council on municipal personnel problems.

3. Grievance: a claim or dispute by an employee with respect to the interpretation, meaning or application of the provisions of the City's Personnel & Administrative policies and procedures.

PROCEDURES

A. INFORMAL RESOLUTION OF EMPLOYEE COMPLAINTS

1. Whenever possible, problems and complaints which employees may have related to their employment shall be brought to the attention of their immediate supervisor, with the objective being to resolve the problem or complaint through informal means.

2. It is the responsibility of supervisors at all levels, consistent with the authority delegated to them, to consider and take appropriate action promptly and fairly on any grievance presented by a subordinate employee. Supervisors are encouraged to consult with any other employee or supervisor deemed necessary to reach a correct, impartial and equitable determination. Every attempt should be made to resolve the problem to the mutual satisfaction of the employee and the City.

3. If a member believes that his/her problem or complaint cannot be resolved through informal means or is not being adequately addressed in a timely manner, a formal written grievance may be filed in accordance with established City grievance procedures.

B. DETERMINATION OF GRIEVABILITY

1. Employees are to refer to the City of Kannapolis Personnel & Administrative Policies Manual, Section 300.03 for details on determining what conditions and issues are subject to the City's grievance procedures.

C. GRIEVANCE PROCEDURE

1. STEP ONE: Employees shall present their grievance in writing within thirty (30) days of the date of the incident to their immediate supervisor, who will investigate as necessary to determine the cause of the complaint and work with the employee to effect an equitable solution. Grievances must be filed on form KPD-166 and may be obtained from the Office of the Chief of Police. The type of information to be provided on this form includes:

   (a) Name and current assignment of the grievant;
   (b) Date of occurrence;
   (c) An explanation of the grievance;
   (d) Specific relief requested;
   (e) Grievant's signature; and
   (f) Supervisor's reply and signature.

2. Every effort will be made to resolve the grievance at this level and the immediate supervisor shall respond in writing within five (5) working days. The supervisor's written response shall contain the following information:

   (a) Acknowledgment of receipt of the grievance, including the time, date and person receiving;
   (b) Analysis of the facts or allegations stated;
   (c) Written affirmation or denial of the allegation(s) in the grievance;
   (d) Identification of remedy or adjustment, if any, to be made in response to the grievance.

3. STEP TWO: In the event that the employee is dissatisfied with the supervisor's response at Step One, it may be appealed in writing to the Chief of Police. Such appeal must be made using form KPD-166A and submitted within ten (10) working days of the receipt of the supervisor's decision in Step One. The notice of appeal must specify the reasons for dissatisfaction with the supervisor's decision in Step One. The Chief of Police shall respond in writing within ten (10) working days.

4. STEP THREE: If the employee is dissatisfied with the decision of the Chief of Police, or is appealing an adverse action, the employee may file an appeal to the City Manager within five (5) working days of receipt of the Chief's decision in Step Two or the date of the adverse action. This appeal must be filed using form KPD-166B.

   (a) The employee may appeal to the City Manager directly or may request a hearing before the Personnel Advisory Committee. Because this step in the process offers the first opportunity for formal hearings before the City Manager or the Personnel Advisory Committee the employee may be represented by counsel.

   (b) If the employee requests a decision directly, the City Manager shall hear the appeal and render a final decision within ten (10) working days of receipt of the grievance;

   (c) If the City Manager authorizes a hearing before the Personnel Advisory Committee, the hearing shall be conducted within thirty (30) calendar days of the date on which the hearing is requested, during regular working hours of the City. The Personnel Advisory Committee, the grievant, and any person whose alleged conduct is the cause of the complaint shall have the right to call and cross-examine witnesses and offer other evidence. The Personnel Advisory committee shall submit its findings to the City Manager or other appointing authority within fifteen (15) calendar days of the hearing.

D. FINAL DECISION OF THE GRIEVANCE FOLLOWING A HEARING

1. Upon receiving the recommendation of the Personnel Advisory Committee, the City Manager shall make a finding and render a final decision. The City Manager shall inform the grievant and the department head in writing of the decision. The final decision will normally be furnished by the City Manager within ten (10) calendar days of receipt of the recommendation of the Personnel Advisory Committee.

E. MAINTENANCE OF GRIEVANCE RECORDS

1. All documentation, records, and reports pertaining to formal grievances filed by department members, including those satisfactorily resolved at lower levels, will be forwarded via the chain of command to the Chief of Police for review.

2. The Chief of Police will ensure that grievance records are delivered to the City's Human Resources Director for retention in accordance with City personnel policies.

F. OTHER REMEDIES PRESERVED

1. The existence of the grievance procedure does not preclude any individual from pursuing any other remedies available to them under law.

2. No punitive action will be carried out against an employee for utilizing the grievance procedures available to them under established City personnel policies.

G. ANALYSIS OF GRIEVANCES

1. The Chief of Police, or his designee, will conduct and document a review and analysis of the grievances and adverse action appeals filed by department employees on an annual basis.

The purpose of this review and analysis will be to identify any developing trends in the nature of grievances filed, and to determine what steps may be taken to minimize the causes of such grievances in the future.

H. COORDINATION OF THE GRIEVANCE PROCESS

1. The Chief of Police will be responsible for coordinating the Departmental grievance process in order to ensure that internal procedures are consistent with City personnel policies, and that the agency response to employee grievances is administered in a uniform manner.

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Adverse Action Appeals
Employee Complaints
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KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 300-04

SUBJECT: RULES OF CONDUCT
DISTRIBUTION All Personnel
EFFECTIVE DATE: 04-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this policy is to further define the standards of conduct embodied in the law enforcement officer's code of ethics and the value statements of this Department so that employees will better understand the prohibitions and limitations on their conduct and activities while on and off duty.

POLICY

Actions of officers and employees that are inconsistent with the values established by this agency negatively affect its reputation and that of its members. Such actions thereby detract from the agency's overall ability to effectively and efficiently protect the public, maintain peace and order, and conduct other essential business. Therefore, it is the policy of the Kannapolis Police Department that officers and employees conduct themselves at all times in a manner consistent with the rules contained in this General Order and otherwise disseminated by this agency. These standards of conduct shall apply equally to sworn and non-sworn members of the Department, except in those instances where a clear distinction in applicability is made. The agency has adopted specific codes of ethics for all positions within the organization. Employees are required to abide by these codes of ethics and will receive ethics training on an annual basis as part of in-service training. While this Order cannot serve as an all-inclusive guide to proper conduct in all of the various situations or activities in which a member may become involved, members must at all times conduct themselves in accordance with the ethical responsibilities of their position and must strive constantly to live up to the highest standards of professional policing. Any acts or omissions contrary to the rules contained in this General Order shall subject the offending member to the disciplinary procedures of the Department.

DEFINITIONS

The following definitions are for the limited purpose of this Order and may not apply in all other cases:

1. Department: The City of Kannapolis Police Department. For the purpose of this Order, the terms "agency" and "department" shall be synonymous.

2. Directive: any rule, procedure, policy, order or other written statement of instruction issued on the authority of the Chief of Police or his designee and made applicable to any and/or all members of the Department.

3. Employee: a civilian or sworn employee of the Kannapolis Police Department. For the purposes of this Order, the terms "member" and "employee" shall be synonymous.

4. Officer: a sworn law enforcement officer of the Kannapolis Police Department.

RULES OF CONDUCT

1. Knowledge of Regulations (Severity Category C)

   A. Employees shall familiarize themselves with and understand all rules, regulations, directives and written procedures of the Department.

   B. Employees who do not understand their duties or responsibilities shall read the relevant directives, rules, etc., and shall consult their immediate supervisor for clarification.

   C. Employees shall maintain access to Department rules, procedures, and other directives via the Department network, and shall consult those as needed.

   D. When dealing with a situation for which there are no regulations or established procedures, employees shall consult with their immediate supervisor for direction.

   E. If a supervisor gives an order, the supervisor is responsible for that order. If the employee perceives an apparent conflict between the supervisor's order and the rules, directives or written procedures of the Department, the employee shall seek clarification or confer with a higher authority.

2. Violation of Rules (Severity Category A - Subject to Discretion)

   Employees shall not commit any acts or make any omissions which constitute a violation of any of the rules, procedures, orders, or other directives of the Department.

3. Chain of Command (Severity Category C)

   Employees shall conduct departmental business through accepted channels unless written procedures or orders from proper authority dictate otherwise.

4. Insubordination (Severity Category A)

   A. Employees shall promptly obey any lawful order or direction of a supervisor.

   B. Employees shall not use profane or intentionally insulting language toward any supervisor.

5. Unsatisfactory Performance (Severity Category A)

   A. Employees shall maintain sufficient competence to properly perform their duties and assume the responsibilities of their position.

   B. Employees shall perform their duties in a manner which will maintain the highest standard of efficiency in carrying out the functions and objectives of the Department. Unsatisfactory performance may be demonstrated by a lack of knowledge of the application of laws to be enforced; unwillingness or inability to perform assigned tasks; the failure to conform to work standards established for an employee's rank, grade, or position; the neglect of duty;

the display of cowardice, absence without leave, or the physical or mental inability to perform the essential functions of the position and required duties.

C. In addition to other indications of unsatisfactory performance, the following will be considered unsatisfactory performance: repeated poor performance evaluations and records of repeated violations of orders, rules, procedures, or other directives of the Department.

6. Unbecoming Conduct (Severity Category A)

A. Employees shall always conduct themselves, both on and off duty, in a manner which is in keeping with the highest standards of the law enforcement profession.

B. Employees shall not engage in any conduct or activities, either on or off duty, which brings the Department into disrepute, reflects unfavorably upon the employee as a member of the Department, damages or negatively affects the reputation of any member of the Department, or impairs the operation or efficiency of the Department or any of its personnel.

7. Residence and Telephone Requirement (Severity Category A)

A. All sworn officers shall reside in North Carolina within a 30-mile radius of the Kannapolis Police Department within six (6) months after the date of their employment. During the period of employment with the Department, all officers shall continue residing within the 30-mile radius.

B. Each employee shall maintain a functioning telephone at his or her residence of record and shall provide their telephone number to the police department.

C. Employees shall inform their supervisor and the Chief of Police in writing of any change in their residential address or telephone number before the end of the next business day after making such change.

8. Reporting for Duty (Severity Category D)

A. Employees shall report at the scheduled time for any duty assignment, including court, Grand Jury appearances, meetings, or training.

B. Employees shall be properly equipped and prepared to perform their duties.

C. Employees who are unable to report to a duty assignment shall notify the appropriate supervisor prior to the beginning of that scheduled assignment.

9. Absence from Duty (Severity Category A)

A. Employees shall be considered absent without authorized leave if they fail to report for duty or notify the appropriate supervisor of their inability to report for duty and be granted approved leave.

B. Employees shall not be absent from secondary duty assignments such as court, Grand Jury, meetings or training without first obtaining permission from proper authority.

C. Employees shall not feign illness or injury, falsely report themselves sick, ill or injured, or otherwise deceive or attempt to deceive any official of the Department as to the condition of their health or that of their families.

10. Neglect of Duty (Severity Category B)

A. While on duty, employees shall not engage in any activities or personal business which would cause them to neglect or be inattentive to their assigned responsibilities.

B. Employees shall remain awake, alert, and attentive while on duty. If unable to do so, they shall so report to their supervisor, who shall determine the proper course of action.

C. Officers shall take any official action required by federal or state law, by city or county ordinance, or by any directive of the Chief of Police.

D. Employees shall not leave their assigned duty post during a tour of duty except as authorized by proper authority.

E. Civilian employees shall take any action which is required or is responsible and appropriate in connection with the performance of their assigned duties.

F. Officers shall take appropriate action in any emergency or in any situation in which substantial and irreversible damage would result from the failure to take appropriate action, whether on or off duty.

G. Employees shall, whether requested or not, assist any employee involved in an emergency or any other situation in which additional assistance would be critical to the successful performance of a Departmental function.

H. Officers shall respond to all radio communications directed to them.

11. Off-Duty Employment (Severity Category C)

Employees shall adhere to all procedures and directives governing off-duty employment established by the Department.

12. Labor Activity (Severity Category A)

Employees shall not engage in any strike, work slowdown, unreasonable or selective enforcement of the law, or other concerted failure to report for duty for the purpose of inducing, influencing, or coercing a change in conditions, compensation, rights, privileges, or obligations of employment.

13. Political Activity (Severity Category A)

    Employees may not engage in political activity when on duty (other than voting and registering to vote) and shall not engage in political activity while identifying themselves as representatives of the Police Department by virtue of their uniform or otherwise.

14. Conformance to Laws (Severity Category A)

    A. Employees shall obey all laws of the United States and of any state or local jurisdiction in which they may be present and shall obey all administrative regulations applicable to their position and enacted pursuant to local, state or federal law.

    B. Employees shall not obey any order which they know or should know requires them to commit an illegal act.

    C. Any employee convicted of any crime must notify the Chief of Police in writing within 24 hours of the conviction. The term "conviction" includes guilty pleas and pleas of *nolo contendere*. No notification is required on motor vehicle convictions except for hit and run, driving while impaired, or death by motor vehicle. In addition, any suspension or revocation of an employee's motor vehicle operator's license must be reported to the Chief of Police within 24 hours of this action, regardless of whether the suspension or revocation is the result of a conviction.

15. Prohibited Associations and Establishments (Severity Category B)

    A. Employees shall avoid association or dealings with persons who they know, or should know, are under criminal investigation or indictment, or who have a criminal record, except as necessary to the performance of official duties or where unavoidable due to family relationships.

    B. Employees shall not knowingly join or participate in any organization that advocates, incites, or supports criminal acts or criminal conspiracies.

    C. Employees shall not knowingly visit, enter, or frequent any establishment wherein the laws of the United States, the State, or the local jurisdiction are regularly violated, except in the performance of official duties.

16. Use of Alcohol and Drugs (Severity Category A)

    A. Employees shall not consume intoxicating beverages while in uniform or on duty except in the performance of duty and while acting under specific orders.

    B. Employees shall not appear for duty, or be on duty, while under the influence of alcohol or with the odor of alcoholic beverage on their breath.

    C. No alcoholic beverages shall be served or consumed on police premises or in vehicles owned by the Police Department.

    D. An employee shall not be under the influence of alcohol in a public place, whether on or off duty.

E. Employees shall not use any controlled substances or prescription drugs except as prescribed by a properly licensed physician or dentist.

F. No employee shall report to work or be on duty when his or her judgment or physical condition has been impaired by alcohol, medication, or other substances.

G. Employees must report the use of any substance, prior to reporting for duty, that impairs their ability to perform as a law enforcement officer or employee.

H. Supervisors shall order a drug or alcohol screening test when they have reasonable suspicion that an employee is using and/or under the influence of drugs or alcohol while on duty. Such screening shall conform to the policies of the City of Kannapolis on employee drug and alcohol testing.

17. Personal Appearance (Severity Category D)

A. Employees on duty shall wear uniforms and other clothing and equipment in accordance with established Departmental procedures.

B. Except when acting under orders from proper authority, employees on duty shall maintain a neat, well-groomed appearance and shall style their hair according to Departmental procedures.

18. Use of Tobacco Products (Severity Category D)

A. While on duty, employees shall not use tobacco products while engaged in any activity that causes them to be in direct contact with the public, while engaged in traffic direction and control, when they must leave their duty assignment for the sole purpose of doing so, or when the use of tobacco is prohibited by law or would violate any written City or Department policy.

B. Employees are not permitted to use tobacco products in a vehicle owned or maintained by this agency.

19. Identification (Severity Category D)

A. Employees shall always carry their department-issued employee photo-identification cards on their persons except when impractical, dangerous or harmful to the progress of a criminal investigation.

B. Employees shall furnish their names and display their department issued employee photo identification card to any person requesting that information when they are on duty or presenting themselves as police officers or civilian members of the agency, except when the withholding of such information is necessary to the performance of police duties or is authorized by proper authority. Employee identification is to include verbal identification over the telephone.

20. Abuse of Law Enforcement Powers or Position (Severity Category A)

    A. Employees shall not, under color of authority, divulge or willfully permit to have divulged, any information gained by reason of their position, for anything other than its official purpose.

    B. Employees shall not lend to another person their official identification card or badge or permit them to be photographed or otherwise reproduced without the prior approval of the Chief of Police.

    C. Employees shall not permit the use of their names, photographs, or official titles which identify them as police officers or as employees of the Police Department in connection with testimonials or advertisements of any commodity, commercial enterprise, or professional service without the prior approval of the Chief of Police.

    D. Employees shall take no part, either directly or indirectly, in sales promotions, solicitations, fund raising campaigns, or similar activities for personal gain or benefit of commercial enterprise while representing themselves as police officers or as employees of the Police Department, or authorize others to conduct themselves in a manner as indicated above that would leave the impression they are representing the Kannapolis Police Department without the prior approval of the Chief of Police.

    E. Employees shall not interfere with or attempt to influence the lawful business of any person.

    F. Employees shall not knowingly make false accusations or false criminal charges.

21. Gifts and Gratuities (Severity Category A)

    A. Employees shall not use their position to solicit any form of gift, gratuity, or service for gain.

    B. Employees shall not accept from any person, business, or organization any gift if it may reasonably be inferred that the person, business or organization seeks to influence an official action or to affect the performance of an official function; OR has an interest which may be substantially affected, either directly or indirectly, by the performance or non-performance of an official function.

    C. Employees may not accept any form of reward for the performance of an official function without the prior approval of the Chief of Police.

22. Off-Duty Police Action (Severity Category A)

    Officers shall not use their police powers to resolve personal grievances (e.g. those involving the officer, family members, relatives or friends) except under circumstances that would justify the use of self-defense, actions to prevent injury to another person, or when a serious offense has been committed that would justify an arrest. In all other cases, officers shall summon on-duty police personnel and a supervisor in cases where there is personal involvement that would reasonably require law enforcement intervention.

23. Public Statements, Appearances & Endorsements (Severity Category A)

    A. Employees shall treat the official business of the Department as confidential and shall disseminate information regarding departmental operations only in accordance with established departmental procedures.

    B. Employees shall not divulge the identity of persons giving confidential information in a criminal investigation.

    C. Employees shall not publicly criticize or ridicule the Department or its personnel when such statements may interfere with the maintenance of discipline or the effective operation of the Department, or when such statements are made with reckless disregard for the truth.

    D. Employees shall not, under color of authority, make any statements, speeches, or appearances that could reasonably be considered to represent the views of the agency, unless expressly authorized.

    E. Employees shall not disseminate any information that would violate North Carolina General Statute §160A-168 (Privacy of Employee Personnel Records).

    F. Employees shall not, under color of authority, endorse, recommend, or facilitate the sale of commercial products or services. This includes but is not limited to the use of towing services, repair firms, attorneys, bail bondsmen, or other technical or professional services. This rule does not pertain to the endorsement of appropriate governmental services where there is a duty to make such endorsements.

24. Conduct Toward the Public (Severity Category C)

    A. Employees shall conduct themselves toward the public in a civil and professional manner that connotes a service orientation and that will foster public respect and cooperation.

    B. Employees shall be courteous and tactful in the performance of their duties or while representing themselves as members of the Department and shall promptly respond to all requests for assistance in accordance with departmental procedures.

    C. In performing their duties, employees shall not express any prejudice concerning race, religion, national origin, sex, or other personal characteristics.

    D. Employees shall promptly (usually within 24 hours) return phone calls from citizens and should keep a record of unsuccessful efforts to return phone calls.

25. Conduct Toward Fellow Employees (Severity Category C)

    A. Employees shall conduct themselves in a manner that will foster cooperation among members of this agency, showing respect, courtesy, and professionalism in their dealings with one another.

    B. Employees shall not use language or engage in acts that demean, harass, or intimidate another person.

26. Citizen Complaints (Severity Category C)

A. Employees shall follow established procedures for processing complaints.

B. Employees may attempt to amicably resolve citizen complaints, but they shall not attempt to prevent any citizen from lodging a formal complaint against any individual employee or against the Department.

27. Use of Weapons (Severity Category A)

Officers shall carry and use weapons and firearms only in accordance with law and established departmental procedures.

28. Use of Force (Severity Category A)

A. Officers shall use no more force than necessary in the performance of their duties and shall then do so only in accordance with the law and Departmental procedures.

B. Officers shall comply with Departmental procedures concerning the documentation and investigation of the use of physical force.

29. Arrest, Search and Seizure (Severity Category B)

Officers shall not make any arrest, search or seizure which they know, or should know, is not in accordance with the law and Departmental procedures.

30. Intervention and Reporting (Severity Category A)

A. Officers have a sworn duty and obligation to protect members of the public. Consistent with this obligation, officers should take a preventative approach, whenever possible, if observing behavior that suggests that another officer is about to engage in unlawful or inappropriate behavior.

B. Officers have an ethical duty to intervene when necessary to prevent or stop another officer from using a level of force that the officer knows, or should reasonably be expected to know, is excessive or unwarranted under the existing circumstances. Officers shall also intervene in any case where the officer observes another officer treating a member of the public in any manner that is not in accordance with the law and Departmental procedures. This duty to intervene also extends when an Officer of the Kannapolis Police Department is called to assist, or is assisting, any other law enforcement agency. Failure to intervene, as required by this General Order, may result in disciplinary action up to and including dismissal.

C. Officers shall immediately notify a supervisor after conducting any type of intervention, when safe to do so. All types of interventions whether physical or verbal shall be reported to a supervisor, documented and forwarded via Chain of Command to the Chief of Police in accordance with established Internal Affairs procedures.

D. Officers also have a duty of immediately report any conduct observed or learned about, that is not in accordance with the law and Departmental procedures when safe to do so. Notifications of this nature shall be made to a supervisor, documented and forwarded via Chain of Command to the Chief of Police in accordance with established Internal Affairs procedures. Failure to report an intervention or unbecoming conduct, as required by this General Order, may result in disciplinary action up to and including dismissal.

E. Officers shall not interfere with or act in cases being handled by other officers of the Department or by another governmental agency unless

1) Meeting the criteria listed in A, B, or C of this rule; or

2) Ordered to intervene by a superior officer

F. Officers shall not undertake any investigation or other official action which is not part of their regular duties without obtaining permission from their supervisor, unless the exigencies of the situation require immediate police action. Any officer taking such an action must notify his immediate supervisor as soon as possible after the incident occurs.

31. Improper Use of Property and Evidence (Severity Category A)

A. Employees shall not manufacture, conceal, destroy, remove, tamper with or withhold any property or evidence in connection with an investigation or other police action, except in accordance with established Departmental procedures.

B. Employees shall not purchase, convert to their own use, or have any claim to any found, impounded, abandoned, or recovered property, or any property held or released as evidence.

32. Use of Department Equipment (Severity Category D)

Employees shall utilize Department equipment, including vehicles, only for its intended purpose in accordance with all laws and Departmental procedures and shall not abuse, damage or, through negligence, lose Departmental equipment.

33. Radio Communications (Severity Category C)

Officers shall always keep available radio communications equipment turned on and operating while on duty unless ordered by proper authority to do otherwise.

34. Departmental Reports (Severity Category D)

A. Employees shall submit all necessary reports on time and in accordance with established Departmental procedure.

B. Reports submitted by employees shall be accurate, truthful and complete.

35. Participation in Administrative Investigations (Severity Category A)

A. Employees are directly accountable for their actions through the chain of command to the Chief of Police and shall have a duty to truthfully acknowledge and explain their actions and decisions when requested to do so by an authorized member of this agency without deception or subterfuge.

B. Employees shall cooperate fully in any internal administrative investigation conducted by this agency and shall provide complete and accurate information in regard to any issue under investigation. Employees shall accept responsibility for their actions without attempting to conceal, divert or mitigate their true culpability, and shall not engage in any effort to thwart, influence, or interfere with an internal investigation.

C. All procedures carried out under this rule shall be specifically directed and narrowly related to a specific internal administrative investigation being conducted by the Department.

D. Employees who are involved in administrative investigations and who have been advised in writing (or orally, if the interview is conducted by telephone and the conversation is taped) that no statement they make can be used against them in a criminal prosecution, shall truthfully answer all questions which are specifically directed and narrowly related to their job performance and/or fitness for duty.

E. Upon the order of the Chief of Police or the Chief's designee, an employee shall:

1) Submit to a polygraph examination.

2) Submit to any medical, ballistics, chemical or other test, photographs, or line-ups required in a specific administrative investigation being conducted by the Department and release the results of any such tests to the Department in connection with the administrative investigation.

3) Submit financial disclosure statements in accordance with Departmental procedures in connection with a complaint in which this information is material to the investigation. Financial statements are to be confidentially maintained by the Chief of Police and shall not be made available to the public.

4) Submit medical records that are granted by the employee and/or the employee's physician, and that relate to a condition that the employee has raised as an issue, and the condition pertains to the employee's fitness for duty or job performance.

36. Legal Processes Brought By or Against Employees (Severity Category C)

A. Employees shall immediately report in writing directly to the Chief of Police or his designee any citations or criminal charges brought against them, and any court actions brought against them as a result of the performance of duty or which involve the employee's fitness for duty.

B. Employees shall notify the Chief of Police or his designee in writing before filing claims for damages or entering into any legal compromise or settlement regarding events which resulted from the performance of official duty.

37. Supervision (Severity Category B)

    A. Supervisors are charged with insuring compliance with all applicable laws, the Department's policies, directives, standard operating procedures, and General Orders by those employees under their supervision. Supervisors are responsible for investigating and reporting all known violations to their immediate supervisor.

    B. Police Department employees, sworn or civilian, who supervise other employees, shall perform their duties completely, diligently, promptly, professionally, and satisfactorily.

    C. Supervisors shall maintain professional and ethical relationships with subordinate employees and shall not engage in any personal relationship or association that would tend to impair the ability of the supervisor to perform their assigned duties in an effective, impartial, and professional manner.

38. Truthfulness (Severity Category A)

    A. Employees are prohibited from intentionally making any materially false statement(s) in connection with their performance of official duties.

    B. Employees are prohibited from intentionally failing to disclose information in connection with the performance of official duties when the purpose of such non-disclosure is to conceal suitability or unsuitability for duty of themselves or another or to gain improper personal advantage.

    C. Any material falsification or any intentional failure to disclose information relevant to suitability or fitness for police employment which is discovered after an individual is hired can result in termination of that employee.

39. Harassment (Severity Category A)

    No employee shall intentionally subject any fellow employee to any verbal or physical harassment of a sexual, ethnic, racial, disability or religious nature.

INDEX AS:

Rules of Conduct

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 300-05

SUBJECT: OFF-DUTY EMPLOYMENT
DISTRIBUTION All Personnel
EFFECTIVE DATE: 02-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental guidelines regulating the off-duty employment of police department members.

POLICY

All members of the Kannapolis Police Department who desire to engage in off-duty employment must recognize that their primary duty, obligation and responsibility are to the City of Kannapolis Police Department. Members are subject to call at any time for emergencies, special assignments, court appearances, or overtime duty, and no off-duty employment may infringe on this obligation in any manner. Members may not engage in any off-duty employment that is deemed contrary to the best interests of the Department or which may create the potential for a conflict of interest. All off-duty employment for salaries, wages, or commission and all self-employment must be authorized in advance by the Chief of Police and conform to City personnel policies.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Contract Security Employment: off-duty employment by a licensed private security company to work as a security guard contracted out for a fee to other businesses or individuals. The N.C. Private Protective Services Act regulates contract security work.

2. General Off-Duty Employment: any off-duty employment, which does not involve law enforcement or security related functions.

3. Member: any full-time employee of the City of Kannapolis Police Department, including both sworn and civilian employees.

4. Officer: a sworn law enforcement officer of the City of Kannapolis Police Department.

5. Off-Duty Employment: any employment (including self employment) where the City of Kannapolis is not the employer.

6. Police-Status Employment: the off-duty employment of a police officer to provide law enforcement services requiring the exercise of police powers.

7. Private Security Employment: off-duty employment by a person, firm or business as a private security guard to work exclusively for that person of firm, but which does not involve the exercise of official police powers granted to sworn law enforcement officers.

8. Seasonal Off-Duty Employment: off-duty employment for a specific and limited time period that reoccurs each year (e.g. November through December of each year). The format for the seasonal period should be expressed in terms of full calendar months.

9. Temporary Off-Duty Employment: off-duty employment that is for a specific and limited time period that will occur only once.

PROCEDURES

A. APPLICATION REQUIRED

1. Prior to accepting or engaging in any off-duty employment, members must complete and submit the following:

    (a) Application for Off-Duty Employment (KPD-125);
    (b) Waiver & Certification (KPD-126);
    (c) Authorization to Release Information (KPD-127).

2. If the employee is requesting off-duty employment that requires registration with the N.C. Private Protective Services Board (PPSB), proof of PPSB registration must be attached.

3. Completed applications will be forwarded via the chain of command to the Chief of Police for review and disposition. Once a final decision has been reached, a copy of the application reflecting such decision will be returned to the requesting member. Except as otherwise provided herein, no member may accept or engage in any off-duty employment prior to receiving written authorization from the Chief of Police or his designee.

4. Members shall provide written notice to their supervisor and the Chief of Police immediately upon any change in the status of their off-duty employment, including any substantive change in the nature, conditions or type of work performed. In such cases, the Chief of Police will review the change(s) and determine if authorization for the off-duty employment will be continued, modified or rescinded.

B. LIMITATIONS ON OFF-DUTY EMPLOYMENT

1. Members shall not engage in any off-duty employment during on-duty hours, nor shall any member interrupt a regular tour of duty for the purpose of working off-duty employment.

2. Members are subject to the General Orders and directives of the Department while engaged in off-duty employment and shall conform to departmental standards of conduct as if they were on-duty.

3. A member's privilege to engage in off-duty employment may be restricted or revoked by the Chief of Police if such employment interferes with or conflicts in any manner with the member's official assignments, responsibilities, or performance of duty.

4. Entry-level officers (other than lateral transferees) serving a probationary period following initial appointment may not engage in any police-status or private security off-duty employment.

5. Officers working off-duty for any business involved in a labor-management dispute shall refrain from becoming involved in the dispute. In such cases, officers shall confine their activities to the impartial enforcement of laws and ordinances.

6. Members who accept off-duty employment are expected to promptly report to off-duty work assignments unless their absence is approved by the off-duty employer or results from a recall to duty by the Police Department.

7. To ensure that members have adequate opportunity for rest and are sufficiently alert to carry out their official duties, members may not work any off-duty employment for a period of eight (8) hours prior to the beginning of a regularly scheduled tour of duty.

8. To ensure that members have adequate opportunity for rest and are sufficiently alert to carry out their official duties, members may not work any police status off-duty employment for a period of eight (8) hours after completing a tour of duty on night shift.

9. Members may not engage in any off-duty employment while out on paid sick or medical leave, while on worker's compensation leave, or while on suspension from the Department for disciplinary reasons.

10. During periods of on-call status for specific periods of time, members may not engage in any off-duty employment that would interfere with their ability to promptly respond, or which would create an undue hardship on the off-duty employer in the event the member is recalled to active duty.

C. PROHIBITED FORMS OF OFF-DUTY EMPLOYMENT

1. Employees are prohibited from engaging in any off-duty employment that is deemed contrary to the best interests of the Department or which may create the potential for a conflict of interest. The final determination as to the approval of any off-duty employment by agency members will be made by the Chief of Police and City Manager. The police image and the professional reputation that the Department wishes to present shall be a consideration in the approval or denial of off-duty employment.

2. The following examples are representative of the forms of off-duty employment of which members are <u>PROHIBITED</u> from engaging:

   (a) The operation or control of any taxicab or wrecker service;

   (b) Work in any capacity where the off-duty member is under the employ or supervision of any person who has been convicted of a felony or who openly associates with convicted felons or criminal elements known to the Department;

   (c) Work in any capacity for a pawnshop or pawnbroker;

   (d) Employment at any establishment where the on-premises sale and consumption of alcohol is a primary source of revenue;

(e) The collection of bad checks, delinquent accounts; or the repossession of merchandise, vehicles or other property;

(f) Work in any capacity for an alarm company, including the sale, installation, monitoring, or repair of security alarm systems;

(g) Employment as a private investigator as defined in the Private Protective Services Act;

(h) Employment as an insurance claims adjuster or insurance investigator;

(i) Employment in any capacity, directly or indirectly, with a bail bondsman or bail bonding company;

(j) Employment with a law enforcement agency other than the Kannapolis Police Department;

(k) Providing police or security related services for a residential complex in exchange for reduced rent or free occupancy;

(l) Sales or solicitation activities of any kind wherein the member divulges their identity as a police officer or police employee, or their position with the Department enters into such sales in any manner, inferred or otherwise;

(m) Employment that conflicts in any way with any Federal or State law.

D. POLICE STATUS OFF-DUTY EMPLOYMENT

1. Officers may engage in police-status off duty employment ONLY within the corporate limits of the City of Kannapolis.

2. Officers working off-duty police-status employment shall check-in with the ranking on-duty patrol supervisor when reporting for such work and shall inform the supervisor of their work location and scheduled work hours.

3. Officers working police-status off-duty employment may not take law enforcement action to enforce any private rule, regulation or administrative requirement of the off-duty employer

4. Officers may not engage in any "non-police" functions or activities that would prevent them from taking necessary law enforcement action when required, or which would otherwise reflect unfavorably on the departmental uniform or the member's position as a police officer.

5. Officers working authorized police-status off duty employment may wear the departmental uniform. Any firearms or police equipment used must be issued or authorized for use by the Department. Officers engaged in police-status off duty employment in plain clothes must fully comply with State law and departmental policy regarding the carrying of concealed weapons.

6. Officers working authorized police-status off duty employment may utilize an assigned police vehicle ONLY for law enforcement purposes (e.g. transport of prisoners, traffic direction and control, etc), where such use serves a legitimate public interest. No police vehicle may be used to conduct private patrols or perform other private functions for an off-duty employer. The

use of a police vehicle during police-status off-duty employment must conform to all departmental regulations as if the member were operating the police vehicle while on duty.

7. Officers may not engage in any police-status off duty employment while consuming or under the influence of any alcoholic beverage or other intoxicating substance, or with the odor of alcoholic beverages on their breath.

E. PRIVATE SECURITY EMPLOYMENT

1. Members are prohibited from wearing the departmental uniform and may not use any departmental vehicles or police equipment while engaged in private security employment.

2. Members engaged in private security employment may not identify or represent themselves in any manner as police officers or police employees, and may not exercise any official police powers granted to them by virtue of their position with the Kannapolis Police Department as part of such off-duty employment.

3. If employed as an "armed" private security guard, the member MUST register with the Private Protective Services Board of North Carolina and fully comply with the requirements thereof. The member must further observe State law and departmental directives governing the carrying and use of firearms.

F. CONTRACT SECURITY EMPLOYMENT

1. Members engaged in contract security employment must register with the Private Protective Services Board and must fully comply with the Private Protective Services Act.

2. Members are prohibited from wearing the departmental uniform and may not use any departmental equipment while engaged in contract security employment.

3. Members engaged in contract security employment may not identify or represent themselves in any manner as a police officer or police employee and may not exercise any official police powers granted to them by virtue of their position with the Kannapolis Police Department.

G. OFFICERS ACTING AS CONTRACT SECURITY COMPANIES

1. Law enforcement officers are prohibited by State law from providing security services on a contractual basis to any person, firm, association or corporation for a fee or other consideration of value. For example, if a member coordinates the off-duty employment of fellow employees to perform security services at a business and receives a fee or other consideration of value for doing so, then the officer would be in violation of the Private Protective Services Act.

2. The Private Protective Services Act does not prohibit a public employee engaged in the performance of his official duties within the scope and course of his employment as a law enforcement officer from coordinating the employment of off-duty officers, provided that no fee or other consideration of value is received.

3. The Chief of Police will determine what temporary forms of off-duty employment will be pre-approved and coordinated by the Police Department, and when the normal application process for such off-duty work will be waived. Bureau Commanders will be responsible for coordinating

the pre-approved temporary off-duty employment of members under their command consistent with the provisions of this Order.

H. MONITORING AND REVIEW OF OFF-DUTY EMPLOYMENT

1. Supervisors at all levels are responsible for monitoring the off-duty employment of members under their command. An electronic listing of members who are authorized to work off-duty employment will be maintained on the agency's computer network for direct access by all supervisory personnel. Supervisors shall make prompt and competent inquiry into suspected violations of departmental policy regulating off-duty employment.

2. Supervisors are authorized to contact the off-duty employer of their subordinate personnel as required to verify the category of employment, hours worked, position held, type of work performed, and other information provided in the member's application for off-duty employment. A copy of the "Authorization to Release Information" form (KPD-127) submitted by the member as part of his/her off-duty employment application shall be provided to the employer when seeking such information, if so requested.

3. When there is reasonable cause to believe that the nature of the off-duty employment or number of hours worked is adversely affecting an employee's on-duty job performance, the employee's supervisor is authorized to institute temporary restrictions on the off-duty employment. The supervisor shall forward a memorandum to the Bureau Commander detailing the circumstances that justify the restriction. The Bureau Commander shall conduct appropriate inquiry into the matter and forward a report of his findings and recommendations to the Chief of Police for review and final disposition.

4. On-duty patrol supervisors will exercise general supervisory authority over any officer working off-duty police-status employment for the purpose of ensuring compliance with departmental policies.

5. For the purpose of documenting significant aspects of an officer's police-status off-duty employment, the reporting procedures outlined in departmental policies will be observed. These significant aspects include, but are not limited to, use of force, injuries to officers or others, forcible entries to private premises, and citizen complaints.

I. COURT APPEARANCES RELATED TO OFF-DUTY EMPLOYMENT

1. Members who file criminal charges against any person as part of their off-duty employment for a crime committed <u>outside</u> the City of Kannapolis are to schedule such court appearances during off-duty hours. The compensation of members attending court to testify in such cases will be the responsibility of the off-duty employer.

2. Officers working police-status off duty employment and who file criminal charges against any person for a crime committed <u>inside</u> the City of Kannapolis (or offenses committed during prisoner transport) are to schedule court appearances on their regularly assigned court date.

3. The departmental uniform may not be worn during court appearances related to off-duty employment unless the member was engaged in uniformed police-status off duty employment at the time the arrest or criminal charge was made.

INDEX AS: **CALEA REFERENCE**:

Off-Duty Employment

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 300-06

SUBJECT: TIME SHEET ADMINISTRATION
DISTRIBUTION All Personnel
EFFECTIVE DATE: 09-07-2001
LAST REVISION DATE: 10-12-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish guidelines for the administration of time sheets used in computing payroll for FLSA non-exempt employees.

POLICY

It shall be the policy of the Kannapolis Police Department to keep accurate time records for non-exempt employees in compliance with the Federal Fair Labor Standards Act and the compensation policies of the City of Kannapolis. The general procedures outlined herein are not intended to cover all possible contingencies that may arise. Therefore, supervisors shall coordinate with the Chief of Police to obtain legal interpretation and/or additional policy guidance for wage and hour issues not addressed by this Order.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Exempt Employee: an employee designated by the City Manager as exempt from the overtime provisions of the Fair Labor Standards Act (FLSA). Sworn officers holding the rank of Captain or higher are currently classified as “exempt” employees.

2. City: The City of Kannapolis.

3. Compensable Time: time spent in the performance of work activities for which a non-exempt employee is eligible for payment of wages by the City under the FLSA. The term compensable time includes any hours for which the employee may be eligible for overtime pay but does not include *de minimis* work.

4. *de minimis*: a legal rule applied under FLSA that refers to insignificant or insubstantial periods of work time which occur infrequently and cannot be precisely recorded for payroll purposes, and which may be disregarded in calculating hours worked.

5. FLSA: The Federal Fair Labor Standards Act.

6. Local Training: Department authorized training, conferences, meetings, and seminars conducted at locations within Rowan or Cabarrus County.

7. Non-Exempt Employee: an employee who is subject to the overtime provisions of the Fair Labor Standards Act (FLSA). All civilian employees and all sworn officers below the rank of Lieutenant are currently classified as "non-exempt" employees.

8. Outside Training: Department authorized training, conferences, meetings, and seminars conducted at locations outside of Rowan or Cabarrus County.

9. Overtime: compensable time that exceeds 171 hours in a 28-day work period for sworn officers or exceeds 40 hours in a 7-day work period for civilian employees (less vacation leave, sick leave, holiday leave, and on-call status pay). Overtime pay is compensated at 1.5 times the base hourly pay of the employee.

10. Pay Period: the 14-day cycle used by the City Finance Department in computing payroll for all city employees, both exempt and non-exempt. Please note that a pay period is not the same as a work period.

11. Time Sheet: an electronic format contained within the time keeping software program approved by the City for recording compensable time and leaves of absence of non-exempt employees within established work periods.

12. Unscheduled Work: compensable work performed outside the scheduled work hours of a non-exempt employee.

13. Work Period: the 28-day work period established for sworn officers, or the 7-day workweek established for civilian employees, as applicable.

PROCEDURES

A. GENERAL REQUIREMENTS

1. All non-exempt employees shall record worked hours on an electronic timesheet submitted through the City's time keeping software.

2. Non-exempt employees shall electronically clock in and out when scheduled to work using one of the methods approved by the City's Human Resources and Finance Departments.

3. Timesheets must account for all scheduled hours for each work period in the form of hours worked, paid accrued leave, holiday paid leave, approved leave without pay, or other approved leave in accordance with City personnel policies.

4. Employees shall review their timesheets and electronically submit them for approval.

5. Supervisors are responsible for reviewing timesheets of non-exempt employees under their command. This review is to ensure accuracy of hours recorded on the timesheets and calculated totals. Completed time sheets shall reflect the compensable time worked and various leaves of absence taken by the employee during each work period. Time sheets must be verified and approved by the responsible supervisor.

6. Time sheets containing a record of hours worked will not be maintained for exempt employees (Captains and higher ranks). However, the City's timekeeping software is utilized to track approved leaves of absence for exempt employees. These electronic records of leave must be approved and submitted in the same fashion by the responsible supervisor.

7. Time sheets will be electronically approved and submitted via the software program by 9:45 AM on Wednesday following the end of each 28-day work period (sworn officers), or the end of each 14-day work period for civilians.

8. Employees and supervisors should add appropriate notes in the note fields of the software system to account for unscheduled work, and outside training.

9. To ensure accuracy of the electronic submissions, supervisors of non-exempt employees may continue to utilize any necessary paper or electronic forms or reports to accurately track an employee's compensable time.

10. Completed time sheets shall reflect a true, complete and accurate record of the compensable time worked by the non-exempt employee. Falsification or deliberate misrepresentation of any information on the daily time record by any employee or supervisor will be grounds for disciplinary action.

11. Failure to submit completed timesheets in accordance with this policy may result in payment of wages at the established minimum wage and may delay full payment of remaining wages due until the next available pay date. In the absence of a completed timesheet, the supervisor shall estimate the number of hours worked based on the employee's usual schedule and shall make the necessary corrections when actual time worked is known.

B. SCHEDULED WORK

1. All non-exempt employees shall strictly adhere to the scheduled work hours established for their position unless otherwise authorized in accordance with this Order.

2. Supervisors are authorized to make adjustments to the normal work schedule of non-exempt employees under their command in order to meet prevailing operational needs and/or to avoid the unnecessary accumulation of overtime hours within an established work period. Work schedule adjustments do not constitute, and shall not be recorded as, compensatory leave.

C. UNSCHEDULED WORK

1. All unscheduled work by a non-exempt employee must be approved in advance by a supervisor, except under the following conditions:

   (a) Rendering of necessary police services during emergencies or other exigent circumstances requiring immediate police intervention;

   (b) Work required to ensure the continuity or completion of a call for service, essential activity in progress, or preliminary investigation initiated during a regular tour of duty;

   (c) Required duty-related court appearances.

2. All local and outside training that constitutes unscheduled work must be authorized by an appropriate training order issued by a supervisor or higher authority.

3. Official notification by the Department for an off-duty, non-exempt employee to perform unscheduled work on a call-out basis must be authorized by an on-duty supervisor. This includes activities such as supplemental duty, crime scene search, K-9 support, traffic crash reconstruction, SRT deployments, criminal investigations, civil disorders, disasters, or other unusual occurrences. Additional authorization by the immediate supervisor of the employee who responds to the call-out is not required.

4. All sworn officers and employees shall promptly respond to pages, telephone calls, or other forms of communication directed to them by the Department outside regular duty hours and shall report for duty as directed by competent authority. Pagers and cell phones provided by the department shall be kept turned on and monitored for incoming communications by off-duty employees when away from their principle residence. All police department employees will be subject to recall to active duty at any time in order to meet prevailing operational demands.

D. REPORTING REQUIRED

1. Except as provided below, all unscheduled work performed by a non-exempt employee must be reported by the employee to his/her supervisor using form KPD-234 (Unscheduled Work Report). This form must be submitted at the end of each tour of duty where unscheduled work was performed.

2. Non-exempt employees who attend outside training must submit an Outside Training Report (form KPD-235) documenting all compensable time worked during the period of authorized training. In such cases, a separate Unscheduled Work Report is not required. This report must be submitted by the employee to his/her supervisor immediately upon their return to regular duty. In the event that a work period ends prior to the employee's return to regular duty, the information on the Outside Training Report must be provided by telephone, fax or e-mail to the employee's supervisor by the end of the next calendar day following the end of the work period. Immediately upon return to regular duty, the employee will submit the original Outside Training Report to his/her supervisor for verification and review.

E. OVERTIME PAY AND COMPENSATORY LEAVE

1. Non-exempt employees who accrue overtime hours worked (more than 171 hours in a 28-day work period for police officers or more than 40 hours in a 7-day workweek for non-sworn personnel), excluding vacation leave, sick leave and on-call status time, are eligible for overtime pay. Overtime shall be earned at 1.5 times the employee's base pay hourly rate.

2. Compensatory leave <u>is specifically prohibited by City policy</u>.

F. GUIDELINES FOR RECORDING COMPENSABLE TIME OF NON-EXEMPT EMPLOYEES

1. <u>Time Increments</u>: partial hours of compensable time will be recorded in increments of one-tenth of an hour (six-minute increments) for sworn personnel and increments of one-quarter of an hour (15-minute increments) for civilian personnel.

2. Local Training: Non-exempt employees who are authorized to attend BLET or other local training shall be compensated for the actual time engaged in the training activity. Travel time to and from the training location is not compensable. Regular mealtimes and social functions are not compensable time unless the meal or social function was necessary to the principal activity of the training and undertaken for the benefit of the City.

3. Outside Training: Non-exempt employees who are authorized to attend outside training shall be compensated for the actual time engaged in the training activity. Travel time to and from the training location is compensable time. Regular mealtimes and social functions are not compensable time unless the meal or social function was necessary to the principal activity of the training and undertaken for the benefit of the City.

4. Departmental Instructors: time spent in the delivery of departmental training or instruction as an employee of the City is compensable time. If preparation time is a principal part of the instructor's job, a supervisor authorizes the time spent in preparation, and the amount of preparation time is not *de minimis*, then that time is also compensable. However, if the instructor is being privately employed by an institution or organization other than the City to deliver the training, then the activity, including any preparation time, is not compensable time.

5. Off-Duty Employment: non-exempt employees who engage in off-duty employment are compensated by the private employer for all work performed in the off-duty capacity. This includes any official actions performed while working the police-status off-duty employment such as making arrests, transporting and booking prisoners, completing written reports, and testifying in court. Time spent engaged in off-duty employment activities is **NOT** compensable time and shall not be recorded on the employee's time record. *Note: if the Police Department initiates an Internal Affairs investigation related to the off-duty employment, any interviews or meetings with a non-exempt employee that is required by the Police Department is compensable time*.

6. Regular Tours of Duty – Sworn Officers: Non-exempt police officers shall be compensated for all time worked during a tour of duty, including meal and break periods. Sworn officers shall be subject to immediate recall to duty during meal and break periods. Travel time to and from regular work assignments is not compensable time.

7. Regular Workdays – Civilian Employees: civilian employees shall be compensated for time worked during a regular workday, excluding meal periods (unless the employee is subject to immediate recall to work during the meal period). Travel time to and from regular work assignments is not compensable time.

8. Unscheduled Work: Unscheduled work, performed voluntarily or otherwise, when such additional work is performed with the actual or constructive knowledge of a supervisor, is compensable time. Accordingly, all unscheduled work must be authorized in accordance with Section C of this Order and be properly reported by the employee. If a supervisor permits a non-exempt employee to work, the time is compensable and must be reported, even if the supervisor did not request the work.

9. Callouts: departmental call-out of off-duty non-exempt employees is unscheduled work. The actual time spent engaged in the principal work activity for which the callout was originated is compensable time. Travel time to and from the report location (unless outside of Rowan or Cabarrus County) is not compensable time. If a non-exempt off-duty employee is recalled to

active duty by the Police Department, any work performed is compensable time, with a two (2) hour minimum credit for hours worked.

10. K-9 Handlers: Handlers are credited for one (1) hour of compensable time each calendar day for the routine care, grooming, and training of their canine. When operationally feasible, K-9 handlers will utilize the final hour of each regularly scheduled tour of duty for this purpose. Any unscheduled work principally related to the handler's position that exceeds the one hour provided for daily grooming and training, and which is not *de minimis*, must be reported as compensable time and authorized in accordance with this Order. If the canine is boarded by the Department due to the unavailability of the handler (e.g., vacation, medical leave, out-of-town training, etc), the one hour of compensable time shall not accrue during the period of the handler's absence.

11. School Resource Officers: Time spent during off-duty hours by an SRO at his/her assigned campus may or may not be compensable time, depending on the nature of the activity. Generally, volunteer activities that do not involve the wearing of a uniform or the performance of a principle activity of the officer's assignment is not compensable time. An example would be voluntary attendance at an after-school sporting event. If, however, an SRO returns to campus after hours in uniform, or to conduct meetings on school safety or drug policies for example, the time would be compensable and must be authorized accordingly.

12. On-Call Status: Certain non-exempt employees may be designated as "on-call" for specific time periods. The normal activities of the off-duty employee are restricted during the on-call period. On-call employees must be continuously available for contact by the Police Department, may not consume alcoholic beverages, and must remain in the local area so as to be available to respond within 15 minutes. On-call non-exempt employees shall be credited with one (1) hour of compensable time for each 24-hour period of on-call status.

13. Stand-By Status: Employees may be placed in "stand-by" status by the Department in anticipation of events requiring a recall to active duty. Examples would be standby status for court, an SRT Alert, or a notice to stand by in anticipation of weather emergencies or civil disorders that may require the mobilization of additional manpower. Although limited restrictions may be imposed during the stand-by status, such time is not compensable under city policy. However, if a non-exempt employee on stand-by status is called back to duty, any work performed is compensable time, with a two (2) hour minimum credit for hours worked.

14. Call-Back Status: All police department employees are subject to call-back during off-duty hours by the Department during emergencies and other exigent circumstances. However, the normal activities of off-duty employees on call-back status are not generally restricted. Therefore, the time spent on call-back status is not compensable time. However, if a non-exempt employee on call-back status is called to active duty, any work performed is compensable time, with a two (2) hour minimum credit for hours worked.

15. *de minimis* activities: *de minimis* activities that are NOT compensable include, but are not limited to, the following:

    (a) Business related phone calls made to, or by, an off-duty employee if infrequent and brief;

    (b) Accessing voicemail or e-mail while off duty, if infrequent and brief;

(c) Infrequent pick-up or delivery of an assigned police vehicle to a maintenance or service facility during off-duty hours;

(d) Elective (voluntary) personal washing or waxing of a police vehicle;

(e) Picking up payroll checks.

G. FLSA COMPLIANCE AND INTERPRETATION ISSUES

1. Supervisors at all levels are responsible for ensuring compliance with the provision of this Order, and for exercising responsible managerial control over unscheduled work to avoid the unnecessary accumulation of overtime.

2. Questions about the interpretation and/or application of FLSA standards that are not sufficiently addressed in this policy shall be referred to the Chief of Police. The Chief of Police will coordinate with the City Attorney, City Manager, Human Resources Director, and appropriate sources as necessary to resolve questions regarding the interpretation and application of law or policy.

INDEX AS:

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KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 300-07

SUBJECT: HARASSMENT & DISCRIMINATION
DISTRIBUTION All Personnel
EFFECTIVE DATE: 04-01-2002
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this policy is to maintain a healthy work environment in which all individuals are treated with respect and dignity and to provide procedures for reporting, investigating and resolving complaints of harassment and discrimination. All employees must be aware that they may not engage in any acts that threaten, intimidate, harass, demean or torment fellow employees irrespective of whether the employee is a member of a protected class. It is a violation of this policy even if the act was not so severe or pervasive as to alter the condition of the victim's employment and/or create an abusive work environment. However, the complained of activity must be objectively unreasonable. A single act may suffice. To determine if the activity is unreasonable, the totality of the circumstances surrounding the incident must be assessed.

POLICY

It is the policy of this law enforcement agency that all employees have the right to work in an environment free of all forms of harassment and discrimination by employees, whether sworn, civilian or volunteer, or other non-employees who conduct business with this agency. This agency considers harassment and discrimination of others serious employee misconduct.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Harassment: any form of conduct that is objectively unreasonable or offensive and that could result in a hostile or intimidating working environment.

2. Discrimination: A failure to treat all persons equally where no reasonable distinction can be found between those favored and those not favored.

PROCEDURES

A. PROHIBITED ACTIVITIES

1. Individuals covered under this policy include agency members defined as employees and applicants for employment with the agency, whether sworn or civilian, and all volunteers.

2. No employee shall either explicitly or implicitly ridicule, mock, deride or belittle any person.

3. Employees shall not make offensive or derogatory comments to any person, either directly or indirectly.

4. No employee shall engage in activity such as slander, sabotage, ostracism, badgering, withholding resources, disruptive treatment and/or conduct that intimidates or is hostile, whether this conduct is of a sexual nature or not. Nor shall any employee allow non-employees who conduct business with this police agency to engage in such activity. All prohibited acts of these types will be judged on the basis of conduct that is "objectively reasonable."

5. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

   (a) Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or

   (b) Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or

   (c) Such conduct is objectively unreasonable even though it may not interfere with an employee's work performance or create an intimidating, hostile or offensive working environment to any employee; or

   (d) No employee may perform an objectively unreasonable act upon any employee based upon that person's race, sex, religion, national origin, color, sexual orientation, age or disability.

B. SUPERVISOR'S RESPONSIBILITIES

1. Although all employees shall be responsible for preventing harassment and/or discrimination, supervisors shall be responsible for:

   (a) Advising employees on the types of behavior prohibited and the agency procedures for reporting and resolving complaints of harassment and discrimination;

   (b) Monitoring the work environment on a daily basis for signs that harassment and discrimination may be occurring;

   (c) Stopping any observed acts that may be considered harassment and discrimination, and taking appropriate steps to intervene whether or not the involved employees are within his/her line of supervision;

   (d) A supervisor shall utilize all reasonable means to prevent a prohibited act from occurring when he or she knows or should know that an employee will or may perform such an activity;

   (e) No supervisor shall make any employment decision that affects the terms, conditions, or privileges of an individual's employment based on the basis of that person's race, sex, religion, national origin, color, sexual orientation, age or disability; and

   (f) Taking immediate action to prevent retaliation towards the complaining party and to eliminate the hostile work environment where there has been a complaint of

harassment and/or discrimination. If a situation requires separation of the parties, care should be taken to avoid action that punishes or appears to punish the complainant. Transfer or reassignment of any of the parties involved should be voluntary if possible and, if non-voluntary, should be temporary pending the outcome of the investigation.

2. Any proscribed conduct covered by this policy that comes to the attention of a supervisor shall be reported as outlined herein for an internal affairs investigation.

3. Each supervisor has the responsibility to assist any employee of this agency who comes to that supervisor with a complaint of harassment and discrimination in documenting and filing a complaint.

C. EMPLOYEE'S RESPONSIBILITY

1. Each employee is responsible for assisting in the prevention of harassment and discrimination in the workplace by:

   (a) Refraining from participation in or encouragement of action that could be perceived as harassment and discrimination;

   (b) Reporting observed acts of harassment and discrimination to a supervisor; and

   (c) Encouraging any employee who confides that he or she is being harassed or discriminated against to report these acts to a supervisor.

2. Failure of any employee to carry out their responsibilities as defined in this policy will be considered in any performance evaluation or promotional decision and may be grounds for discipline.

D. COMPLAINT PROCEDURES

1. Any employee encountering harassment and/or discrimination is encouraged to inform the person that his or her actions are unwelcome and offensive. The employee is encouraged to document all incidents of harassment and discrimination in order to provide the fullest basis for investigation. The employee should be advised that he or she must report such acts.

2. Any employee who believes that he or she is being harassed or discriminated against shall report the incident(s) as soon as possible so that steps may be taken to protect the employee from further harassment and discrimination, and so that appropriate investigative and disciplinary measures may be initiated.

   (a) Where the immediate supervisor is involved in the harassment and/or discrimination the employee may waive filing a complaint with that supervisor and may proceed to a supervisor higher in the chain of command.

   (b) The supervisor or other person to whom a complaint is given shall meet with the employee and document the incident(s) complained of, the person(s) performing or participating in the harassment and discrimination, any witnesses to the incident(s) and the date(s) on which it occurred.

(c) The supervisor taking the complaint shall promptly submit a confidential memorandum documenting the complaint to the Chief of Police.

3. In accordance with City Personnel Policies, the Chief of Police and Human Resources Director shall jointly oversee the investigation of complaints alleging harassment and/or discrimination.

   (a) The assigned investigator shall immediately notify the Chief of Police if the complaint contains evidence of criminal activity, such as battery, rape, or attempted rape.

   (b) The investigation shall include a determination as to whether other employees are being harassed or discriminated against by the person and whether other agency members participated in or encouraged the harassment or discrimination.

   (c) An investigative report setting forth the facts of the case and the recommendations of the Chief of Police and Human Resources Director will be furnished to the City Manager, who will render a final disposition in the matter.

   (d) The City Manager shall inform the complainant and offender of the disposition of the investigation and disciplinary action imposed.

   (e) Internal documents related to the investigation of harassment and discrimination complaints shall be maintained in a secure location as part of the agency's confidential internal affairs records.

4. Complainants or employees accused of harassment and or discrimination may file a grievance in accordance with applicable City and agency procedures when they disagree with the investigation or disposition of a harassment and/or discrimination claim.

5. This policy does not preclude any employee from filing a complaint or grievance with an appropriate outside agency.

E. RETALIATION

1. Retaliation against any employee for filing a harassment or discrimination complaint or for assisting, testifying, or participating in the investigation of such a complaint is prohibited by this agency.

2. Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled by the same complaint procedures established for harassment and discrimination complaints.

3. Monitoring to ensure that retaliation does not occur is the responsibility of the chief executive officer, commanders, and supervisors at all levels.

F. TRAINING

1. The police department shall provide periodic training to employees concerning the nature of harassment and discrimination in the workplace and prohibitions on such actions as defined in this General Order.

INDEX AS: **CALEA REFERENCE**:

Discrimination
Harassment
Sexual Harassment

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 300-08

SUBJECT: Pregnancy
DISTRIBUTION All Personnel
EFFECTIVE DATE: 02-14-2014
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this policy is to provide options which allow for an officer to remain working in a full-time capacity and performing full-duty assignments, in combination with alternative duty assignments, for as long as reasonably possible. This policy seeks to ensure a woman's right to work free from discrimination and to protect any property interest she has in her job, while guarding against the risks inherent in the performance of her duties.

POLICY

The agency recognizes that its diverse workforce is a valuable asset and that trained and experienced female police officers are a critical resource. Pregnancy is a temporary physical condition, unique to women, which may or may not affect an employee's ability to perform many of the usual duties of her job classification. This policy establishes procedures to modify full-duty assignments and, when needed, provide temporary, alternative duty assignments to eligible pregnant law enforcement officers when they are unable to safely perform all of the essential job functions of their normal assignments.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Pregnancy: The condition of a female that is going to have a baby or babies.

PROCEDURES

A. GENERAL GUIDELINES

1. This policy applies to all female law enforcement officers who have successfully met entry-level probation requirements.

2. This policy is not intended to interfere with or diminish any rights or privileges to which an employee may be entitled under federal or state law, local ordinance, or policy.

3. If an employee is unable to work in any capacity due to medical complications, existing City of Kannapolis leave policies shall apply.

B. NOTIFICATION PROCEDURES

1. For public safety and management planning purposes, an officer who becomes pregnant shall directly notify the Chief of Police via memorandum of the pregnancy upon confirmation of the pregnancy.

2. Upon notification of the pregnancy, the Chief of Police will initiate the City's FMLA health condition confirmation process by requesting the Human Resources Director to send the mandatory employer notices to the employee in accordance with Personnel Policy 600.05, Family and Medical Leave Act.

3. The Kannapolis Police Department reserves the right to require an evaluation of an employee's continuing ability to safely and effectively perform the essential job functions of her position. The City's HR representative may consult with its designated Occupational Medicine physician and/or the employee's physician in making these evaluations. If it is determined that the employee's condition unreasonably interferes with her ability to perform in a full-duty capacity, she may be reassigned to alternative duty as described in section (D) of this policy. Absent unusual circumstances, the employee will not be required to take leave.

C. FULL DUTY OPTION

1. During a pregnancy, an officer may be able to continue to work in her usual, full-duty assignment until some point during the second trimester of the pregnancy. Employees must confer with their personal physicians, providing him or her with the agency's job description that delineates the essential job functions of a law enforcement officer and a copy of this policy. It would also be beneficial for the physician to review the "Pregnancy" chapter of the ACOEM (American College of Occupational Medicine) *Guidance for the Medical Evaluation of Law Enforcement Officers.*

2. Both the physician and the employee are expected to consider the risks and benefits of remaining on a full-duty status. The Kannapolis Police Department will not require an officer to accept an alternative duty assignment at this stage, or take leave, absent a compelling medical or public safety reason.

3. The Kannapolis Police Department will make every reasonable effort to avoid assigning full-duty pregnant employees to units in which the work involves the likelihood of encountering toxic chemicals, such as raids on clandestine drug labs or intensive traffic enforcement.

4. During the officer's pregnancy the Kannapolis Police Department will grant a temporary exemption from firearms qualification requirements. However, any missed firearms qualification must be completed during the calendar year and in accordance with North Carolina Criminal Justice Education Training and Standards requirements.

5. The Kannapolis Police Department recognizes the potential need for uniform and equipment modifications during the pregnancy and such requests will be considered. Accommodations will be made to the extent possible.

6. The Kannapolis Police Department reserves the right to evaluate an employee's continuing ability to safely and effectively perform the essential job functions of her position. The agency may consult its designated Occupational Medicine physician, and/or the employee's physician

in making these evaluations. If the agency determines that the employee's condition unreasonably interferes with her ability to perform in a full-duty capacity, she may be reassigned to alternative duty as described in section D. of this policy. Absent unusual circumstances, the employee will not be required to take leave.

D. ALTERNATIVE DUTY

1. During a pregnancy, upon written recommendation of a physician, an employee may request a temporary reassignment to alternative duty. This assignment is an alternative to the full duty option described in section C of this policy and shall be made in accordance with the City of Kannapolis Return to Work Program described in City Personnel Policy 800.07.

2. Generally, alternative work assignments related to pregnancy will commence at some point during the second trimester and shall not include work that involves the likelihood of encountering toxic chemicals, intensive traffic enforcement, or work that involves a high likelihood of trauma.

3. Absent specific medical considerations, employees working pregnancy related alternative duty assignments shall continue in a full-time working status. Consideration will be given to allowing for part-time assignments of employees whose medical condition may warrant such accommodation.

4. Pregnancy related alternative duty assignments will be based on the operational needs of the agency and may consist of assignments within the police department or assignment to other City departments. Any job assignment will be compatible with the employee's work restrictions identified by the employee's physician.

5. Pregnancy related alternative duty assignments will not include alternating shift work, defensive tactics or training, live fire firearms training, patrol duties, traffic control, standing for more that 30 minute intervals, lifting more than 25 pounds, or exposure to high concentrations of toxins, chemical or infectious agents, or controlled substances.

E. CONTINUING EVALUATION

1. Any evaluation made by the agency's medical advisor under this policy shall be limited to a review of the employee's medical records, which must be provided by the employee and/or her physician. In rare instances where medical records supplied by the employee are deemed insufficient to make a determination as to assignment, the agency's medical advisor may recommend that the pregnant employee be examined by an obstetrician-gynecologist or by a physician knowledgeable about obstetrics.

2. Pregnant employees shall be permitted to work as long as they are able to perform their jobs and will not be subjected to special procedures to determine their ability to work. If an employee becomes unable to perform the functions of her alternative duty assignment, she will be required to take appropriate leave, in compliance with the Family and Medical Leave Act and other applicable law.

3. If an officer has been temporarily absent from work as a result of a pregnancy related condition and she recovers, she shall not be required to remain on leave until the baby's birth. The

employee may elect to take such leave if medically warranted and in conformance with City policies. The employee shall be treated the same as any other employee voluntarily seeking leave because of any other physical condition.

F. RETURN TO WORK

1. When an employee who has been on an extended absence of 30 calendar days or longer due to pregnancy plans to return to work she shall provide documentation of medical fitness for duty to the Office of the Chief of Police. This documentation is subject to review by the agency's medical advisor.

2. When an employee returns to work after an extended absence of 30 calendar days or more, the appropriate Bureau Commander shall meet with the employee and conduct a reintegration interview. Based upon this interview the Bureau Commander shall develop a reorientation program which takes into consideration the unique circumstances of the particular employee. The program shall address issues such as missed training, firearms qualifications, policy and procedure updates, etc. The Bureau Commander shall work with the employee to identify her individual needs, which may or may not include accommodations needed for lactation, such as a private room, use of refrigeration, and limiting exposure to toxic levels of heavy metals and chemicals.

INDEX AS: **CALEA REFERENCE**:

Pregnancy

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: **400-01**
SUBJECT: RESIGNATION & RETIREMENT
DISTRIBUTION All Personnel
EFFECTIVE DATE: 06-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish guidelines for the departmental administration of city personnel policies governing resignation and retirement.

POLICY

The loss of personnel through retirement or resignation is a normal and expected occurrence in any police organization. As an emergency service agency, the Department is obligated to maintain sufficient staffing levels to meet the existing demand for law enforcement services. With advance notice, adjustments can normally be affected to compensate for anticipated reductions in personnel. Therefore, all members who intend to separate from employment through retirement or resignation will be expected to provide written notice to the Department in accordance with the provisions of this General Order.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Service Retirement: voluntary termination of employment after having satisfied the age and length of service requirements of the North Carolina Local Government Retirement System.

2. Disability Retirement: voluntary termination of employment necessitated by an injury or illness which renders the employee incapable of performing an essential job function.

3. Resignation: voluntary termination of employment for any reason other than retirement.

PROCEDURES

A. SERVICE RETIREMENT

1. Written notice of retirement should be provided to the Chief of Police on form KPD-171B at least sixty (60) calendar days prior to the anticipated separation date (last day actually worked).

2. Retiring employees should contact the City's Director of Human Resources well in advance (90-120 days) of the anticipated retirement date for information and assistance in coordinating applications for service retirement and benefit dispositions. Longer notice is required due to the delay required for processing of the retirement application at the State level.

3. Sworn officers may request that upon retirement, the City award the badge and service sidearm carried by the officer in the line of duty. Retiring officers may indicate their desire to receive these items by marking the appropriate blocks on form KPD-171B.

    (a) The eligibility of a retiring officer for award of the badge and service sidearm, and the conditions of such an award, will be determined by the Chief of Police in accordance with NCGS 20-187.2 and the provisions of City Personnel Policy 200.13.

    (b) Prior to the transfer of a service sidearm, the retiring member must obtain a permit as required by NCGS 14-402 or NCGS 14-409.1. The permit must be provided to the Chief of Police and will be retained as part of the retiring member's public safety file.

    (c) In the absence of a permit, or upon request, the weapon will be rendered permanently incapable of being fired prior to transfer to the retiring officer.

B. DISABILITY RETIREMENT

1. Members who intend to apply for disability retirement shall provide advance written notice to the Chief of Police on form KPD-171B at least thirty (30) calendar days (if feasible) prior to the anticipated separation date (last day actually worked).

2. The employee is responsible for contacting the City's Director of Human Resources for information and assistance in coordinating the application for disability retirement.

3. Once a final disposition of the application for disability retirement has been determined, the employee shall provide written notice to the Chief of Police accordingly. If the application is approved, the employee must specify their scheduled separation date (last day actually worked).

4. In the event that the member is incapacitated and unable to personally provide the notices and carry out the obligations required by this order, such notice may be provided by the employee's supervisor or other designee.

5. Members approved for disability retirement may request the award of their badge and service sidearm as provided in section A3 above.

C. RESIGNATION

1. Written notice of resignation shall be submitted to the Chief of Police on form KPD-171A at least <u>fourteen (14) calendar days</u> prior to the scheduled separation date (last day actually worked). The 14-day working notice is intended to provide the police department with adequate time to process the resignation, make internal staffing adjustments, and complete administrative out-processing procedures.

2. Once a notice of resignation has been accepted by the Chief of Police, the resignation may not be withdrawn by the employee, nor may the scheduled separation date be extended. This does not prevent an employee from reapplying for employment in accordance with City Personnel Policy 200.06.

3. The Chief of Police will retain the authority to waive any or all of the 14-day working notice and effect the immediate separation of a resigning employee when such action is deemed in the best interests of the police department.

4. The facts and circumstances surrounding the resignation of an employee may be included in the employee's public safety file and considered along with other work history information in the event that the member seeks future reemployment with the Department.

D. RETURN OF ISSUED PROPERTY & EQUIPMENT

1. All uniforms, badges, weapons, manuals, identification cards, keys, and other city-owned property or equipment issued to or in the possession of the separating member must be surrendered to the Chief of Police or his designee on or before the effective date of separation. The value of any unreturned or damaged city property may be deducted from the member's final paycheck.

E. EXIT INTERVIEW

1. The Human Resources Director will schedule an exit interview with the employee. The purpose of this exit interview will be to determine any factors that may have contributed to the member's decision to separate from the police department, and to identify any conditions that might be corrected to prevent the future loss of qualified personnel. A copy of the completed exit interview will be distributed to the Chief of Police, who may respond to statements made in the exit interview via written memorandum. Responses will be filed with the exit interview report.

INDEX AS:

Disability Retirement
Exit Interviews
Resignation
Retirement

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: **400-02**
SUBJECT: FIELD TRAINING PROGRAM
DISTRIBUTION All Personnel
EFFECTIVE DATE: 04-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental guidelines for the implementation and administration of training programs upon initial employment.

POLICY

It shall be the policy of the Kannapolis Police Department to develop and implement a standardized field training program designed to enhance the formal instruction received by newly appointed police officers and facilitate their transition from the classroom to the field. The purpose of the field training program is to provide guidance, instruction, and supervised field experience to probationary officers in patrol operations and departmental procedures, and to develop sound working habits and efficiency in their performance of duty.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Field Training Officer (FTO): a police officer who has successfully completed a department-approved course of instruction for Field Training Officers, and who has been specifically authorized by the Department to provide field training to probationary officers. Designation as a Field Training Officer will be considered a specialized assignment in accordance with departmental policy.

2. Probationary Officer: a police officer who is serving a probationary period following initial appointment with the Department. The term probationary officer will include employees who assume sworn status with the Department following completion of Basic Law Enforcement Training (BLET), or by virtue of lateral entry from another law enforcement agency.

PROCEDURES

A. SELECTION OF FIELD TRAINING OFFICERS

1. The selection of qualified Field Training Officers is essential to the success of a field training program because the values, tactics, and attitudes of the FTO can be transmitted to the inexperienced officer. In order to be considered for selection as an FTO, an officer must meet the following general criteria:

    (a) Must be a regular full-time police officer with at least two (2) consecutive years of sworn law enforcement experience in a field assignment;

(b) Must demonstrate the technical knowledge necessary for the successful performance of the duties required of a police officer;

(c) Must display the personal characteristics and qualities desired of an FTO, including strong interpersonal, communication, and leadership skills;

(d) Must demonstrate a desire to voluntarily serve as an FTO;

(e) Must exhibit a good understanding of the role of the FTO and the objectives of the field training program;

(f) Must consistently demonstrate above standard work performance;

(g) Must consistently display a high level of ethical and professional conduct.

2. Any officer desiring to become an FTO will apply by forwarding a memorandum of request via the chain of command to the Field Operations Commander. The officer's supervisor and division commander shall attach a written statement of endorsement or disagreement regarding the officer's suitability to serve as an FTO.

3. The Field Operations Commander shall review all memoranda of requests and other applicable information deemed relevant and may meet with the candidate and affected supervisors to discuss the officer's work history and suitability to serve as an FTO. Based upon this review, the Field Operations Commander will select the most qualified officers to attend a basic instruction course for Field Training Officers consistent with the current needs of the Department and course availability.

B. INITIAL AND IN-SERVICE TRAINING OF THE FTO

1. Before being authorized to function as an FTO, candidates must successfully complete a course of instruction for Field Training Officers approved by the Department. The basic instruction course normally includes:

   (a) An overview of all forms and materials used in the program;
   (b) The role of the FTO in training the probationary officer;
   (c) Review of technical areas of law enforcement;
   (d) Principles of effective communication;
   (e) Principles of adult education;
   (f) An introduction into basic management theory, leadership styles, and motivation theories;
   (g) Techniques of field instruction;
   (h) Counseling methods;
   (i) Legal and ethical issues of training and evaluation; and
   (j) A review of the curriculum provided to recruits in Basic Law Enforcement Training.

2. In addition to the basic course, prospective FTOs will be provided with in-service training in the specific procedures and requirements of the department's field training program, as well as other topic areas necessary to prepare them for and keep them current with their assigned responsibilities.

3. Those candidates that successfully complete all FTO training may be authorized by the Department to conduct field training of probationary police officers. This authorization is

specifically contingent upon the officer's continued satisfactory performance as an FTO as well as in their regular duty assignment.

4. Authorized Field Training Officers will be eligible to receive and wear the departmental FTO insignia in like fashion to a Class-B Award. The insignia will allow probationary officers to identify qualified FTOs throughout the agency as a resource for information and assistance.

5. All authorized FTOs have a general duty and responsibility to provide appropriate assistance and guidance to probationary officers in order to achieve the intended goals and objectives of the field training program. When rendered, such assistance shall be closely coordinated with the responsible supervisor(s) and currently assigned FTO.

6. The Field Operations Commander will maintain a roster of all currently authorized Field Training Officers and will have the authority to determine the number and status of authorized FTOs based on current operational requirements. Any officer may be removed from FTO status for disciplinary reasons, unsatisfactory performance, change in classification or duty assignment, upon a request to voluntarily withdraw, or for other reasons deemed in the best interest of the Department.

C. FIELD TRAINING PROGRAM

1. The Field Training Manual issued and approved by the Department shall be used in the training and evaluation of all probationary officers. This manual contains guidelines that define the responsibilities of the FTO and provide specific direction about the skills, knowledge and abilities to be assessed, taught or performed. Each authorized FTO and each probationary officer will be provided with a copy of this manual and shall adhere to the guidelines contained therein.

2. Each probationary officer assuming sworn status with the Department following initial appointment shall be assigned to a certified FTO with the Patrol Division, unless otherwise authorized by the Chief of Police.

3. Probationary officers may be assigned to any component during the field training period as required to complete the various phases of the field training.

4. The standard length of the field training program shall be nineteen (19) weeks in accordance with established field training guidelines. The Department may authorize a longer or shorter period of training depending upon the qualifications, experience and demonstrated ability of the probationary officer to satisfactorily perform all essential job functions. However, the field training period may not be shorter than seven (7) weeks.

5. Assignment of probationary officers to FTOs will be determined by the Division Commander. The field training will consist of five (5) phases as follows:

   PHASE 1: Orientation

   PHASE 2: Intermediate / Direct Field Training

   PHASE 3: Practical Application Field Training

   PHASE 4: Familiarization Tours

   PHASE 5: FTO/Supervisor's Observation

D. RESPONSIBILIITES OF THE FIELD TRAINING OFFICER

1. Field Training Officers will be responsible for conducting the field training of assigned probationary officers in accordance with departmental guidelines and directives. The FTO will conduct evaluations and prepare written documentation on the progress of the probationary officer and shall forward these reports to his/her immediate supervisor.

2. FTOs shall maintain a professional and ethical relationship with assigned probationary officers and shall conduct themselves at all times in an exemplary manner consistent with established agency values and standards of conduct, and their responsibility as an FTO. Any violation of departmental policy by an FTO shall be reported immediately to the appropriate supervisor and the Field Operations Commander.

3. The FTO will have limited supervisory authority over the probationary officer for the purpose of field training, and may give orders to the probationary officer in situations involving actions by the probationary officer that may jeopardize the purpose or interest of the Department or endanger the safety of any person. However, the FTO shall have no authority to take disciplinary action.

4. The FTO will be responsible for recommending the early release of a probationary officer from field training when such officer has demonstrated the ability to satisfactorily perform all the essential functions and duties of the position.

5. The FTO will be responsible for recommending an extension of the field training period if the FTO believes such extension will result in improvement of the probationary officer's performance to a satisfactory level.

6. The FTO will be responsible for recommending the dismissal of a probationary officer when the evaluation process indicates that the probationary officer has not demonstrated the ability to satisfactorily perform all the essential duties of a police officer and additional training is not reasonably likely to correct the deficiency.

E. SUPERVISORY RESPONSIBILITIES

1. The patrol field supervisor for the unit to which the trainee is assigned will have the following responsibilities:

    (a) Monitor the field training provided to the probationary officer to ensure that such training is achieving desired objectives and is conducted in accordance with departmental requirements.

    (b) Conduct evaluation interviews at least biweekly with the probationary officer and the assigned FTO to assess the probationary officer’s progress and discuss any relevant training issues.

    (c) Review and forward all required evaluations and documentation related to the field training of the probationary officer to the Division Commander.

    (d) Keep the Division Commander and other appropriate personnel informed of any problems in the performance of the probationary officer or assigned FTO.

(e) Complete a memorandum summarizing the overall performance of each FTO as a field trainer during their training period with the probationary officer.

2. The Division Commander will have the following responsibilities:

   (a) Meet with the field supervisor at least biweekly to discuss the probationary officer's progress, the performance of the FTO(s), and any other relevant training issues. Ensure that the objectives of the field training program are being met.

   (b) Review and forward all field training documentation to the Field Operations Commander at the end of each phase of field training. Documentation to be submitted will include progress reports, evaluations, disciplinary actions, training checklists, and recommendations for any change in the status of the probationary officer.

   (c) Keep the Field Operations Commander and other appropriate personnel informed of any problems in the performance of the probationary officer or assigned FTOs.

3. The Field Operations Commander will be responsible for the overall direction, monitoring and coordination of the field training program, including the review of all documentation relating to the training of probationary officers to ensure that competent and effective field training is being provided in accordance with departmental directives.

4. An annual review of the Field Training Program will be conducted by the Field Operations Commander in conjunction with the Training Advisory Committee (TAC) and other appropriate personnel. The purpose of the review will be to assess the overall effectiveness of the program, and to make recommendations to the Chief of Police regarding any changes in departmental policies, procedures or training methods.

F. FIELD TRAINING REVIEW BOARD

1. At the completion of the probationary officer's field training period, the Deputy Chief will convene a review board to review the progress of the probationary officer and his/her proposed release from field training status. The review board will consist of the Deputy Chief, Field Operations Commander, the primary and secondary FTOs, and affected supervisors.

2. The review board will discuss the probationary officer's performance and review all training reports and evaluation documents. The review board may conduct an oral interview of the probationary officer as part of this review process. After reviewing all relevant documentation and information, the Deputy Chief shall make one of the following determinations:

   (a) <u>Release from Field Training Status</u>: The probationary officer has demonstrated the ability to satisfactorily perform all the essential duties of a police officer and should be released from field training status.

   (b) <u>Extend the Field Training Period</u>: The probationary officer has not demonstrated the ability to satisfactorily perform all the essential functions of a police officer, but additional training is reasonably likely to correct the deficiency.

   (c) <u>Dismiss from Probationary Employment</u>: The probationary officer has not demonstrated the ability to satisfactorily perform all the essential duties of a police officer, and additional training is not reasonably likely to correct the deficiency.

3. The Deputy Chief will forward his written findings, along with all field training documentation, to the Training Coordinator for retention in the officer's training file.

4. The Deputy Chief will also review the performance of each FTO during the field training period. Such review will include the opportunity for input by the affected Division Commander, supervisory officers, and the trainee. After reviewing all relevant documentation and information, the Field Operations Commander shall make one of the following written determinations as to the status of each FTO:

   (a) Active Status: the FTO has demonstrated satisfactory performance as a field trainer and his/her authorization to serve as an FTO should be continued.

   (b) Probationary Status: one or more deficiencies were identified in the performance of the FTO and remedial instruction is reasonably likely to correct the deficiency(s).

   (c) Revocation Status: the FTO has failed to demonstrate satisfactory performance as a field trainer and additional instruction is not reasonably likely to correct the deficiency(s).

5. The Deputy Chief and Field Operations Commander will coordinate with the Chief of Police regarding the proposed dismissal of a trainee or the revocation of an FTO's status. Such actions will be administered in accordance with departmental directives and applicable City personnel policies.

INDEX AS: **CALEA REFERENCE**:

Field Training Officer (FTO)
Field Training Program
Field Training Review Board
Probationary Officers

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: **400-03**
SUBJECT: POLYGRAPH EXAMINATIONS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 04-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental guidelines for the administration of polygraph examinations.

POLICY

Polygraph examinations, when administered by a properly trained and competent examiner, can be a useful tool in the investigation of criminal offenses, internal affairs complaints, and the pre-employment screening of applicants. However, polygraph results may not be relied upon to the exclusion of other evidence or used as the sole means of resolving questions of verity. The results of a polygraph examination must be evaluated in the context of a complete and thorough investigation. All polygraph examinations conducted by the Kannapolis Police Department shall be administered by a qualified examiner in accordance with methods and practices approved by the American Polygraph Association.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Examiner: shall mean a person who has successfully completed a course of instruction accredited by the American Polygraph Association (APA) in the administration of polygraph examinations, and who is authorized by the Chief of Police to conduct polygraph examinations for the Kannapolis Police Department.

2. Polygraph: shall mean a computerized or conventional instrument designed to detect deception and generate a simultaneous recording of a minimum of three physiological tracings, to include: pneumograph, galvanic skin response, and cardiosphygmograph.

3. Requestor: the officer or investigator who requests a polygraph examiner to conduct a polygraph examination.

PROCEDURES

A. SECURITY GUIDELINES

1. Access to and use of agency polygraph equipment will be strictly limited to personnel authorized by the Chief of Police.

2. All polygraph charts, records and documents, electronic or otherwise, will be considered as confidential materials, and will be maintained in such a manner as to prevent access by unauthorized persons. The release of polygraph charts, records or documents will be affected only if so directed by valid court order or upon the approval of the Chief of Police.

B. AUTHORIZED EXAMINERS

1. Prior to receiving authorization to conduct a polygraph examination or operate a departmental polygraph, prospective examiners must successfully complete a course of instruction recognized and approved by the American Polygraph Association for certification.

2. All departmental examiners must be familiar with police procedures governing the investigative process to include: criminal procedure, arrest, search and seizure, physical and forensic evidence, custodial and non-custodial interview, and interview-interrogation techniques.

3. The Chief of Police may authorize qualified examiners from outside the agency to administer polygraph examinations in connection with criminal or administrative investigations. Such examinations will be administered in accordance with prevailing law and the procedures established by the administering agency or examiner.

C. INSTRUMENTATION

1. The polygraph instrument(s) used by the Department for the detection of deception shall be a computerized or conventional instrument that makes a permanent simultaneous recording of a minimum of three (3) physiological tracings to include: (a) pneumograph; (b) galvanic skin response; and (c) cardiosphygmograph.

2. The examiner shall ensure the instrument to be used is properly calibrated and functioning according to the manufacturer's specifications prior to conducting a polygraph examination.

D. CONSENT & RELEASE REQUIRED

1. All persons submitting to a polygraph examination will have the voluntary nature of the examination carefully explained to them and will sign a form KPD-136 (Consent & Release for Polygraph Examination). This form will be prepared in duplicate, with the original provided to the requestor and a copy retained in the polygraph file. If the person to be tested refuses to sign the required consent and release, no polygraph examination shall be given.

2. The only exception to obtaining a signed consent and release is in the case of an employee tested pursuant to an internal administrative investigation. Employees can be ordered by the Chief of Police to submit to a polygraph examination as part of an internal administrative investigation. The following special guidelines will apply:

(a) The examiner will review the rights and responsibilities of the employee relevant to an internal administrative investigation prior to administering the polygraph examination;

(b) A photocopy of the written directive from the Chief of Police ordering an employee to submit to a polygraph examination will be provided to the examiner for inclusion in the polygraph file;

(c) If the employee does not appear as directed, is unsuitable for testing, or fails to cooperate with the examiner (thus making a valid examination impossible), the polygraph examiner will verbally notify the Chief of Police as soon as possible and shall forward a polygraph examination report documenting the non-appearance or non-cooperation of the employee.

E. SUITABILITY OF PERSON TESTED

1. In order to conduct a successful polygraph examination, the person to be tested must be capable of distinguishing truth from fiction; have sufficient attention span and maturity to comprehend instructions and cooperate with the testing procedures; and have a normally responsive central nervous system which is unaltered by strong stimulants or depressants through either prolonged chronic abuse or current ingestion.

2. Persons who are to be interviewed concerning events that occurred while they were highly intoxicated from alcohol or other impairing substances are generally unsuitable for valid polygraph examination.

3. In order to conduct a successful polygraph examination, the specific issue to be resolved must be a clear and tangible act that has occurred. Issues that cannot be resolved through the use of polygraph testing include thoughts or opinions, and past or future intentions.

4. There are a number of factors, both physical and psychological, that can result in the unsuitability of an examinee. No polygraph examination will be administered to persons who:

   (a) Have had a heart attack within the last nine (9) months;

   (b) Are taking prescribed medication for heart condition, blood pressure, seizures, nervous disorder, or other medication which severely alters normal responsiveness of the autonomic nervous system, unless all medication is stopped (with the prescribing physician's written permission) 24 to 48 hours prior to the scheduled examination;

   (c) Are under the influence of alcohol or other impairing substance;

   (d) Are excessively tired, or are suffering from drug or alcohol hangover or withdrawal;

   (e) Report that they are three months or more pregnant and there is movement of the fetus in the womb;

   (f) Are experiencing physical pain or mental trauma;

   (g) Have been subjected to lengthy interrogation during the 24 hours preceding the examination;

(h) Are presently suffering from extreme head or chest congestion such as asthma or other respiratory disorders;

(i) Are amputees or have paralysis that prevents the proper placement of instrument attachments.

5. No person will be requested, advised or instructed to discontinue any medication for the purpose of polygraph testing. Such determination is the prerogative of a qualified physician in consultation with the patient.

6. A polygraph examination will not be administered to anyone the examiner considers to be psychologically or physiologically unsuitable. Once an examination is in progress, the examiner may discontinue the examination at any time if the person is deemed unsuitable for further testing.

F. EXAMINATION OF JUVENILES

1. A polygraph examination shall not be administered to any person under age 18 without the consent of the juvenile's parent, guardian or other legal custodian, who must sign a form KPD-137 (Juvenile Release for Polygraph Examination). The following are exceptions to this requirement:

   (a) The juvenile is married or otherwise legally emancipated; or

   (b) The juvenile is 14 or 15, has been charged with a felony, and has been bound over to Superior Court for trial as an adult; or

   (c) The juvenile is 16 or 17 and is accused of a criminal offense.

2. A polygraph examination shall not be administered under any circumstances to a juvenile <u>under the age of 14</u> without the written consent and presence of the juvenile's parent, guardian, custodian or attorney as provided in NCGS 7B-2101, or the authorization of a Juvenile Court Judge.

3. No polygraph examination will be given unless the juvenile to be tested voluntarily signs a form KPD-136 (Consent and Release for Polygraph Examination) even though the written consent of the juvenile's parent, guardian or custodian, or authorization of a Juvenile Court Judge has been obtained.

G. PRE-EMPLOYMENT POLYGRAPH EXAMINATIONS

1. Screening applicants is one phase of the selection process for those persons seeking employment with the Kannapolis Police Department. However, the use of polygraph examinations or other instruments for the detection of deception shall not be used as the single determinant of employment status. The Chief of Police or his designee must authorize all pre-employment polygraph examinations in advance.

2. Pre-employment polygraph examinations will normally be conducted <u>after</u> the Department has extended a conditional offer of employment to the applicant.

3. The applicant will be provided with a form KPD-139 (Pre-Employment Polygraph Examination Notice) containing pre-test instructions, and a form KPD-140 (Pre-Employment Polygraph Questionnaire) which details the areas from which the polygraph questions will be drawn. The applicant must fill out the questionnaire in advance and submit the completed questionnaire to the examiner when reporting for the polygraph examination, or the appointment time shall be forfeited.

4. A minimum of two (2) polygrams will be obtained for each test during a pre-employment examination. Each polygram will be properly marked by the examiner in accordance with established chart markings and symbols. Any deviation from standard chart markings will be fully explained in writing by the examiner and the explanation included in the polygraph file.

5. The examiner will conduct a post-test interview in the event that apparently deceptive responses need to be resolved. A follow-up specific examination may be conducted after the post-test interview to address the apparently deceptive responses.

6. Written notification of pre-employment examination results will be forwarded directly to the Chief of Police on form KPD-141 (Polygraph Examination Report), and a copy retained with the polygraph file.

H. THE SPECIFIC EXAMINATION

1. All polygraph examinations which are not an initial pre-employment screening, are to be termed Specific Examinations. Specific examinations include:

   (a) Examinations in support of a criminal investigation;

   (b) Examinations in support of an Internal Affairs (administrative) investigation;

   (c) Examinations that involve the re-testing of a police applicant to resolve a specific problem area arising from the initial screening.

   (d) Examinations as part of non-disciplinary administrative functions such as promotional processes and periodic integrity testing.

2. The Division Commander of the requesting officer must authorize polygraph examinations conducted in support of criminal investigations. When authorizing a polygraph examination, the Division Commander should:

   (a) Determine that investigation by other available means has been as thorough as circumstances reasonably permit. Polygraph accuracy is enhanced when relevant issues and the examinee's knowledge of the matter under investigation have been narrowly defined.

   (b) Ensure that the person to be examined has been interviewed regarding the specific criminal offense at issue, and that consistent with the circumstances of the case, the development or verification of information by means of a polygraph examination is essential and timely for further conduct of the investigation.

   (c) Verify that there is reasonable cause to believe that the person to be examined has knowledge of, or was involved in, the criminal offense under investigation.

3. A person who has been previously tested on a specific issue will not be retested on the same issue by this Department without the approval of a Bureau Commander or Chief of Police.

4. The requesting officer and the examiner will hold a conference when possible at least 24 hours prior to the test to discuss the issue to be covered during the examination. During this conference, the requesting officer shall furnish the examiner with all pertinent information regarding the case as requested. This information may include:

    (a) A copy of the case file that includes the incident report(s), supplemental report(s), crime scene photos, and any statement(s).

    (b) Developed information not included in the copy of the case file.

    (c) Condition of the examinee's health, if known.

5. The examiner and requesting officer will confer to determine what specific areas can be successfully examined, the methods to be used to cover those areas, and the formulation of examination questions. It is the responsibility of the examiner to determine if a valid polygraph test can be administered based on his inquiry and review of the case facts.

6. If a person is to be tested regarding a crime involving their place of employment, a form KPD-142 (Employer Release and Indemnification Agreement) must be completed and signed by the private employer. Specific testing of broad groups of employees vaguely suspected of crimes by their private employers will not be administered. Such testing is the responsibility of the private employer in accordance with the Employee Polygraph Protection Act.

7. Plea-bargain polygraph examinations will not be administered. When a criminal investigation has been completed and accepted by the District Attorney's office for prosecution, further polygraph testing to assist in determining a prosecutorial stance or plea-bargaining position is not within the operating scope of this section.

8. No polygraph examination in support of a criminal investigation will be administered unless a specific offense report has been prepared and prosecution of the case by the District Attorney is intended.

9. Requests for specific examinations from outside law enforcement agencies may be honored upon the approval of the Chief of Police or his designee. All such examinations shall be conducted in accordance with the provisions of this General Order.

10. Requesting officers will be responsible for the transportation of persons in custody to and from the polygraph testing location. Requesting officers are responsible for ensuring the security of persons in custody at the testing location during the entire time a person in custody is undergoing examination, and until normal custody is resumed.

11. No specific examination will be conducted unless the requesting officer is readily available to the examiner during the entire examination. The person to be tested should be prepared to remain the length of time necessary to complete the examination.

12. A minimum of two (2) polygrams will be obtained for each test during a specific examination. A stimulation (STIM) test may be conducted at the discretion of the examiner when deemed

necessary to ensure accuracy. Each polygram will be properly marked by the examiner in accordance with established chart markings and symbols. Any deviation from standard chart markings will be fully explained in writing by the examiner and the explanation included in the polygraph file.

13. The examiner will conduct a post-test interview to attempt to resolve any apparently deceptive responses, unless there is an agreement otherwise with the requestor prior to the examination.

14. When an examinee makes an admission or confession during a specific examination, the requesting officer, when possible, will take the written statement. A copy of the statement will be furnished to the examiner for inclusion in the polygraph file.

15. The examiner will base his opinion of the result on a numerical analysis of polygrams which conforms to standards and methods recognized and accepted by the American Polygraph Association.

16. An oral briefing of the results will be given to the requesting officer as soon as possible. In addition, written notification of the results will be forwarded to the requestor on a form KPD-141 (Polygraph Examination Report) within five (5) working days following completion of the examination. A copy of the written report will be retained with the polygraph file. All results are to be hand delivered or sent under sealed cover to the requestor.

17. Examiners will not verbally, or in writing, provide any indication of polygraph results to unauthorized persons:

    (a) It is at the discretion of the Chief of Police whether an examinee or any other person will be informed of the polygraph results incident to an internal affairs investigation or other administrative process;

    (b) When in doubt, the examiner will not provide any indication of polygraph results to outside persons until the question can be clarified through consultation with the appropriate supervisor.

I. QUALITY CONTROL

1. The Department desires to achieve the highest attainable level of professional polygraphy. Examiners will stay abreast of changes and advancements relevant to the science of polygraphy by reading technical journals, publications, and other relevant materials; and by attending professional seminars and conferences when feasible.

2. When feasible and appropriate, examiners may monitor other examiners conducting polygraph tests. Monitoring is for the instructional purpose of honing the professional skills of both the monitor and the monitored examiner. In special circumstances, an examiner may request the presence of a monitor.

3. The examiner may secure an independent numerical analysis from another qualified examiner as an instructional or quality control measure. The purpose of an independent review is to foster uniformity among examiners in their interpretation of criteria when analyzing the same polygrams.

4. While it is desirable in serious cases to have a second examiner's substantiating analysis before giving the results to a requestor, it is not required. Independent analysis, if obtained, will be conducted as follows:

    (a) As soon as possible following a specific examination, the examiner should secure an independent numerical analysis (also known as a "cold chart" analysis) from a second qualified examiner;

    (b) Gross differences between the two analyses will be noted and discussed by the examiners;

    (c) The examiner will include both his original numerical analysis and the independent numerical analysis in the polygraph file.

J. SCHEDULING OF POLYGRAPH EXAMINATIONS

1. The senior polygraph examiner will maintain a master calendar of all scheduled polygraph examinations for the purpose of an orderly, efficient arrangement of appointments. Scheduling priorities will be based on the seriousness of the case and time sensitive nature of the investigation.

2. Test subjects who fail to appear for testing without valid reason will forfeit their appointment. Rescheduling will be at the examiner's discretion. Test subjects who fail to appear a second time will not be scheduled again without the approval of a Bureau Commander or Chief of Police.

3. If, for any reason, the requesting officer, examiner, or person to be tested cancels the examination, the other affected parties will be notified immediately.

K. POLYGRAPH REPORTS AND FILES

1. The senior polygraph examiner will maintain such reports and files as will ensure the historical continuity of polygraph activities. A cross-index of pertinent examination information will be maintained for each person scheduled for a polygraph examination by the Kannapolis Police Department. Polygraph files will be retained in accordance with the provisions of this General Order and the municipal records retention schedule of the City of Kannapolis.

INDEX AS: **CALEA REFERENCE**:

Polygraph Tests

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 400-04

SUBJECT: EARLY WARNING SYSTEM
DISTRIBUTION All Personnel
EFFECTIVE DATE: 03-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish a system to identify and respond to early indicators of employee performance and/or conduct related problems.

POLICY

It shall be the policy of the Kannapolis Police Department to use a Personnel Early Warning System (EWS) to provide for the timely, systematic review of significant events involving agency employees; and to enable the agency to exercise its responsibility to evaluate, identify, and assist employees who exhibit signs of performance and/or conduct related problems.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. EWS: the personnel Early Warning System.

PROCEDURES

A. EARLY WARNING SYSTEM

1. A comprehensive Early Warning System (EWS) is an essential component of good discipline in a well-managed law enforcement agency. The early identification of potential problem employees and a menu of remedial actions can increase agency accountability and offer employees a better opportunity to meet the agency's values and mission statement.

2. The EWS is a time-sensitive process designed to effectively organize critical performance and evaluation data in a format conducive to promptly identify early indicators of certain performance and/or conduct related problems and to facilitate any necessary or appropriate intervention activities.

3. The EWS is only one of the methods by which employees are identified as possibly needing assistance with performance and/or conduct related problems. The EWS is intended to serve as a systematic approach to highlighting tendencies that may otherwise be overlooked.

B. ADMINISTRATION

1. As part of their routine supervisory activity and especially during the annual performance evaluation process, supervisors will review the relevant work file(s) of the employee being evaluated to determine if there are any inappropriate conduct or work tendencies developing, with the purpose of early intervention to correct the problem(s). Sources of review include, but are not limited to:

   (a) Past performance evaluations;
   (b) Supervisory counseling notes;
   (c) Disciplinary actions;
   (d) Complaints filed against the employee by another employee;
   (e) Worker compensation claims;
   (f) Civil actions filed against the employee in their official capacity;
   (g) Complaints filed by citizens against the employee;
   (h) Incidents of reported spousal abuse;
   (i) Use of force incidents;
   (j) Police vehicle collisions;
   (k) Vehicular pursuits;
   (l) Forcible entries to private premises;
   (m) Assaults on the officer (e.g., officer as victim); and
   (n) Use of sick leave.

2. The Office of the Chief of Police will maintain public safety (personnel) files on all agency employees, as well as administrative files on certain internal activities subject to EWS review. Agency directives, as specified in the accompanying list, require certain events to be reported to the Chief of Police and reviewed by the employee's chain of command, thereby generating basic records and reports necessary for EWS review:

General Order 300-01	Leaves of Absence
General Order 300-03	Grievances
General Order 300-04	Rules of Conduct
General Order 400-06	Performance Evaluation
General Order 400-07	Disciplinary Procedures
General Order 500-02	Internal Affairs
General Order 500-05	Safety Program
General Order 600-01	Use of Force
General Order 800-04	Entry To Private Premises
General Order 900-10	Traffic Collision Investigation
General Order 1100-02	Non-Routine Vehicle Operation

3. The office of the Chief of Police will track administrative reports submitted on targeted incidents and initiate an EWS notice (KPD-239) to the Commander and Supervisors of an employee who, during the most recent 12-month period, has been a principal involved in:

   (a) Three or more citizen complaints or internal affairs investigations; OR
   (b) Three or more disciplinary actions; OR
   (c) Four or more vehicular pursuits; OR
   (d) Four or more use of force incidents; OR
   (e) Three or more police vehicle collisions; OR
   (f) Ten or more total incidents in any combination of the events listed above.

4. The Chief of Police will periodically review the thresholds established for targeted incidents that trigger a EWS notice and make adjustments as needed based on the historical norms of the agency and information derived from annual evaluations of the EWS system.

C. ROLE OF SUPERVISORS AND COMMANDERS

1. Supervisors are crucial elements to a successful Early Warning System. Along with daily monitoring of employee work activities, supervisors must take proactive measures to address identified deficiencies in employee performance or behavior at the earliest practical time.

2. The EWS is simply a tool to assist supervisory personnel in monitoring employee performance. The availability of EWS does not alter the duty and responsibility of line supervisors to directly monitor the performance and behavior of personnel under their command on a daily basis.

3. Supervisors assigned to oversee routine reporting and review functions related to employee performance, use of leave, discipline, pursuits, use of force, forcible entry to private premises, workplace injuries, citizen complaints, and police vehicle operation must remain alert to patterns or indicators that suggest the need for follow up review and/or intervention. The goal is to identify escalating patterns of less serious misconduct that can be abated through early intervention.

4. If the first line supervisor, in the course of his/her review, identifies a pattern of conduct or work performance that indicates a need for corrective action, he/she will initiate the EWS review process. A supervisor may initiate the EWS review process at any time that such action is deemed warranted. The EWS review process is NOT limited solely to the period of time that the annual performance evaluation of an employee is being prepared.

D. EWS NOTICES AND PRELIMINARY REVIEW

1. To initiate an EWS review, the first line supervisor will complete an EWS Notice (KPD-239). A copy of the notice will be routed to the affected employee and his/her second-level supervisor and Bureau Commander. EWS notices are intended to assist supervisors in evaluating and guiding their subordinates and will not, standing alone, form the basis for disciplinary action. EWS notices will contain the employees' name, employee ID number, targeted event dates, type of targeted incident, and the associated dispositions where available. EWS notices shall draw no conclusions nor make any determinations concerning job performance.

2. Upon receipt of an EWS notice, the Division Commander or second level supervisor will be responsible for conducting a preliminary review. The preliminary review meeting will include the employee and first line supervisor. Based on this preliminary review, the division commander will submit a timely report to the affected Bureau Commander articulating whether a formal review is recommended. If so, a formal EWS review will be initiated.

E. FORMAL EWS REVIEW AND INTERVENTION

1. Bureau Commanders will be responsible for conducting formal EWS reviews. Such reviews will include a meeting(s) with the affected employee and his/her first and second level supervisors. EWS review meetings are to be facilitative and non-disciplinary in nature. Employees will be informed they have been identified for formal EWS review, informed of the purpose of the meeting(s), and advised that the process is facilitative and non-disciplinary.

2. EWS review meetings will result in options or courses of action being determined and established by the Bureau Commander with input from identified employees and their supervisory chain of command. Options or courses of actions include, but are not limited to, the following:

    (a) No additional action required;

    (b) Informal counseling and informal monitoring by immediate supervisor;

    (c) Formal counseling or non-disciplinary corrective action as appropriate;

    (d) Formal monitoring for a minimum of 12 weeks with monthly reviews and reports;

    (e) Mandatory remedial or additional training designed to improve employees' skills;

    (f) Voluntary or mandatory referral to the Employee Assistance Program (EAP) for counseling or referral assistance;

    (g) Reassignment;

    (h) Other remedial actions taken in accordance with City and Department directives that are instituted for the purpose of correcting the identified problem(s).

3. Formal follow-up efforts will minimally require the appropriate Bureau Commander to conduct a follow-up EWS review meeting with the involved employee and their first and second level supervisors to assess the result of the corrective actions taken.

4. Employees who disagree with the administrative action taken as the result of EWS meetings may file a grievance in accordance with General Order 300-03 and established City Personnel Policies.

F. ANNUAL EVALUATION OF EWS

1. On an annual basis, each Bureau Commander will conduct a Bureau-level evaluation of the Personnel Early Warning System to be submitted via the chain of command to the Chief of Police. The evaluation will include, but is not limited to, the following:

    (a) Statistical data about EWS activity in their components during the past year;

    (b) Assessment of the overall effectiveness of the EWS; and

    (c) Any recommendations for changes in EWS policy or procedures.

2. The EWS annual evaluation will be made available to all supervisory personnel for review and comment.

INDEX AS:

Early Warning System

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 400-05

SUBJECT: PROMOTIONAL PROCEDURES
DISTRIBUTION All Personnel
EFFECTIVE DATE: 03-01-1999
LAST REVISION DATE: 10-07-2020
BY ORDER OF: Terry L. Spry, Interim Chief of Police

PURPOSE

The purpose of this General Order is to establish and define procedures for the evaluation and selection of sworn personnel for promotion to higher classifications.

POLICY

The professionalism of the Department is enhanced through the promotion of qualified personnel to supervisory positions of increased responsibility. The evaluation and selection of personnel for promotion will be conducted so as to identify those employees who appear to have the potential for assuming greater responsibility and who possess the skills, knowledge and abilities required to perform at that level. It shall be the policy of the Department to establish equitable standards for evaluating and selecting qualified candidates for higher classifications. Candidates for promotion shall be chosen on the basis of their qualifications and work record without regard to age, sex, race, color, creed, religion, political affiliation, or national origin.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Accredited College: a college or university whose credit for academic course work qualifies for educational incentive premium under the requirements established in City Personnel Policy 400.18 adopted March 1, 1997 or later.

2. Basic-Intermediate-Advanced Certificate: professional certificates awarded to sworn law enforcement officers by the Commission upon attainment of required education, training and experience.

3. Commission: the North Carolina Criminal Justice Education and Training Standards Commission, Criminal Justice Standards Division, North Carolina Department of Justice.

4. Promotional Process: a formal departmental process involving testing and/or evaluation components designed to identify qualified candidates for promotion.

5. Promotion Eligibility List: a list of officers eligible for consideration for promotion to a specified rank. The promotion eligibility list is established as the result of a promotional process.

PROCEDURES

A. ADMINISTRATION

1. The Human Resources Director and City Manager are responsible to the City Council for the overall administration of city personnel regulations. As such, the appointment of an employee to a higher position classification is subject to their final approval.

2. The Chief of Police is responsible for the necessary liaison with the City Manager and Human Resources Director for the development and administration of an effective promotional process for the Kannapolis Police Department, to include:

   (a) Development of position descriptions and minimum requirements for participation in promotional processes;

   (b) Announcement of promotional opportunities and processes to be used;

   (c) Administration of relevant testing/evaluation components and procedures designed to meet the needs of the Police Department and which are job-related, useful, and non-discriminatory. This may include:

      1. An oral interview prior to appointment to probationary status;
      2. Administration of written tests and/or practical exercises, if any;
      3. A review of job-related experience;
      4. A review of performance evaluations;
      5. A review of personnel records;
      6. A review of any disciplinary actions;
      7. A review of educational records;
      8. A review of professional training; and
      9. A review of promotional potential reports.

   (d) Assuring that all promotion processes are in compliance with the City's Equal Opportunity Employment commitments, programs and practices;

   (e) Selection of candidates for promotion, and the administration of any probationary periods following promotion.

3. The Chief of Police retains the authority and responsibility for the administration of the promotion process within the agency. The Chief may delegate selected duties to other members of the Department to facilitate the process. When deemed necessary, assistance may be utilized from other entities, both within and outside of city government.

4. Materials used in the promotional process, including promotional potential reports and relevant testing/evaluation components, are confidential. Accordingly, such materials will be maintained in a secure manner and access limited to authorized agency personnel and city officials assisting in the administration or review of the promotional process.

5. The promotional process will be reviewed on an annual basis by the Chief of Police and/or his designee(s) and revised as necessary to ensure its continued effectiveness relative to selecting the best-qualified candidates.

B. ANNOUNCEMENT OF PROMOTIONAL OPPORTUNITY

1. Prior to the commencement of any promotional process, the Department will provide written notice announcing the following information:

    (a) Brief description of the position to be filled and job requirements;
    (b) Description of minimum eligibility requirements for participation in the process;
    (c) Description of the process to be used in selecting personnel;
    (d) Closing date for submitting letters of intent to participate in the process.

2. Eligible personnel who desire to participate in the promotion process are to submit a written request to participate, along with any other required materials as specified in the announcement, through the chain of command to the Office of the Chief of Police.

C. PROMOTIONAL POTENTIAL REPORTS

1. Each supervisor in the chain of command of a candidate for promotion must complete a confidential promotional potential report. The purpose of this report is to obtain factual information about the candidate's ethics, work perspective, and suitability to serve in a leadership position. The report must be in memorandum format and should describe observed behaviors that indicate the candidate's strengths and weaknesses in each topic area. Topic areas to be considered include:

    (a) Technical and operational knowledge;
    (b) Oral and written communication skills;
    (c) Interpersonal skills;
    (d) Adaptability (stress and non-stress conditions);
    (e) Professional commitment and sense of duty;
    (f) Personal and professional ethics and conduct;
    (g) Work perspective and attitude toward duties;
    (h) Desire for professional growth and development;
    (i) Judgment and decision-making ability;
    (j) Physical ability to perform essential job requirements;
    (k) Level of personal and professional maturity;
    (l) Demonstrated leadership qualities.

2. The promotional potential report should include an overall recommendation as to the candidate's suitability and readiness for promotion and should be signed and dated by the completing supervisor. Promotional potential reports are considered confidential and should be submitted under sealed cover to the office of the Chief of Police.

D. MINIMUM QUALIFICATIONS FOR PROMOTION

1. The Police Department has established certain minimum qualifications for candidates to be eligible for promotion. These minimum requirements will serve as a guideline in determining the eligibility of candidates to participate in a promotional process.

2. When it is deemed to be in the best interest of the Police Department, the Chief of Police may modify and/or waive any of the prescribed minimum qualifications except those established by the City Council, City Manager, Commission or other legal authority.

3. Minimum qualifications for promotion to non-sworn supervisory positions will be established by the Chief of Police commensurate with the specific duties and responsibilities of the position to be filled and included as part of the announcement of a promotional process for that position.

4. Experienced police officers employed by the Kannapolis Police Department through lateral entry from outside law enforcement agencies may, under certain conditions, be eligible to participate in a promotional process. The following general guidelines will apply:

   (a) Lateral entry officers must have satisfactorily completed the Kannapolis Police Department field training program and probationary period and, except for time in service or grade with our agency, must otherwise meet all minimum requirements for the position applied;

   (b) Lateral entry officers must hold a general law enforcement certification issued by the Commission.

   (c) Upon the announcement of a promotional process, lateral entry officers may request a departmental review and determination of their eligibility to participate. The request must be made in writing to the Chief of Police in accordance with the procedures and deadline established for the internal submission of letters of intent to participate.

   (d) The Chief of Police will review and determine the eligibility of lateral candidates on a case-by-case basis, to include an evaluation of the officer's prior work history, experience, and overall qualifications. Upon approval, the officer will be notified of their eligibility to participate in the promotional process.

5. **POLICE SERGEANT:** To be considered eligible for promotion to police sergeant, candidates must meet the following minimum qualifications:

   (a) Must hold a general (non-probationary) law enforcement certification from the Commission;

   (b) Must have acquired at least 50% of the minimum total education and training points required for an Intermediate Law Enforcement Certificate;

   (c) Must have completed at least three (3) years of continuous service as a full time sworn law enforcement officer with the Kannapolis Police Department immediately preceding the date of announcement of the promotional process, of which at least one (1) year of which must have been served in a field assignment;

   (d) Must have attained a standard or higher rating on his/her most recent performance evaluation;

   (e) Must not have been the subject of a formal disciplinary action within the preceding twelve months or anytime after the date of announcement of the promotional process;

   (f) Must be affirmatively recommended as a suitable candidate for promotion by his/her immediate supervisor;

(g) Must hold an associate degree or higher in a criminal justice related field from an accredited college or university OR be currently enrolled in a criminal justice related degree program at an accredited college or university and have completed at least 30 semester hours toward that degree OR have similar like work experience equivalent to the degrees listed.

6. **POLICE LIEUTENANT**: To be considered eligible for promotion to police lieutenant, candidates must meet ALL the following minimum qualifications:

(a) Must have a minimum of five years' experience in law enforcement;

(b) Must currently hold the rank of Sergeant with the Kannapolis Police Department and have satisfactorily served in that capacity for at least six months; OR must have a substantially equivalent level of training and progressive managerial experience;

(c) Must have satisfactorily completed at least 120 hours of department approved training in topics directly related to police supervision and management;

(d) Must have earned an Intermediate Law Enforcement Certificate;

(e) Must have attained a standard or higher rating on his/her most recent performance evaluation;

(f) Must not have been the subject of a disciplinary action within the preceding 12 months or anytime after the date of announcement of the promotional process;

(g) Must be affirmatively recommended as a suitable candidate for promotion by his/her immediate supervisor;

(h) Must hold an associate degree or higher in a criminal justice related field from an accredited college or university OR be currently enrolled with junior standing in a bachelor's degree program in a criminal justice related field at an accredited college or university OR have similar like work experience equivalent to the degrees listed.

7. **POLICE CAPTAIN:** To be considered eligible for promotion to the rank of police captain, candidates must meet ALL the following minimum qualifications:

(a) Must have a minimum of ten years' experience in law enforcement;

(b) Must currently hold the rank of Lieutenant with the Kannapolis Police Department and have satisfactorily served in that capacity for at least six months; OR must have a substantially equivalent level of training and progressive managerial experience;

(c) Must have earned an Advanced Law Enforcement Certificate;

(d) Must have completed at least 200 hours of training in topics directly related to police supervision and management, to include at least 80 hours of instruction in executive level topics;

(e) Must have attained a standard or higher rating on his/her most recent performance evaluation;

(f) Must not have been the subject of a disciplinary action with the preceding 12 months or anytime after the date of announcement of the promotional process;

(g) A bachelor's degree or higher in a criminal justice related field from an accredited college or university is not required but is preferred. Any employee selected for this position without a bachelor's degree from a four-year accredited college or university in a criminal justice related field must currently be enrolled or enroll within eighteen months of selection. All degree requirements must be meet and a degree awarded within a reasonable period after enrollment.

8. **DEPUTY CHIEF**: The Deputy Chief is a senior executive position appointed by the Chief of Police and is not subject to the normal promotional process applicable to lower ranks. Candidates for Deputy Chief will be evaluated and appointed directly by the Chief of Police as vacancies occur. As a general guideline, the following minimum qualifications will apply:

(a) Must have a minimum of fifteen years' experience in law enforcement; and a minimum of five years of progressive command experience in law enforcement; or any equivalent combination of experience and training which provides the required knowledge, skills and abilities;

(b) Must currently hold the rank of Captain with the Kannapolis Police Department and have satisfactorily served in that capacity for at least six months; OR must have a substantially equivalent level of training and progressive managerial experience;

(c) Must have earned an Advanced Law Enforcement Certificate;

(d) Must have completed at least 300 hours of training in topics directly related to police supervision and management, to include at least 120 hours of instruction in executive level topics;

(e) Must have attained a standard or higher rating on his/her most recent performance evaluation;

(f) Must not have been the subject of a disciplinary action with the preceding 12 months or anytime after the date of announcement of the promotional process;

(g) A bachelor's degree or higher in a criminal justice related field from an accredited college or university is not required but is preferred. Any employee selected for this position without a bachelor's degree from a four-year accredited college or university in a criminal justice related field must currently be enrolled or enroll within eighteen months of selection. All degree requirements must be meet and a degree awarded within a reasonable period after enrollment.

E. PROMOTION ELIGIBILITY LIST

1. Promotional processes will be conducted for the purpose of establishing a list of personnel who qualify for consideration for promotion. Promotion eligibility lists will normally remain in effect for a period of two (2) years but may be extended at the discretion of the Chief of Police when such action is deemed in the best interest of the Department.

2. Promotion eligibility lists established for a particular rank or position will automatically expire upon the announcement of a subsequent promotional process for that same rank or position.

3. Although numerical scores may result from specific elements of the promotion process, a numerical weight <u>will</u> <u>not</u> be assigned to any particular element or eligibility requirement.

4. For the limited purpose of evaluating relative performance, candidates may be "rank ordered" based on their overall performance in the various scored elements of a promotional process. However, the Chief of Police may select any officer(s) from the eligibility list for promotion based on the specific nature and requirements of the position to be filled, and the relevant qualifications and work history of the candidates under review. Accordingly, promotional eligibility lists will be considered "horizontal" lists.

5. Officers completing a promotional process will be provided the opportunity to receive feedback regarding their individual performance in any scored elements of the process.

6. Officers selected for promotion will be notified accordingly by the Chief of Police or his designee. The Chief of Police will issue the appropriate Personnel Order authorizing the promotion and establishing the effective date. A written announcement of the promotion will be disseminated at the time of appointment by posting a memorandum on the department bulletin board and distributing copies to component commanders.

F. PROBATIONARY PERIOD & EVALUATION REQUIRED

1. All newly promoted employees are required to serve a probationary period following the effective date of promotion. The standard probationary period following promotion is 12 months for sworn positions, and 6 months for non-sworn positions.

2. A performance review will be conducted by the officer's immediate supervisor on at least a quarterly basis during the probationary period to identify and address any areas of job performance that require improvement.

G. REVIEW AND APPEAL

1. Candidates participating in a promotional process may request a review of the results of their individual performance in any element of the selection process, including written examinations, any accompanying answer key, and any written results of scored elements of the promotion process. A written request must be submitted via the chain of command to the Chief of Police.

2. Candidates may contest any promotional-potential report filed by requesting a review by the Chief of Police. The Chief will re-evaluate the report, discuss its content with relevant persons in the officer's chain of command, and render a decision.

3. Personnel contesting elements of a promotional process may request re-testing and/or re-evaluation of their individual performance in any or all elements. The decision to grant or deny such request will be determined by the Chief of Police following a review of the contested areas of testing and reason(s) for the request.

4. If, after review and disposition of an appeal by the Chief of Police, the candidate still wishes to contest the promotional process, the employee may file a grievance with the City Manager in accordance with City Personnel Policy 300.03.

INDEX AS:

Lateral Entry
Probationary Period
Promotion
Promotional Eligibility List

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 400-06

SUBJECT: PERFORMANCE EVALUATION
DISTRIBUTION All Personnel
EFFECTIVE DATE: 07-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish an effective performance evaluation system for the members of the Kannapolis Police Department.

POLICY

To achieve its stated objectives, a law enforcement agency must be able to depend on satisfactory work performance from all employees. Performance evaluation is the measurement of the worker's performance of assigned duties by the employee's supervisor. The nature and quality of an employee's performance have a direct bearing on the manner in which they relate to management and on their assignments and promotions. Therefore, it is the policy of the Kannapolis Police Department to use performance evaluations as a means to ensure the best utilization of available human resources, to ensure that personnel problems can be identified and dealt with promptly and fairly, and to ensure optimum job satisfaction for employees.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Counseling: discussions between the rated employee and the rater leading to advice on future performance.

2. Performance: actions taken or omitted with regard to specific tasks, duties, responsibilities or assignments.

3. Rater: the supervisory officer who evaluates the performance of a subordinate employee.

4. Reviewing Supervisor: the person, normally the rating officer's supervisor, who is responsible for reviewing the evaluation report to ensure fairness, objectivity, and lack of bias on the part of the rater in measuring the performance of the employee.

PROCEDURES

A. ADMINISTRATION

1. The performance evaluation system is designed and intended to benefit both management and the individual employee. Essentially, the objectives of the system are as follows:

(a) To foster fair and impartial personnel decisions;

(b) To maintain and improve job performance;

(c) To provide a medium for personal counseling;

(d) To facilitate proper decisions regarding probationary employees;

(e) To provide an objective and fair means for measurement and recognition of individual performance in accordance with prescribed guidelines; and

(f) To identify training needs.

2. The Chief of Police is responsible for establishing internal procedures relating to the evaluation of police personnel, and will monitor the performance evaluation system on a continuing basis to ensure that it remains fair and impartial, and is achieving established objectives consistent with prevailing law and City personnel policies.

B. RATER GUIDELINES & TRAINING

1. A Performance Evaluation Manual will be developed and maintained by the Department as a guide for employees and supervisors. The manual will include: job descriptions, evaluation forms, standardized rater guidelines, measurement definitions, and relevant departmental policy. An electronic copy of the manual will be posted on the agency's computer network for the use and reference of all agency supervisors and employees.

2. The Deputy Chief of Police shall complete a documented review of all agency job descriptions at least once every four years. This review shall ensure job descriptions reflect the position's required duties, knowledge, skills, and abilities. Identified need for revisions to job descriptions will be recommended to the City Human Resources Director.

3. All agency members with performance appraisal responsibilities will be provided with training as to the specific procedures of the agency's performance evaluation system, and in general supervision as it relates to their responsibility to evaluate the performance of other employees.

C. THE PERFORMANCE EVALUATION SYSTEM

1. Performance management is a continuous process that requires day-to-day supervisory monitoring of employee work performance and the implementation of strategies and actions to provide employees with the necessary guidance, training, and discipline necessary to achieve higher levels of job performance.

2. Supervisors are to conduct informal performance reviews with their subordinate employees on a quarterly basis. These are to be private, informal meetings to review the employee's overall job performance and any needed areas of improvement.

3. A written performance evaluation report on each <u>regular</u> employee will be completed on at least an annual basis, normally corresponding to the anniversary of the member's date of hire or date of promotion, as applicable.

4. A written performance evaluation of each entry level probationary employee, including non-sworn personnel, will be completed at least bi-weekly by their immediate supervisor (or assigned training officer, as applicable) in order to determine, at the earliest point, their suitability for continued employment. Upon release from the initial training program, a written performance evaluation will be completed at least bi-monthly for the remainder of the probationary period and quarterly thereafter.

5. The actual dates covered by the evaluation will be shown on the face of the evaluation report to provide a continuity of the record of performance during a specified period of time.

6. Performance evaluations shall be based only on performance during the specified rating period. Performance of the employee prior to or following the rating period should be excluded in the rating for that period.

7. The criteria used for evaluation will be specific to the position occupied by the employee during the rating period. If an employee is assigned to new duties during the year, the evaluation will be for those duties that comprise the majority of the rating period.

8. It is essential to the success of the performance evaluation system that the employee fully understands the specific duties and responsibilities of his/her position and what is expected of the employee in carrying these out. At the beginning of each new rating period, and when reassigned to a new position, the employee should be counseled by his supervisor concerning the tasks of the position occupied, the level of performance expected, the specific goals to be accomplished during the rating period, and the evaluation rating criteria to be used.

9. Employees must be counseled by their supervisor and advised in writing whenever their performance is deemed to be below standard (unsatisfactory). To achieve maximum effect, supervisory counseling should be constructive in nature and conducted as soon as possible once the deficiency in performance is identified. The supervisor should be prepared to substantiate to the employee what areas of performance are below standard, and to define the specific actions that must be taken in order to achieve satisfactory performance.

10. Written notice of unsatisfactory performance will be provided to the employee at least 90 days prior to the end of the rating period. If the unsatisfactory performance develops or is initially identified when less than 90 days remain in the rating period, written notice shall be provided as soon possible once the deficiency in performance has been identified.

11. Employees are to be rated by their immediate supervisor. The immediate supervisor is the person most familiar with the performance of their subordinate employees and is therefore in a position to evaluate performance most accurately.

12. In the event a member is assigned to more than one supervisor during a rating period, the supervisor assigned for the longer period of time will be responsible for conducting the performance evaluation. However, in order to accurately assess the employee's performance during the entire one-year rating period, each immediate supervisor to whom the employee was assigned will provide the rating supervisor with an administrative memorandum describing the employee's overall performance in the prior position or assignment.

13. When raters are required to provide explanatory narrative comments, they should describe "observed behaviors" or other specific reasons that support the rating given. Additional supporting documents or materials may be attached to the evaluation report as necessary.

14. Each employee will be counseled at the conclusion of the rating period to include the following areas:

    (a) The results of the performance evaluation just completed;

    (b) The level of performance expected, rating criteria or goals for the new evaluation period; and

    (c) Career counseling relative to such topics as advancement, specialization, or training appropriate for the employee's position.

15. The employee will be given the opportunity to sign the evaluation report and to offer written comments to supplement the completed performance evaluation report. The signature will only indicate that the employee has read the report and discussed its content with the rating supervisor, and will not imply agreement or disagreement with the contents. If the employee refuses to sign, the supervisor should so note and record the reason or reasons, if given. A copy of the completed evaluation report shall be provided to the employee.

D. EVALUATION REVIEW

1. Performance evaluation reports will be reviewed and signed by the rater's supervisor and other members of the chain-of-command as indicated on the evaluation form. A key requirement in ensuring the fairness and objectivity of the evaluation process is for the reviewing supervisor to ensure uniform application of ratings by their subordinate personnel.

2. Raters are to be evaluated by their supervisors regarding the uniformity, fairness and impartiality of ratings given, their participation and effectiveness in counseling rated employees, and their ability to carry out the rater's role in performance evaluation.

E. SALARY INCREASES BASED ON JOB PERFORMANCE

1. Salary increases based on work performance may be provided in accordance with prevailing City personnel policies. These increases are subject to funding by the City Council in the annual budget or in subsequent amendments to the budget, except for those that lie within the discretionary authority of the City Manager.

2. Increases in base salary in the "developmental" range of the employee's pay grade are granted annually for standard (satisfactory) performance. Pay increases within the developmental range are provided in 5% increments.

3. Increases in base salary in the "merit" range of the employee's pay grade may be granted for "above standard" performance only. A merit increase must be based upon exemplary job performance and not upon length of service. Pay increases within the merit range may be provided in increments as designated by the City Manager's Office in accordance with approved City guidelines.

4. In order to be eligible for a merit pay increase, an employee's evaluation must reflect ratings indicating that the employee's overall work performance was "above standard" (exceeded normal job requirements), and/or that the employee rendered special service to the department that would justify consideration for a merit increase.

5. No employee will be considered as eligible for a merit pay increase if he/she was the subject of two or more disciplinary actions during the evaluation period, or was the subject of any disciplinary action that resulted in suspension, demotion, or reassignment.

6. The City Manager may, upon continuing, long-term exceptionally meritorious service performed by an employee, authorize an additional salary increase within the range of the employee's classification during the year when recommended in writing by the Chief of Police and Director of Human Resources.

7. As part of the performance evaluation process, rating and reviewing supervisors are to carefully consider the eligibility of each employee to receive a salary adjustment, and shall indicate their recommendation accordingly.

F. EVALUATION APPEAL PROCESS

1. To ensure fairness and equity within the performance evaluation system, members may appeal unfavorable evaluations through the supervisory chain of command. This enables the employee to obtain a review of contested ratings by higher authority.

2. If the matter is not resolved informally through this appeal process, the contesting member may file a formal grievance in accordance with applicable departmental directives and City personnel policies.

G. MANAGEMENT USE OF PERFORMANCE EVALUATIONS

1. An employee's performance, as defined in the evaluation reports, provides information that may be used by management to assess suitability for assignment, training needs, ability to assume greater responsibilities, effectiveness in the assigned position, suitability for promotion, and eligibility for merit pay. Although such information will not be the sole determinant, it will constitute a major factor when making personnel related decisions.

2. Performance evaluations will be retained as part of the employee's permanent personnel record. Personnel records are retained during the tenure of the employee and for seven years after the employee leaves City employment.

INDEX AS:

Merit Pay
Performance Evaluation

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 400-07

SUBJECT: DISCIPLINARY PROCEDURES
DISTRIBUTION All Personnel
EFFECTIVE DATE: 04-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to define Departmental procedures for the administration of internal discipline.

POLICY

The maintenance of internal discipline is essential in order for the Police Department to ensure the effective performance of its personnel, to maintain the efficiency and integrity of police services, and to satisfactorily achieve agency objectives. The responsibility for conforming to Departmental directives rests with each individual member. However, supervisors at all levels are charged with the duty of stimulating productive and effective performance through the positive and constructive administration of discipline, and by setting a positive example. It shall be the policy of the Kannapolis Police Department to administer internal discipline fairly, reasonably, and impartially in accordance with City and Departmental policies.

PROCEDURES

A. DISCIPLINARY SYSTEM

1. The disciplinary system used by the Police Department will consist of the following components:

    (a) Procedures and criteria for rewarding positive employee performance;

    (b) Procedures and criteria for using training as a function of discipline;

    (c) Procedures and criteria for using counseling as a function of discipline;

    (d) Procedures and criteria for formal disciplinary action, including verbal reprimand, written reprimand, suspension, demotion, and dismissal.

B. REWARDS SYSTEM

1. The Department has established a program of Departmental awards to recognize higher levels of performance and achievement by its members. Supervisors at all levels are to utilize the awards program as a means of recognizing and promoting exemplary performance and professional excellence. The criteria for departmental awards are specified in General Order 500-03.

2. The City of Kannapolis has established a merit pay program designed to provide financial incentives for those employees who demonstrate above standard performance. Eligibility for merit pay will be determined by the Department as part of each member's annual performance evaluation in accordance with established City personnel policies.

C. TRAINING AS A FUNCTION OF DISCIPLINE

1. Supervisors are encouraged to utilize remedial and supplemental training to refresh and reinforce an employee's job skill. When it is determined that below standard performance or the violation of a procedure is the result of inadequate training, the supervisor of the involved member is to ensure that any requisite training is provided. Examples of performance that may require additional training include:

   (a) Failure to conform to operational procedures as the result of unfamiliarity with policies or directives;

   (b) Inability to qualify with issued firearms;

   (c) Poor quality of investigations;

   (d) Poor performance resulting from inadequate job knowledge.

2. The supervisor shall document all instances of additional training used to modify an employee's behavior and/or performance.

D. COUNSELING AS A FUNCTION OF DISCIPLINE

1. Counseling may be used by the supervisor as follows:

   (a) To determine the extent of any personal or job problems that may be affecting performance, and to offer assistance and guidance; and

   (b) To discuss minor and infrequent rule violations, the substance and importance of the rules, and the specific measures that are required to correct the problem.

2. The supervisor shall document all instances of counseling used to modify an employee's behavior or performance. Counseling documentation will be retained at the Division level unless the circumstances dictate that higher authority be informed. Counseling documents may be used to support a performance appraisal rating or subsequent disciplinary action.

E. DISCIPLINARY ACTIONS

1. Continuation of employment with the City is based on reasonable standards of job performance and acceptable conduct. Failure or refusal to meet these standards shall constitute cause for disciplinary action, up to and including dismissal.

2. The actual level of disciplinary action imposed on an employee, regardless of the severity category of the violation, will be determined on a case-by-case basis, taking into account the following factors:

(a) Employee Intent: Did the employee willfully and intentionally violate a departmental directive, or did the violation result from ignorance of policy or an unintentional error made in the good faith performance of duty?

(b) Degree of Harm: What was the degree of harm caused as a result of the employee's actions? Degree of harm includes, but is not limited to, the result of any act or omission that creates unnecessary liability, reflects unfavorably on the department or any of its employees, impairs the efficiency or integrity of agency operations, results in personal injury or death to any person, or results in property damage or monetary loss to any person.

(c) Level of Experience and Development of the Employee: Is the violation mitigated or aggravated by the experience level and professional development of the employee? Was there any deficiency in the employee's training or experience level that contributed to the violation? Did the employee know, or should have the employee known, the correct procedure or action to take in this circumstance?

(d) Truthfulness: Was the employee truthful and cooperative during the entire investigation of the incident or situation? Did the employee fully disclose all relevant information? Were there any attempts to conceal or misrepresent facts, or to mislead the Department in any way?

(e) Prior Disciplinary History: What disciplinary actions have previously been taken against the employee, when were the actions taken, and what was the basis for the action?

3. It is the responsibility of each supervisor to evaluate thoroughly the facts and circumstances of each occurrence as objectively as possible, to assess the five relevant factors listed in paragraph (2) above, and to select the most appropriate form of discipline based on that assessment. Discipline should be progressively applied where appropriate in the interest of correcting deficiencies in employee performance or conduct.

4. In any disciplinary action, the pertinent information shall be reviewed with the employee, to include the cause or specific reason(s) supporting the disciplinary action, the type of disciplinary action to be imposed, and the right of the employee to be heard.

5. The following categories of severity are assigned to Departmental Rules of Conduct and are intended as a general guide for supervisors and employees in determining the relative seriousness of a violation and corresponding range of corrective action that could be applied:

(a) Category A is the most serious. The first violation in Category A can result in any appropriate corrective action, including termination.

(b) Category B is of moderate severity. The first violation in Category B can result in suspension without pay for up to five (5) days. A second Category B violation within 12 months of the first violation can result in suspension without pay for up to ten (10) days. The third Category B violation within any 12-month period becomes a Category A violation. Additional violations (beyond the third) in Category B within any 12-month period are treated as Category A violations.

(c) Category C is of relatively minor severity. The first or second violation in this category within 12-months is subject to a written reprimand with specific corrective action required. The third violation in this category within 12-months becomes a Category B violation. Additional violations (beyond the third) in any 12-month period are treated as Category B violations.

(d) Category D is the least severe. The first violation in this category is correctable by supervisory counseling and an appropriate performance appraisal entry. The second violation in this category within 12-months can result in a documented verbal reprimand. The third violation in this category within 12-months becomes a Category C violation. Additional violations (beyond the third) within any 12-month period are treated as Category C violations.

6. Verbal Reprimand should be applied to violations of a relatively minor nature or in situations where the employee's performance needs to be corrected. Supervisors shall inform the employee that a verbal reprimand is being issued, that the employee is being given an opportunity to correct the deficiency, and if the deficiency is not corrected, more severe disciplinary action may be imposed.

7. Written Reprimand will be issued in the event the employee continues to disregard a verbal reprimand or if the violation is severe enough to warrant a written reprimand. The written reprimand shall state the nature of the violation in detail and what specific action(s) the employee must take to achieve satisfactory performance and avoid further discipline.

8. Suspension without pay is administered as a result of a serious violation of departmental directives, failure in job performance, or for repeated violations of a less serious nature if the violations were properly documented, and the previous disciplinary measures failed to correct the problem.

9. Demotion may be used in those instances where an employee has been promoted to a position where they are unwilling or unable to perform the responsibilities of that position. Demotion shall not be used as a substitute for dismissal, when dismissal is warranted.

10. Dismissal may be warranted in instances involving serious misconduct, insubordination, failure in job performance, illegal or destructive acts, or repeated violations of a less serious nature if the violations were documented by the supervisor and previous disciplinary action failed to correct the problem.

    (a) A pre-dismissal conference will be held between the Chief of Police and the employee in accordance with City personnel policies. A statement of charges and notification of time and place of the pre-dismissal conference will be provided twenty-four (24) hours in advance of conference. The Chief of Police will present the employee with the specific reasons for the proposed dismissal and a brief summary of the information that is believed to support the dismissal. The employee shall have a right to be heard at the conference.

    (b) At the conclusion of the conference, the Chief of Police may elect to defer the dismissal based on information presented by the employee or deem that the dismissal is justified and present the employee with a letter of dismissal.

(c) In all cases where employee misconduct results in dismissal, the following information will be provided to the employee:

(1) A statement citing the reason(s) for the dismissal;
(2) The effective date of the dismissal;
(3) A statement of the status of accured employee benefits after dismissal; and;
(4) A statement as to the content of the employee's employment record relating to the dismissal.

(d) Employees who have not completed serving their probationary period following initial appointment may be dismissed at any time by the Chief of Police without cause and without the right of appeal. Notification of dismissal in writing shall be provided to the probationary employee and the original copy of the notice of dismissal shall be placed in his or her personnel file.

F. LEVEL OF AUTHORITY FOR INTERNAL DISCIPLINE

1. The Chief of Police will have overall authority and responsibility for the administration of internal discipline in accordance with established City personnel policies. The Chief may order an internal administrative investigation into any allegation of employee misconduct and may exercise final departmental disposition of any disciplinary matter, regardless of the violation category.

2. The role of supervisors is crucial in the disciplinary process. In order to effectively administer the disciplinary process within the organizational rank structure of the agency, supervisory personnel will be delegated the authority and responsibility to take appropriate disciplinary action, when warranted, in accordance with this General Order. All supervisors will be held accountable for discipline administered at any level below them and within their span of authority.

   (a) Sergeants will be responsible for the disposition of Category D violations and may exercise the following levels of disciplinary authority: counseling, remedial training, change in duty assignment within their supervisory span of control, verbal reprimand, and written recommendation for disciplinary action at a higher level of authority.

   (b) Lieutenants will be responsible for the disposition of Category C violations and may exercise the following levels of disciplinary authority: all disciplinary actions delegated to Sergeants, and written reprimand.

   (c) Captains and Deputy Chief will be responsible for the disposition of Category B violations and may exercise the following levels of disciplinary authority: all disciplinary actions delegated to Lieutenants, and suspension from duty without pay.

3. Discipline is generally administered through the chain of command for the affected employee. However, when the improper conduct of an employee is of such nature or seriousness that immediate corrective action is warranted, such action may be taken by any appropriate supervisory officer in accordance with the provisions of this General Order.

4. Any supervisory officer may immediately relieve a subordinate employee from duty on an administrative basis pending review for disciplinary action for causes related to personal conduct in order to avoid undue disruption of work, to protect the safety of persons or property,

or for other serious reasons. Administrative relief from duty is not a disciplinary suspension and may not be appealed. Examples of situations or conduct which are representative of those considered to be adequate grounds for relief from duty include insubordination, physical or mental unfitness for duty, use of alcohol or drugs in violation of Departmental policy, actions resulting in death or serious injury, conduct involving moral turpitude, disruptive or destructive behavior, or criminal conduct. Administrative relief from duty will remain in effect until otherwise directed by proper authority. The supervisor taking such action shall immediately notify his or her superior officer and shall forward a written report detailing the reason(s) for the action prior to ending the tour of duty.

G. DOCUMENTATION REQUIRED

1. Whenever a disciplinary action is taken, the supervisor effecting the action shall prepare and submit a Report of Disciplinary Action through the chain of command to the Chief of Police. The report shall include the following information:

    (a) Name, rank, employee ID number and present assignment of the affected employee;

    (b) Date, time and location of the violation, or the period of time during which continuing unsatisfactory job performance occurred;

    (c) The specific rule, policy or directive violated;

    (d) A complete statement of the facts of the violation or failure in job performance;

    (e) A summary of the supervisor's findings in regard to the five relevant factors listed in Section E, paragraph 2 of this General Order.

    (f) The type and effective date of the disciplinary action imposed;

    (g) The name and signature of the supervisor imposing the disciplinary action;

    (h) The signature of the employee acknowledging the disciplinary action. If the employee refuses to sign the acknowledgment, then the supervisor and one other witness shall note on the disciplinary report that the employee received a copy thereof and refused to sign.

2. Each level of command is responsible for ensuring that disciplinary actions taken by their subordinate supervisors are administered in accordance with Departmental directives and the personnel policies of the City of Kannapolis. Commanders are to review, take any appropriate and necessary action within their span of authority, and forward reports pertaining to disciplinary matters received. No employee shall alter or withdraw, or cause to be altered or withdrawn, any disciplinary report. Disciplinary reports in transit through the chain of command are not to be unreasonably delayed but are to be reviewed and forwarded in an expeditious manner.

3. Reports of disciplinary action will be maintained in the personnel file of the affected member for a minimum of three (3) years.

H. RIGHT OF APPEAL

1. Any employee, except probationary employees, have a right to appeal any disciplinary action in accordance with the grievance procedures specified in Section 300.03 of the City of Kannapolis Personnel & Administrative Policies Manual.

INDEX AS:

Counseling
Demotion
Disciplinary Procedures
Dismissal
Suspension

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: **400-08**
SUBJECT: RECRUITMENT AND SELECTION
DISTRIBUTION All Personnel
EFFECTIVE DATE: 08-12-2002
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish policy and procedures for the administration of the Department's personnel recruitment and selection program.

POLICY

A program of personnel recruitment and selection should be approached positively in order to attract the best candidates, and not merely eliminate the least qualified. While the primary duties and responsibilities for the recruiting process are assigned to individual positions, all members of the Department are encouraged to become involved in recruitment activities. This allows for a greater number of personnel to become committed to the effort, and often results in more qualified applicants. The selection process of a police department is a key activity in determining its effectiveness. The benefits of such a program are manifested in lower employee turnover, fewer disciplinary problems, higher morale, better community relations, and more efficient and effective police service. Therefore, it shall be the policy of the Police Department to conduct a program of recruitment and selection designed to identify and hire the best candidates available for actual and anticipated vacancies within the agency. The Kannapolis Police Department is committed to a philosophy of equal employment opportunity and recognizes the value of achieving a diverse and representative workforce.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Adverse Impact: a substantially different rate of selection (generally less than 80 percent) that is to the disadvantage of members of a race, sex, or ethnic group.

2. Class A Misdemeanor: an act committed or omitted in violation of any common law, duly enacted ordinance, or criminal statute of North Carolina that is not classified as a Class B misdemeanor. Class A Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of not more than six (6) months. Specifically excluded from this grouping of Class A Misdemeanor criminal offenses for jurisdictions other than North Carolina are motor vehicle or traffic offenses designated as misdemeanors under the laws of other jurisdictions, or duly enacted ordinances of an

authorized governmental entity with the exception of the offense of impaired driving which is expressly included as a Class A Misdemeanor, if the offender could have been sentenced for a term of not more than six (6) months. Also specifically included as a Class A Misdemeanor is the offense of impaired driving, if the offender was sentenced under punishment level three [NCGS 20-179(I)], level four [NCGS 20-179(j)], or level five (NCGS 20-179(k)]. Class A Misdemeanor shall also include acts committed or omitted in North Carolina prior to October 1, 1994 in violation of any common law, duly enacted ordinance or criminal statute of this state for which the maximum punishment allowable for the designated offense included imprisonment for a term of not more than six (6) months.

3. Class B Misdemeanor: an act committed or omitted in violation of any common law, criminal statute, or criminal traffic code of this state which is classified as a Class B Misdemeanor as set forth in the Class B Misdemeanor manual as published by the North Carolina Department of Justice and shall automatically include any later amendments and editions of the incorporated material as provided by NCGS 150B-21.6. Class B Misdemeanor also includes any act committed or omitted in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of any jurisdiction other than North Carolina, either civil or military, for which the maximum punishment allowable for the designated offense under the laws, statutes, or ordinances of the jurisdiction in which the offense occurred includes imprisonment for a term of more than six (6) months but not more than two (2) years. Specifically excluded from this grouping of Class B Misdemeanor criminal offenses for jurisdictions other than North Carolina, are motor vehicle or traffic offenses designated as being misdemeanors under the laws of other jurisdictions with the following exceptions. Class B Misdemeanor does expressly include, either first or subsequent offenses of driving while impaired if the maximum allowable punishment is for a term of more than six (6) months but not more than two (2) years and driving while license permanently revoked or permanently suspended. Class B Misdemeanor shall also include acts committed or omitted in North Carolina prior to October 1, 1994 in violation of any common law, duly enacted ordinance, criminal statute, or criminal traffic code of this state for which the maximum punishment allowable for the designated offense included imprisonment for a term of more than six (6) months but not more than two (2) years.

4. Commission: the North Carolina Criminal Justice Education and Training Standards Commission.

5. Convicted or Conviction: means and includes a plea of guilty; a verdict or finding of guilt by a jury, judge, magistrate, or other duly constituted, established, and recognized adjudicating body, tribunal, or official, either civilian or military; or a plea of no contest, nolo contendere, or the equivalent.

6. Equal Employment Opportunity: the provision of equitable opportunities for employment and conditions of employment to all employees regardless of race, creed, color, age, sex, religion, national origin, or physical impairment.

7. Misdemeanor: those criminal offenses not classified by the North Carolina General Statutes, the United States Code, the Common Law, or the courts as felonies.

8. Sheriff's Commission: the North Carolina Sheriff's Education and Training Standards Commission.

PROCEDURES

A. ADMINISTRATION

1. The Chief of Police shall have overall authority and responsibility for the Department's recruitment and selection program. The Police Planner, Deputy Chief, Field Operations Bureau Commander and Support Services Bureau Commander, as delegated by the Chief of Police, will share primary responsibility and authority to administer program activities.

2. The Police Planner and Deputy Chief shall be responsible for ensuring that liaison is maintained with the City Human Resources Director on recruiting matters and will ensure that the Police Department actively performs or participates in the implementation of recruiting strategies as fully as possible. This will include, but is not limited to the following:

   (a) Advice, assistance and referrals from community organizations and key leaders;

   (b) Posting city advertised job announcements with community service organizations; and

   (c) Sending officers to educational institutions and community organizations to recruit within the community service area.

3. The Police Planner, Deputy Chief, and Bureau Commanders shall be responsible for administering the internal selection process for sworn and non-sworn positions in accordance with applicable City personnel policies and departmental directives. The Chief of Police shall have final authority over the departmental selection of all candidates for employment with the Police Department.

B. EQUAL EMPLOYMENT OPPORTUNITY

1. The Kannapolis Police Department supports all policies and directives of the City of Kannapolis regarding Equal Employment Opportunity (EEO). To this end, the agency has established an EEO plan to ensure equal opportunities for employment and employment conditions for minority persons and women. Elements of the plan are as follows:

   (a) EEO objectives will be based on an annual analysis of the agency's present employment policies, practices, and procedures related to their effective impact on the employment and utilization of minorities and women.

   (b) It is the policy of this agency to ensure that all individuals should be given equal opportunity for employment, regardless of race, sex, creed, color, age, religion, national origin, or physical impairment;

   (c) Complaints related to EEO should be directed to the Chief of Police and/or Human Resources Director in accordance with established directives.

   (d) All job announcements, recruitment literature, and employment applications will state that the City of Kannapolis is an Equal Opportunity Employer.

(e) All agency employees are expected to comply with the provisions of General Order 300-07 (Harassment and Discrimination).

C. RECRUITMENT

1. The City's Human Resources Director will be responsible for the preparation and maintenance of EEO records on applicants for police employment and current employees in accordance with applicable law and city personnel policies.

2. Recruitment steps shall be directed toward the goal of achieving an ethnic and gender composition within the sworn ranks in approximate proportion to the makeup of the available workforce in the Department's service area. If any group is under-represented, the agency will develop and implement a recruitment plan that includes proactive steps to encourage members of that group to seek employment opportunities. The recruitment plan will include the following elements:

   (a) Statement of objectives;

   (b) Plan of action designed to achieve the objectives; and

   (c) Procedures to evaluate the progress toward the objectives every three years and revise/reissue the plan accordingly.

3. As part of the Department's Recruitment Plan, specific action steps must be implemented to ensure that established goals and objectives are met. These steps may include, but will not be limited to, the following:

   (a) The Department will utilize minority employees who are fluent in the community's non-English languages and are aware of the cultural environment, where applicable;

   (b) The Department will depict women and minorities in law enforcement employment roles in the agency's recruitment literature;

   (c) The Department will conduct recruitment activities outside the agency's jurisdiction, when necessary, to attract viable law enforcement candidates;

   (d) The Department will periodically conduct "career" or "information" sessions for targeted recruitment groups.

4. To ensure that the Department is making adequate progress toward its objectives, recruitment efforts will be evaluated on an on-going basis. This evaluation will include:

   (a) A quarterly review of recruitment and selection reports;

   (b) Regular discussions with the City Human Resources Director; and

   (c) Annual analysis by the Police Planner of the recruitment efforts and results. This analysis shall be reviewed and approved by the Chief of Police.

5. Prior to initiating recruitment activities, agency recruiters will undergo a training program that provides knowledge and skills in the following areas:

    (a) The agency's recruitment needs, commitments, and key objectives;

    (b) Agency career opportunities, salaries, benefits, and training;

    (c) The community and its needs, including demographics, community organizations, educational institutions, etc.;

    (d) Cultural awareness, or an understanding of different ethnic groups and subcultures;

    (e) Techniques of informal record-keeping systems for candidate tracking;

    (f) Components and procedures of the candidate screening and selection process;

    (g) Medical requirements for candidates;

    (h) Equal Employment Opportunity and other applicable federal and state guidelines;

    (i) Recruitment programs of competing law enforcement agencies;

    (j) Characteristics that are disqualifying factors for candidates;

    (k) Minimum requirements of the North Carolina Criminal Justice Education and Training Standards Commission for the employment of law enforcement officers.

6. The Department encourages all officers to participate in the recruitment process. This will allow for more personnel to become involved than specifically assigned, and enable officers to advance their own professional interest by helping to recruit qualified candidates.

7. The Human Resources Department is responsible for publishing notices of position vacancies, and for the maintenance of related records in accordance with City Personnel Policy 200.11. Vacancies may be advertised through electronic, print, or other media as necessary at the discretion of the City's Human Resources Director. Job announcements posted by the Human Resources Department, published in advertising media, or otherwise distributed by the City shall contain the following information:

    (a) A description of the duties of the position;
    (b) A description of responsibilities of the position;
    (c) The requisite skills and educational level required by the position;
    (d) Physical requirements for the position to be filled;
    (e) Other minimum qualifications or requirements; and
    (f) Official closing date for the receipt of applications (if applicable).

8. Recruitment efforts will not be restricted to Cabarrus and Rowan County. Recruitment efforts will be made at educational institutions throughout the local region that have Criminal Justice programs and other related curriculums. In addition to those institutions offering criminal justice programs, recruitment efforts will be made at those community educational institutions and organizations that offer a potential for future candidates. Recruiting efforts among the youth within the community is recognized as important for future needs. Events such as job fairs and

career days at local high schools, colleges, and community organizations offer excellent opportunities to pass out recruitment material and speak to those who may be interested in law enforcement as a career.

9. Applications will not be rejected because of minor omissions or deficiencies that can be corrected prior to the testing or interview process.

10. At the conclusion of any recruitment activities, agency employees shall report the results of those activities to the Police Planner. The Police Planner shall complete a report on all recruitment efforts on a quarterly basis, documenting all recruitment activities undertaken during the previous quarter. Such reports are to give particular attention to key activities and indicators of program progress.

D. THE SELECTION PROCESS

1. The Department's Recruitment and Selection Manual shall describe the current components and procedures of the selection process, to include the following general elements.

    (a) Minimum requirements for employment;
    (b) Preliminary screening of candidate applications based on qualifications;
    (c) Public Safety Telecommunicator Exam (telecommunicator positions only);
    (d) National Police Officer Selection Test (POST) (sworn positions only);
    (e) Physical ability testing (sworn positions only);
    (f) On-Line Personal History Questionnaire;
    (g) Multi-Domain Screening Instrument;
    (h) Initial interview with Bureau Commander;
    (i) Comprehensive background investigation;
    (j) Qualifications appraisal interview;
    (k) Polygraph examination (sworn positions only);
    (l) Psychological assessment (sworn positions only);
    (m) Medical examination;
    (n) Drug screen;
    (o) Acceptance of Assignment and Working Conditions;
    (p) Interview and Acceptance by Chief of Police.

2. The selection process will utilize only those components that have been documented as having validity (job relatedness), utility (usefulness), and a minimum adverse impact (fairness). The agency will monitor the selection process to ensure that it meets the following requirements:

    (a) Professional and legally accepted data collection techniques are used to identify essential job tasks;

    (b) Measurable candidate characteristics related to predicting job performance are identified;

    (c) Selection components whose measures are job related have been utilized; and

    (d) Conclusions and inferences about candidates are logical and persuasive.

3. The Department will exercise all measures to minimize the possibility of adverse impact in the selection process.

    (a) The Police Planner will measure adverse impact in the selection process by comparing the selection rates for each race, sex, and ethnic group with the group having the highest selection rate;

    (b) Records and data used to monitor adverse impact will be maintained on file;

    (c) Written tests, when used as part of the selection process, will be documented as having validity, utility, and a minimum adverse impact;

    (d) All elements of the selection process that are administered or provided by private sector organizations or vendors will meet the requirements of validity, utility, and minimum adverse impact;

    (e) All elements of the selection process will be administered, scored, evaluated, and interpreted in a uniform manner;

    (f) Personnel representative of race, sex, and ethnic groups in the Department's service area will be included in carrying out the requirements of section C. 3., whenever possible.

4. Materials utilized in the selection process will be maintained in a secure area when not being used. Selection materials will be disposed of in a manner that prevents disclosure of the information contained therein. Access to selection materials will be restricted to authorized agency personnel on a need-to-know and right-to-know basis.

5. The Police Planner, in consultation with the Deputy Chief and the Bureau Commanders, shall review the selection process annually and shall provide to the Chief of Police a written report indicating the results of the review and any recommendations for changes in the process.

6. At the time of their formal application with the Department, candidates will be advised in writing of all elements of the selection process, the expected duration of the selection process, and the city's policy on reapplication. Re-application, re-testing, or re-evaluations are not authorized during any current selection process; however, applicants may reapply for reconsideration at any subsequent selection process.

7. When equally qualified personnel are available both within and outside the Department for a particular position, the selection decision will favor Department members.

8. Applicant files of those accepted for employment will become a part of that employee's public safety file and will be retained in a secure area in accordance with the City's record retention policies. Applicant files of those not selected for employment will be returned to the Human Resource Department for retention in accordance with the City's record retention policies.

9. Candidates whose applications are processed by the Police Department, but who are not eligible for appointment will be notified in writing within thirty (30) days of such a decision.

10. The City does not reimburse any applicant for travel costs or other personal expenses incurred in conjunction with the hiring process.

E. APPLICANT SCREENING PROCEDURES

1. Sequence and Duration of Screening Process: Applicant screening procedures will follow the general sequence outlined below. The duration of the screening process normally takes from six to ten weeks but may vary depending on the complexity of the background investigation and time required to coordinate and complete all pre-employment processing and testing. If at any point in the screening process a candidate is determined to be ineligible for employment, all further processing of the application will cease, and the candidate notified in writing as provided in this General Order.

2. Initial Receipt of Application Materials: The City's Human Resources Department or their authorized designee will receive and review initial employment applications in order to ensure that applicants meet the basic requirements for the position, and that the applications are properly completed and contain all required information. Applicants who do not meet the basic requirements for the position, or who fail to provide all required information, will be disqualified from further consideration.

3. Preliminary Applicant Screening: The City's Human Resources Department or their authorized designee will conduct a preliminary screening of applications meeting the basic requirements in order to identify the most qualified applicants for further consideration. The selection of applicants for follow-up processing will be based on a review of their academic education, prior law enforcement experience and training, special skills or certifications, and other relevant qualifications. The following guidelines will apply:

   (a) For sworn positions, preference shall be given to qualified lateral transfer officers, applicants who hold a valid law enforcement certification from the Commission or the Sheriff's Commission, qualified applicants with a valid North Carolina BLET certificate, qualified applicants with a college degree in a criminal justice related field from an accredited college or university, qualified bi-lingual applicants with a preferred second language fluency, qualified minority-class applicants targeted for recruitment, and qualified applicants who have satisfactorily completed a student internship at the Kannapolis Police Department.

   (b) For civilian positions, preference shall be given to qualified applicants with relevant certifications (e.g. telecommunicator certification and/or DCI certification), applicants with relevant work experience or specialized training in the position applied, qualified bi-lingual applicants with a preferred second language fluency, qualified applicants with a college degree in a work-related field from an accredited college or university; qualified minority class applicants targeted for recruitment, and qualified applicants who have satisfactorily completed a student internship at the Police Department.

   (c) Eligible applications will be forwarded by Human Resources to the Police Department for additional processing in accordance with this General Order. The applications forwarded will be those candidates deemed most qualified for the position. The Police Planner will acknowledge Departmental receipt of pre-screened applications provided by Human Resources within five (5) working days. Applicants will be periodically informed of the status of their application from initial receipt until final departmental disposition. Applicant contacts will be documented and logged in the applicant file.

(d) Additional applications from among those received for a posted position may be requested by the Police Department if a suitable candidate is not hired from the applications initially provided by Human Resources. If a suitable candidate is not identified from the available applications on file, the position may be readvertised and additional applications solicited by the City.

4. Minimum Age Requirement: Applicants must be at least 20 years old on the date of application. This minimum age requirement applies to both sworn and civilian positions.

5. Public Safety Telecommunicator Exam (*Telecommunicator Positions Only*): Applicants for telecommunicator positions will complete the Stanard National Dispatcher Selection Test. A minimum score of 70% must be attained.

6. National Police Officer Selection Test *(Sworn Positions Only):* Applicants for sworn positions will complete the National Police Officer Selection Test (POST). A minimum score of 70% must be attained in each of the four scored components: Arithmetic, Reading Comprehension, Grammar, and Report Writing.

7. On-Line Personal History Questionnaire: Applicants will be responsible for completing an on-line personal history questionnaire (PHQ). A report of the questionnaire results will be provided directly to the Police Department by our psychological services contractor. This questionnaire will be used as a background investigation tool and a predictor for specific job outcomes.

8. Multi-Domain Screening: Applicants will be required to complete a multi-domain screening instrument. This instrument contains psychometric measures of cognitive and interactive abilities (personality) and is combined with background based biographical data (from the PHQ) into a single prediction of suitability for the position applied.

9. Physical Ability Testing *(Sworn Positions Only):* Applicants who apply for positions advertised on or after October 1, 2002 must submit to and complete a pre-employment police officer physical abilities test (POPAT) to evaluate their ability to perform some of the essential physical tasks of a police officer. Procedures used to test applicants for sworn positions will be in accordance with General Order 400-11 (Physical Ability Standards). Applicants must execute an Agreement & Waiver of Liability and submit a Physician's Statement to the Police Department prior to participating in a pre-employment POPAT. Failure to complete the POPAT will result in disqualification.

10. Fingerprint Record Check: Applicants will be fingerprinted using FBI Form FD-258, Fingerprint Record Card. Applicant fingerprint cards must be prepared by authorized members of the Kannapolis Police Department, unless otherwise approved by the Chief of Police. The applicant must provide positive photo identification at the time the fingerprints are taken. Three (3) cards will be prepared. One card will be retained in the applicant file and checked against local fingerprint and criminal history files. Two cards will be forwarded to the North Carolina State Bureau of Investigation for fingerprint and criminal history checks against state and federal files. The results of the fingerprint record check will be retained in the applicant file and, if employed, incorporated into the public safety file.

11. Background Investigation: A comprehensive pre-employment background investigation will be conducted by the Police Department to verify the candidate's qualifying credentials, and to determine their suitability for law enforcement employment. Applicants must be responsible,

law-abiding citizens with personal integrity and good moral character as determined by the background investigation. Department personnel conducting background investigations will receive training in the collection of required information. The background investigation report will be documented on Commission Form F-8 for sworn positions and on form KPD-223 for civilian positions. A record of each candidate's pre-employment background investigation is maintained on file for the duration of employment plus a minimum of three (3) years. Pre-employment background investigations on candidates who are not hired are returned to the City's Human Resources Director for disposition in accordance with the City of Kannapolis Municipal Records Retention and Disposition Schedule. Background investigations will include, but are not limited to, the following elements:

(a) *COLLECTION AND VERIFICATION OF REQUIRED DOCUMENTATION*: Applicants must provide the below listed documentation to the Police Department as part of the background investigation. The applicant is responsible for any cost or fees involved in obtaining certified copies of required documents. All documents will be verified for authenticity by the assigned background investigator.

(1) Written authorization for the release of personal information about the applicant to the Police Department (form KPD-230).

(2) Personal History Statement (Commission Form F-3), properly completed, signed, and notarized *(Sworn positions only).*

(3) Civilian Personal History Statement (form KPD-160), properly completed, signed, and notarized *(Civilian positions only).*

(4) Valid North Carolina driver's license (S*worn positions only)*. The issued license must be presented for inspection and photocopying by the Police Department.

(5) Full-face color photograph of the applicant, at least 3" x 3" in size, suitable for identification purposes.

(6) Certified copy of high school diploma and/or official transcript, or certified copy of GED Equivalency, to include certified test scores.

(7) Certified copy of transcript from any college or university attended.

(8) Copy of military discharge papers (form DD-214), if applicable.

(9) Social Security Card (issued card must be presented for inspection and photocopying by the Police Department).

(10) Certified copy of birth certificate or certificate of naturalization.

(11) Certified copy of marriage license for each marriage, if applicable.

(12) Certified copy of divorce decree for each divorce, if applicable.

(13) Certified copy (master check) of driving record from each state in which the applicant has been licensed to drive *(Sworn Positions Only).*

(14) Certified true copy of any citation, warrant for arrest, criminal summons, or other criminal charge that constitutes a Class A Misdemeanor or Class B Misdemeanor, regardless of the state or jurisdiction where the offense occurred, as well as certified true copies of the final court disposition.

(15) Copy of current law enforcement certification from the Commission or Sheriff's Commission (if applicable).

(16) Copy of BLET certificate from an academy accredited by the Commission or Sheriff's Commission (if applicable).

(b) *BIOGRAPHICAL DATA*: Applicants must provide complete and accurate biographical data as required in the Personal History Statement (Commission Form F-3) or Civilian Personal History Statement (form KPD-160), as applicable.

(c) *FAMILY DATA*. Applicants must provide complete and accurate information about their marital status, dependents, and family relationships. Police investigators will contact appropriate family members of the applicant to determine their opinion about the applicant's suitability for law enforcement employment, the work hours, job responsibilities, and hazards involved. Family members will also be questioned about the applicant's level of responsibility, decision-making, ability to handle pressure situations, financial management, and strengths/weaknesses. The following minimum guidelines will apply:

(1) Applicants must be single (includes widows and widowers), or legally married, separated, or divorced.

(2) Applicants must satisfy their lawful parental obligations for any dependent children. A history of repeated and unlawful arrearage in court-ordered child support payments will result in disqualification.

(3) All marriages and divorces must be legal, and evidentiary documentation must be provided by the applicant in the form of true copies of each marriage license and each divorce decree.

(4) Applicants must not be subject to any domestic violence protective order within the preceding year or anytime after the date of application, regardless of the state or jurisdiction issued.

(d) *CRIMINAL HISTORY DATA*: Candidates for employment by a law enforcement agency must have a demonstrated history of adherence to established laws and ordinances. The following standards will apply:

(1) Applicants must not have <u>ever</u> committed, pled guilty to, entered a plea of no contest to, or been convicted of any felony offense.

(2) Applicant must not have <u>ever</u> committed, pled guilty to, entered a plea of no contest to, or been convicted of any other crime for which the punishment could have been more than two (2) years in prison.

(3) Applicant must not have ever pled guilty to, entered a plea of no contest to, or been convicted of any crime or unlawful act of domestic violence as defined in Title 18 United States Code, Section §922(g)(9).

(4) Applicant must not have ever committed, pled guilty to, entered a plea of no contest to, or been convicted of any crime or unlawful act involving perjury, subornation of perjury, bribery, obstruction of justice, or misconduct in public office as defined in Articles 28-31 of the North Carolina General Statutes.

(5) Applicant must not have committed, pled guilty to, entered a plea of no contest to, or been convicted of any crime or unlawful act defined by the North Carolina Criminal Justice Education and Training Standards Commission as a "Class-B Misdemeanor " within the preceding five (5) years or anytime after the date of application.

(6) Applicant must not have committed, plead guilty to, entered a plea of no contest to, or been convicted of four or more crimes or unlawful acts defined by the North Carolina Criminal Justice Education and Training Standards Commission as "Class B Misdemeanors," regardless of the date of conviction.

(7) Applicant must not have committed, pled guilty to, entered a plea of no contest to, or been convicted of a crime or unlawful act defined by the North Carolina Criminal Justice Education and Training Standards Commission as "Class-A Misdemeanor" within the preceding two (2) years or anytime after the date of application. However, any motor vehicle traffic offense that is categorized as a "Class A Misdemeanor" and was committed within the preceding two years or anytime after the date of application will be reviewed on a case by case basis.

(8) Applicants must not have committed, pled guilty to, entered a plea of no contest to, or been convicted of four or more crimes or unlawful acts defined by the North Carolina Criminal Justice Education and Training Standards Commission as "Class A Misdemeanors," regardless of the date of conviction. However, any motor vehicle traffic offense that is categorized as a "Class A Misdemeanor" and was committed within the preceding two years or anytime after the date of application will be reviewed on a case by case basis.

(e) *DRUG USE*: The Police Department considers the sale, use, and possession of illegal drugs as a significant consideration in determining an applicant's suitability for law enforcement employment. The following minimum standards will apply:

(1) Applicants must not have ever sold, manufactured, or distributed any illegal drug;

(2) Applicants must not have ever used any illegal drug while employed in any law enforcement position, or while employed in a position that carries a high level of responsibility or public trust;

(3) Applicants must not have ever unlawfully possessed or used a drug classified as a Schedule I controlled substance under NCGS 90-89. Schedule I substances include, but are not limited to: Heroin, LSD, Mescaline, Peyote, Psilocybin, Methaqualone, and GHB.

(4) Applicants must not have unlawfully possessed or used any illegal drug (including anabolic steroids after February 27, 1991), other than marijuana, within the preceding three (3) years or anytime after the date of application.

(5) Applicants must not have used marijuana within the preceding two (2) years or anytime after the date of application.

(f) *ALCOHOL USE*. Because public safety employees are on stand-by status on a 24-hour basis for recall to active duty for emergencies and other operational purposes, applicants for law enforcement employment are expected to demonstrate an above average level of maturity, responsibility, and restraint in the consumption of alcoholic beverages. Any alcohol consumption by the applicant must be limited to occasional use in moderate amounts, and then only in conformance with all applicable laws and ordinances. Excessive alcohol consumption and/or frequent intoxication may result in disqualification.

(g) *REFERENCES*. Information provided by listed and developed references must indicate that the applicant is a suitable candidate for law enforcement employment. The following minimum standards will apply:

(1) Applicants must supply at least three (3) references and contact information on the Personal History Statement (Commission Form F-3) or Civilian Personal History Statement, as applicable.

(2) In addition to the references supplied by the applicant, the Police Department will contact and interview a minimum of five (5) developed references such as neighbors, landlords, school friends, school directors, military references, etc.

(3) Negative references that indicate a predisposition for conduct, values, habits, attitudes, or behaviors inconsistent with law enforcement employment will disqualify an applicant from further consideration.

(h) DRIVING RECORD. Applicants must have a driving record that reflects their demonstrated ability to safely operate a motor vehicle in compliance with applicable traffic laws. The following minimum standards will apply:

(1) Applicants must possess a valid North Carolina driver's license at the time of employment.

(2) Applicants must have a driving record that reflects his/her ability to operate a motor vehicle in a safe, lawful, and responsible manner.

(3) Applicants must not have been convicted in any state of impaired driving within the preceding five (5) years or anytime after the date of application.

(4) Applicants must not have been convicted in any state of a traffic offense that resulted in the suspension or revocation of driving privileges within the preceding three (3) years or anytime after the date of application.

(5) Applicants must not have three (3) or more suspensions or revocations of their driving privileges, regardless of the date of occurrence or basis for the suspension or revocation.

(6) Applicants must not have accumulated more than eight (8) points against his/her North Carolina driving record during the preceding three years or anytime after the date of the application.

(7) Applicants must not have been involved in three (3) or more motor vehicle crashes within the preceding five years or anytime after the date of application in which the applicant was determined to be at fault or charged with a traffic violation. This standard applies only to crashes requiring a written report to the appropriate state division of motor vehicles.

(i) *FINANCIAL RESPONSIBILITY*: Applicants must have a satisfactory history of financial responsibility, as verified by credit reports obtained directly by the Police Department from relevant credit bureaus. The following minimum standards will apply.

(1) Applicants are expected to pay their lawful debts on time and as agreed. Any contested debt must have been addressed in a lawful manner.

(2) Applicants may be disqualified for the accumulation of more than fourteen (14) credit points. Credit points are not assessed for accounts that are paid on time and as agreed. Provided, however, that prior to any decision to disqualify an applicant based on information contained in a credit report, the applicant shall be provided the opportunity to personally review the credit report and offer a written explanation of any contested entries.

(j) *EDUCATION*: Applicants must have graduated from an accredited high school or hold an approved General Education Development (GED) certificate.

(1) Documentary evidence that the applicant has met the educational requirements must consist of official transcripts of courses completed or diplomas received from a school which meets the approval guidelines of the North Carolina Department of public instruction, the Division of Non-Public Instruction, or a comparable out-of-state agency.

(2) Certified transcripts must be provided directly from the school registrar to the Police Department. Transcripts issued to students and photocopies are not acceptable.

(3) Documentary evidence of completion of a GED test must include a certified copy of the GED test results showing a total score of not less than 225 points and a minimum score on any single test of 35 points. A certified copy of a military GED diploma may be used as alternate evidence of GED completion.

(k) *U.S. CITIZENSHIP AND NORTH CAROLINA RESIDENCY*. The following minimum standards will apply:

(1) The applicant must be a lawful citizen of the United States. Citizenship must be documented by a certified birth certificate.

(2) If the applicant is a naturalized US citizen, a Certificate of Naturalization must document proof of citizenship.

(l) *MILITARY SERVICE RECORD*. Applicants with current or former military service in the US Armed Forces must have demonstrated the satisfactory performance of their military duties and obligations and maintained a good disciplinary record. Military service will be verified through official Department of Defense documentation, the National Military Personnel Center, service branch personnel offices, or by direct contact with appropriate military sources. The following minimum standards will apply:

(1) Applicants currently serving in the U.S. armed forces must be eligible for honorable discharge before the anticipated date of hire.

(2) Applicants with prior military service must provide a true copy of their military form DD-214.

(3) Applicants with prior military service must have received an honorable discharge.

(4) Applicants must not have been convicted in any military judicial proceeding for an offense under the Uniform Code of Military Justice (UCMJ) that would constitute a disqualifying crime or unlawful act as specified in this Order.

(m) *EMPLOYMENT HISTORY AND JOB PERFORMANCE*. Applicants must have a satisfactory history of responsible employment, with no unexplained gaps. The following minimum standards will apply:

(1) Applicants must not have been terminated for cause or asked to resign for disciplinary reasons by any law enforcement or criminal justice agency, or while employed in a position that carries a high level of responsibility or public trust;

(2) Applicants must not have resigned from a law enforcement or criminal justice agency, or from a position that carries a high level of responsibility or public trust, while under investigation for misconduct or unlawful acts.

(3) Applicants must not have been terminated for cause or asked to resign for disciplinary reasons, by two or more employers within the preceding five years or anytime after the date of application.

(n) CHARACTER AND SUITABILITY FOR LAW ENFORCEMENT EMPLOYMENT:

(1) Applicants must not be untruthful, provide incomplete statements, perpetrate deliberate inaccuracies or omissions, cheat on any examination or testing, or withhold any relevant information on any application, interview, or paperwork

associated with the position applied. Any such action will form the basis for immediate disqualification of the applicant.

(2) Applicants must be deemed satisfactory in all elements of the background investigation. An unsatisfactory background investigation result will result in disqualification.

(3) Applicants for sworn positions must meet all of the minimum requirements and/or standards for law enforcement certification as established by the Commission.

(4) Applicants for civilian positions must meet all of the minimum requirements and/or standards for certification as a DCI Terminal Operator by the North Carolina Division of Criminal Information.

12. Qualifications Appraisal Interview: Applicants who successfully pass the background investigation must submit to a qualifications appraisal interview prior to receiving a conditional offer of employment. The purpose of the appraisal is to determine such things as the applicant's appearance, demeanor, attitude, and ability to communicate. The following guidelines will apply:

    (a) The qualifications appraisal interview will be conducted by a panel of staff members designated by the Chief of Police;

    (b) All elements of the interview will be standardized. Uniform questions, a defined set of personal attributes, and a uniform rating scale will be used;

    (c) The interview results will be recorded on an approved form, with each member of the panel individually completing a form on the candidate. In addition, the panel will prepare an appraisal form that reflects a group consensus. The results of the interview will be retained in the applicant file;

    (d) A negative consensus recommendation will result in disqualification.

13. Polygraph Examination (*Sworn Positions Only)*: Subsequent to a conditional offer of employment, candidates for sworn positions must submit to a polygraph test administered by a qualified examiner in accordance with methods and practices approved by the American Polygraph Association. The polygraph questions will relate to truthfulness, theft, credit history, drug use, application materials, criminal activity, alcohol use, and outstanding legal processes. The following guidelines will apply:

    (a) Applicants must strictly comply with all pre-test instructions and the directions of the polygraph examiner. Failure to comply will result in disqualification.

    (b) Prior to the examination, applicants will be provided with a questionnaire that will cover all areas from which polygraph questions will be drawn.

    (c) Admissions made to the polygraph examiner by the applicant, as well as information derived from any follow-up investigation of topic areas in which the applicant indicates deceptive responses, may be considered along with all other relevant information in determining an applicant's suitability for employment.

(d) A confidential written report of the results will be provided to the Police Department by the polygraph examiner. The report of results will be maintained on file in order to ensure that proper procedures are followed, and to provide data for continuing research and legal defense, if needed.

(e) The results of polygraph examinations or other instruments for the detection of deception will not be used as the single determinant of employment status.

14. Psychological Screening *(Sworn Positions Only)*: Subsequent to a conditional offer of employment, applicants must submit to a psychological screening to assess their mental and emotional suitability to properly fulfill the responsibilities of the position. The following minimum standards will apply:

(a) Candidates will be screened in accordance with Commission requirements. The applicant must comply with all pre-screening instructions and fully cooperate with the administering psychologist or psychiatrist. Failure to comply will result in disqualification.

(b) Psychological screening will be administered by a department designated clinical psychologist or psychiatrist licensed to practice in North Carolina, or by a designated psychologist or psychiatrist authorized to practice in accordance with the rules and regulations of the United States Armed Forces. Only valid, useful, and nondiscriminatory procedures will be utilized.

(c) The examining psychologist or psychiatrist will provide a confidential written report of the results to the Police Department. The results of the evaluation will be maintained on file in order to ensure that proper procedures are followed, and to provide data for continuing research and legal defense, if needed.

(d) Applicants who are not favorably recommended by the administering psychologist or psychiatrist will be disqualified.

15. Medical Examination: Subsequent to a conditional offer of employment, applicants for employment must submit to a medical examination by a licensed physician in accordance with Commission requirements. The purpose of the examination is to determine the applicant's general health and medical fitness to carry out the physical requirements of the position applied. The following minimum standards will apply:

(a) Applicants for sworn positions must properly complete and submit a Medical History Statement (Commission Form F-1) for review by the physician.

(b) Applicants must submit to a medical examination, including any tests or supplemental procedures deemed necessary by the examining physician.

(c) The examination of applicants for sworn positions will be conducted in accordance with the medical screening guidelines promulgated by the Commission. The examining physician will record the results of the examination on a Medical Examination Report (Commission Form F-2). The results of the examination will be maintained on file in order to ensure that proper procedures are followed, and to provide data for continuing research and legal defense, if needed.

(d) The examination of applicants for civilian positions will be conducted in accordance with the general medical screening practices utilized by the Departmental physician in consideration of the physical requirements of the specific position applied. The examining physician will record the results of the examination on a Health Recommendation Form. The results of the examination will be maintained on file in order to ensure that proper procedures are followed, and to provide data for continuing research and legal defense, if needed.

(e) A finding by the examining physician that the applicant does not meet the physical requirements necessary to properly fulfill the requirements of the position will result in disqualification of the applicant.

(f) For applicants with qualifying disabilities under the federal American's with Disabilities Act (ADA), a determination as to whether the applicant can satisfactorily perform the requirements of the position with "reasonable accommodation" will be made on a case-by-case basis by the City, based on sound medical knowledge, consultation with legal counsel, and other objective factors.

16. Drug Screen: Applicants must submit to and obtain a negative result on a urinalysis drug-screen administered in accordance with the requirements of the North Carolina Criminal Justice Education and Training Standards Commission and the City of Kannapolis.

(a) The test must not be more than 60 days old, calculated from the time when the laboratory reports the results to the date of hire. The drug screen will test for the presence of at least cannabis, cocaine, phencyclidine (PCP), opiates and amphetamines or their metabolites.

(b) A confidential written report of the test results will be provided to the Police Department by the Medical Review Officer. The results of the test result will be maintained on file in order to ensure that proper procedures are followed, and to provide data for continuing research and legal defense, if needed. A confirmed positive drug-screen result will result in immediate disqualification.

17. Acceptance of Assignment and Working Conditions:

(a) Applicants for sworn positions must agree to wear a uniform, and to accept permanent or temporary assignments requiring rotating shifts or irregular work hours, day or night, any day of a week or holidays.

(b) Applicants for civilian positions must agree to wear a uniform (if applicable), and to accept such work assignments and work hours as may be established for the position by the Department.

(c) Applicants must agree to accept assignments requiring overnight travel, possibly over extended periods of time.

(d) Applicants must agree to perform work in any component of the Police Department as directed or assigned at the discretion of the Chief of Police.

(e) Applicants must agree to adhere to the policies of the City of Kannapolis and the regulations, policies, and procedures of the Kannapolis Police Department.

(f) Applicants for sworn positions must be willing to carry and use a firearm, and to use deadly force, if warranted, to protect his or her life or the life of someone else.

(g) Applicants must be willing to accept employment under probationary status (12 months for sworn positions and six months for civilian positions).

(h) Applicants for sworn positions must agree to locate their principal residence no farther than 30 miles from the nearest primary city boundary within six (6) months after the date of employment. The applicant must pay all relocation costs in full.

18. Interview and Acceptance by the Chief of Police: Applicants must be interviewed and accepted by the Chief of Police (or his designee) for probationary employment and/or enrollment in Basic Law Enforcement Training.

F. SCREENING PROCEDURES FOR LATERAL TRANSFER OFFICERS

1. The Kannapolis Police Department considers the lateral transfer of certified police officers contingent upon their meeting specific employment criteria. The base pay for lateral transfer officers is negotiable (within the authorized salary range for the position) and commensurate with relevant experience, education, special skills, and training.

2. To be considered for employment as a police officer seeking a lateral transfer to the Kannapolis Police Department, applicants must meet the following minimum qualifications:

   (a) Must currently be employed as a full-time sworn law enforcement officer in North Carolina, or have less than a 12-month break in law enforcement service by the projected date of hire by the Department;

   (b) Must currently hold a **general** law enforcement certification from the Commission or Sheriff's Commission;

   (c) Must have a demonstrated history of satisfactory work performance with their current or most recent law enforcement employer;

   (d) Must not currently be the subject of any pending criminal or disciplinary investigation;

   (e) If the lateral transfer officer is a former Police Department employee seeking re-employment, the applicant must have resigned in good standing or have been separated because of a reduction in force.

3. The applicant screening process for lateral transfers will include the elements listed below, unless otherwise directed by the Chief of Police. These elements will be administered in a manner identical to that of regular applicants for sworn positions.

   (a) Fingerprint Record Check;
   (b) Required Documentation (update only for re-employment within 1 year);
   (c) Background Investigation (update only for re-employment within 1 year);

(d) Medical Examination;
(e) Polygraph Examination;
(f) Drug Screen;
(g) Acceptance of Assignment and Working Conditions;
(h) Acceptance by Chief of Police.

G. PROBATIONARY PERIOD FOLLOWING APPOINTMENT

1. Candidates selected for appointment to sworn positions (including lateral transfer officers) will serve a standard probationary period of twelve (12) months from the date of appointment.

2. Candidates selected for appointment to civilian positions will serve a standard probationary period of six (6) months.

3. The Chief of Police may extend the standard probationary period with the concurrence of the Human Resources Director and City Manager, when such action is deemed in the best interest of the Police Department and is necessary in order to provide probationary employees with additional training.

4. A written performance evaluation report on each entry level probationary employee will be completed in accordance with departmental directives and established field training guidelines in order to determine, at the earliest point, their suitability for continued employment.

H. RE-EMPLOYMENT OF FORMER EMPLOYEES

1. The re-employment of former employees shall be in accordance with City Personnel Policy 200.06. Persons interested in re-employment must submit an application and proceed through the regular hiring process.

I. STUDENT INTERNS

1. The availability of unpaid student internships will be determined by the Chief of Police based on the prevailing needs of the Department and identified work-related objectives suitable for performance by student interns.

2. Notice of available internships will be provided by the Police Department to local colleges and universities with relevant degree programs. The notice will contain a brief description of the proposed work to be performed and instructions for submitting an application. Internships are normally limited to a term of one semester.

3. Students at an accredited college or university may apply to affiliate with the Police Department as a student intern in order to gain firsthand experience in law enforcement while earning college credit. Applications for internship with the Department must include biographical data, as well as a written request and/or endorsement by the sponsoring college or university; and must specify the requirements of that institution in regard to the internship, including any reporting or documentation to be completed by the student and/or the Department.

4. The extent to which an intern will be involved in the operations of the Department will be determined on an individual basis, with the needs of the student, the educational institution, and the Department considered.

5. To be eligible for consideration, applicants for student internship must meet the following minimum requirements:

   (a) Applicant must be currently enrolled in a relevant degree seeking program and hold senior classification at the sponsoring college or university;

   (b) Applicant must be recommended for the internship by the sponsoring college or university;

   (c) Applicant must be of good moral character and have no criminal convictions for a felony or serious misdemeanor;

   (d) Applicant must agree to the terms and conditions of the internship as specified by the Police Department.

6. The Support Services Bureau Commander shall be responsible for the administration of the student intern program and will serve as the Departmental liaison to the sponsoring college or university. This responsibility includes the receipt and evaluation of applications for internship, making recommendations to the Chief of Police for the selection of prospective interns, coordinating work assignments, and preparing required documentation. The Chief of Police will make the final selection of all student interns.

7. Student internships are conducted at the discretion of the Police Department and may be restricted, modified, or terminated by the Chief of Police at any time when such action is deemed in the best interests of the Department.

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KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 400-09

SUBJECT: TRAINING
DISTRIBUTION All Personnel
EFFECTIVE DATE: 06-15-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish policy and procedure for the implementation and administration of the Department's training program.

POLICY

An effective training program ensures that employees are adequately prepared to respond to the variety of situations encountered in law enforcement, resulting in increased productivity and effectiveness of the agency. Therefore, it is the policy of this Department to provide a comprehensive professional training program in order to meet the needs of the agency and enhance the skills, knowledge and abilities of our members.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Basic Law Enforcement Training (BLET): the orientation of police recruits to their jobs and the development of basic law enforcement skills. Basic training is conducted in accordance with requirements established by the Commission.

2. Commission: the North Carolina Criminal Justice Education & Training Standards Commission.

3. Field Simulations: brief practical field exercises conducted by supervisory personnel during low demand periods to reinforce training, rehearse tactics, or evaluate response procedures to specific types of events.

4. In-Service Training: training in addition to basic training, which may include periodic retraining or refresher training, specialized training, roll-call training, career development, promotional training, and advanced training.

5. Roll-Call Training: training or informational sessions of relatively short duration, administered to officers during briefings prior to, or after, their regular tour of duty.

6. Specialized Training: training to enhance skills, knowledge, and abilities taught in either recruit or other in-service programs. Specialized training may address supervisory, management,

and/or executive development training, or it may include technical and job-specific topic areas.

PROCEDURES

A. TRAINING GOALS

1. The specific goals of the agency's training program are as follows:

    (a) Provide high-quality professional training to all Department members regardless of race, color, religion, gender, national origin, age, or disability;

    (b) Provide Department members with training designed to meet their needs in performing assigned tasks, and to provide members with the skills and abilities to fulfill the Department's goals and objectives;

    (c) Plan and develop training courses related to the specific needs of the Department and ensure the use of qualified instructors. A variety of resources will be used to develop effective training courses;

    (d) Ensure the continuing evaluation of departmental training needs and improvement of the agency's training methods and programs.

B. TRAINING ADVISORY COMMITTEE (TAC)

1. A Training Advisory Committee (TAC) shall be established to evaluate the Department's training needs, to determine what positions or functions require additional or specialized training, to determine what training is best suited to meet these needs, and to make specific recommendations to the Chief of Police.

2. The Support Services Bureau Commander will serve as chairman of the TAC, and will be responsible for scheduling periodic meetings, selecting and replacing committee members, and ensuring that assigned tasks are completed in accordance with this Order. The Deputy Chief shall serve in an advisory role to the committee. The TAC shall ensure that there is broad opportunity for input and participation by agency members. The composition of the TAC will include, at a minimum, the following representatives:

    (a) Field Operations Commander;
    (b) Division Level Commander;
    (c) Training Coordinator;
    (d) Departmental Instructor;
    (e) K-9 Coordinator;
    (f) DCI Terminal Agency Coordinator;
    (g) Police Planner/Accreditation Manager.

3. The Training Advisory Committee will develop and submit an annual training plan to the Chief of Police identifying the training needs and priorities of the Department for the upcoming calendar year, and a proposed plan of action to meet these goals. Upon approval, the plan will be distributed to all agency components.

C. ADMINISTRATION OF THE TRAINING PROGRAM

1. Oversight of the Department's training program is the responsibility the Training Advisory Committee, with responsibility for day-to-day administration of training activities delegated to the Training Coordinator. Specific duties and responsibilities of the Training Coordinator include, but are not limited to, the following:

    (a) Develop a semi-annual training schedule based on the approved training plan and prevailing departmental needs. The training schedule should list all training to be conducted during the applicable period of January-June or July-December. This schedule will be distributed to all command personnel and updated as required;

    (b) Prepare a semi-annual training report listing all training provided to Department members during the previous six-month period. This report shall be submitted to the TAC and Chief of Police within 30 days following the end of each six-month period;

    (c) Prepare notices of available and required training for distribution to appropriate agency personnel and components;

    (d) Process training orders and related documents for training authorized by the Bureau Commanders. Verify that members assigned to attend training receive travel advances, submit travel vouchers, receive reimbursement for eligible expenses, and are provided with any required equipment or supplies;

    (e) Maintain a comprehensive and up-to-date training record on each agency member, and each class presented to include the following minimum information:

        (1) Date of training;
        (2) Type of training / Course Topic and content;
        (3) Number of training hours;
        (4) Name of instructor or training provider;
        (5) Class rosters of attendees;
        (6) Test scores (if applicable); and
        (7) Certification of completion.

    (f) Track the expiration dates of specialized certifications held by agency members and ensure that appropriate re-certification training is properly scheduled and completed;

    (g) Evaluate training courses and training providers for their value to the Department and make recommendations where appropriate to the TAC;

    (h) Serve as the Department's liaison to BLET academies and provide supervisory oversight of police recruits attending basic training;

    (i) Assist agency personnel in the compilation of training data necessary to apply for professional certificates issued by the Commission;

    (j) Serve as coordinator of the Department's field training program.

2. Training records will be treated the same as personnel records. Only those persons as authorized by law and Department policy will have access to the training records.

D. EMPLOYEE RESPONSIBILITY

1. Authorization of a member to attend a Department approved training course will constitute a duty assignment. It shall be the individual responsibility of each member to attend and complete training in accordance with Departmental directives and the lawful orders of supervisory and command personnel.

2. Members attending training courses shall adhere to Department directives and rules of conduct as if the member were "on-duty," and will be required to comply with any additional rules and procedures established by the training facility and/or instructor.

3. All requests for in-service training, including out-of-town conferences and travel, will be submitted via the chain of command to the appropriate Bureau Commander using form KPD-216 (Training/Travel Request).

4. Unless otherwise directed by the Department, travel advances and expense reimbursement to employees attending authorized training programs in or outside the agency's service area shall be provided in accordance with City Personnel Policy 700.02 (Travel Expenses).

5. The Bureau Commander will be responsible for ensuring that the requested training is consistent with established training goals, sufficient budget funds are available to support the training, and that adequate staffing levels are maintained. Upon tentative approval, the training coordinator will prepare and submit a training order (KPD-177) and related documentation such as check requests or purchase orders to the Bureau Commander for final review and approval.

6. Training time, attendance and student performance will be documented by the course instructor who will notify the Training Coordinator of any absences or unsuccessful performance. Any unauthorized absences from training and/or unsuccessful completion of training shall be reported in writing by the Training Coordinator to the authorizing Bureau Commander and the Chief of Police.

7. Unless otherwise directed by the Chief of Police, authorized absences from scheduled training are to be coordinated in advance through the member's supervisor and Bureau Commander, with timely notice provided to the Training Coordinator and training provider.

8. Supervisors who authorize a member to be absent from mandatory in-service training will be responsible for contacting the Training Coordinator to ensure that the excused member is scheduled to make up the training within the time periods established by the Commission and/or the Department. Non-mandatory training missed due to authorized absences may be made up, when feasible, with the approval of the Department.

9. Satisfactory completion of training will be recognized through a certificate or other appropriate documentation. It shall be the responsibility of the attending member to provide documentation of course attendance and completion to the Training Coordinator in a timely manner. This documentation shall include the date of the training, type of training received, any certificates received, and test scores (if administered).

E. LESSON PLANS

1. All in-service training courses conducted by the Department must have an accompanying lesson plan. Additional lesson plans do not need to be submitted for practical training exercises, if such exercises are a logical extension of the classroom presentation.

2. A copy of all lesson plans must be submitted to the Training Coordinator for review and retention in a general training file. The Training Coordinator is responsible for reviewing each lesson plan submitted to ensure that the plan:

   (a) Is developed in accordance with guidelines and format set forth in the Commission approved Instructor Training Course;

   (b) Contains a statement of performance and job-related objectives;

   (c) Discusses the content of the training to be presented and specifies the instructional techniques to be employed;

   (d) Contains a list of resources used in the development of the curriculum;

   (e) Contains a list of resources required for the delivery of the materials; and

   (f) Identifies any tests used in the training process.

3. Any proposed new or revised lesson plans involving Departmental instruction in high liability activities must be forwarded to the Training Advisory Committee for their review and approval prior to implementation. When necessary and appropriate, this process will include an independent review of the proposed lesson plan by qualified legal counsel and/or topic area experts. *(Note: High liability activities generally include, but are not limited to, the use of force, arrest and detention, police vehicle operation, search and seizure, personnel management, and the administration of police discipline).*

4. All lesson plans and related training records shall be maintained by the training coordinator in accordance with the retention period as established by the Training and Standards Commission.

F. INSTRUCTOR SELECTION

1. Personnel selected to serve as instructors in Departmental training programs must first complete a Commission approved Instructor Training Course and receive certification in any applicable specialty areas. Instructor training shall include, at a minimum:

   (a) Lesson plan development;
   (b) Performance objective development;
   (c) Instructional techniques;
   (d) Learning theory;
   (e) Testing and evaluation techniques;
   (f) Resource availability and use.

2. Excluded from this requirement are persons acting as assistant instructors under the direct supervision of a certified instructor, and qualified persons teaching in roll call training.

3. Individuals who are not Commission-certified instructors may be authorized by the Training Coordinator to teach specific areas of in-service training. Such personnel must first meet the following minimum requirements:

   (a) Have two years experience in general law enforcement; or

   (b) Have two years experience in a specific area of knowledge or skill directly related to the topic of instruction; and

   (c) Have a working knowledge of teaching methods, practices, and teaching aids.

4. Agency members assigned to teach in department training programs will be assigned for a period of time that is consistent with the needs of the Department.

5. The Training Advisory Committee will coordinate selection of instructors from outside the agency. Criteria for such instructors will be the same as set forth in this directive. Supervision of outside instructors will be the responsibility of the officials from the instructor's agency. Compensation by the Department for outside instructors will be determined on a case-by-case basis by the Chief of Police.

G. BASIC LAW ENFORCEMENT TRAINING (BLET)

1. The Department utilizes only Commission certified training academies for the provision of Basic Law Enforcement Training. These academies may be administered through a community college, the North Carolina Justice Academy, or another law enforcement agency.

2. All officers of the Department must satisfactorily complete a Commission approved course in Basic Law Enforcement Training, receive certification from the Commission, and take the Oath of Office prior to duty assignment in any capacity in which the officer is allowed to carry a weapon or exercise police powers.

3. Prior to attended the BLET academy police officer recruits will be provided with an agency orientation handbook detailed pertinent information about the agency and recruit expectations. This is in addition to academy specific orientation materials.

4. The Training Coordinator will serve as a liaison between the Department and the BLET academy. Responsibilities may include attending criminal justice training consortium meetings, remaining current with training requirements established by the Commission, and attending Commission hearings pertaining to training needs and requirements.

5. The Training Coordinator will monitor progress of recruits assigned to attend a BLET academy. This task will include discussions with academy staff to provide input from the Department and receive information about the progress and performance of attending members. Any unsatisfactory conduct or performance by a BLET recruit shall be promptly reported to the Chief of Police.

6. The Department will provide employees assigned to attend a BLET academy with any required learning materials not furnished by the academy. This may include, but is not limited to, student notebooks, reference books, clothing, equipment, or vehicles.

7. While engaged in BLET academy training, employees are considered "on-duty" for the purpose of compensation and applicable employee benefits. The Training Coordinator will exercise supervisory authority over BLET recruits and will be responsible for time sheet administration on these employees in accordance with department policies.

8. In addition to training and skills taught at BLET academies, the Department will provide instruction in policies, procedures, rules, and regulations specific to the agency. This training will be given prior to attendance or upon completion of outside training, depending upon scheduling and related requirements. Members successfully completing a Basic Law Enforcement Training program will also be required to complete a period of Field Training in accordance with General Order 400-02

9. The BLET training academy will provide orientation materials to basic trainees at the beginning of the training program. Such orientation will include:

    (a) The organization of the academy;
    (b) Academy rules and regulations;
    (c) Academy rating, testing, and evaluation systems;
    (d) Physical fitness and proficiency skill requirements; and
    (e) Daily training schedules.

10. The Basic Law Enforcement Training program includes a Commission approved curriculum based on job task analysis of the most frequent assignments of officers who complete basic training. The program will also include use of evaluation techniques designed to measure competence in the required skills, knowledge, and abilities.

11. The Police Department and BLET academy provider shall each be legally responsible for the actions or omissions of their respective employees, instructors, or students.

H. IN-SERVICE TRAINING

1. Sworn officers will be required to complete an annual program of in-service training designed to enhance core competencies and the professionalism of the agency. In-service training may be provided through both internal and external resources and will include, but is not limited to, the following:

    (a) Departmental policy and directives, with emphasis on changes;
    (b) Firearms Training;
    (c) Use of Force / Less-Lethal Weapon Training;
    (d) Law Enforcement Driver Training;
    (e) First Aid/CPR;
    (f) Hazardous Materials / Hazard Communication;
    (g) Infectious Disease Control;
    (h) Legal Updates.

2. The Training Advisory Committee will develop a mandatory training component for sworn personnel as part of the annual in-service training program. This component shall consist of not less than 40 hours per year of mandatory training, to include all Commission required training. Notice of scheduled mandatory training will be issued under the authority of the Chief of Police and will constitute a standing order to attend. The completion of training requests for mandatory in-service training is not required.

3. The Training Coordinator will be responsible for coordinating the scheduling and delivery of in-service training in accordance with this General Order

4. The Training Coordinator will maintain a file for each in-service training class conducted by the Kannapolis Police Department. This file will record, at a minimum, the following:

    (a) Course content (lesson plan);
    (b) Training Time and Attendance Record (KPD-217);
    (c) Performance of individual attendees as measured by tests, if given.

I. ROLL-CALL TRAINING

1. Roll-call training is intended to supplement all other training and is designed to keep officers up to date between formal in-service training sessions. To be useful, the training should be well structured and reflect the needs of the agency. The delivery of roll-call training may consist of lecture, demonstration, limited practical exercises, or use of videotape or other aids.

2. Roll-call training must be approved in advance by the Deputy Chief or appropriate Bureau Commander, who will review the proposed instructional material and techniques, qualifications of the instructor, training schedule, role of supervisors and officers, and method of training evaluation. All roll-call training shall be documented and the records submitted to the Training Coordinator for retention in accordance with the requirements of this Order.

3. The Training Coordinator will maintain liaison with command and supervisory personnel to identify contemporary training needs that can be effectively addressed during roll-call training, and to assist in developing training courses that meet those needs.

J. FIELD SIMULATIONS

1. Field simulations are brief practical exercises conducted by supervisory personnel during low demand periods to rehearse tactics or evaluate response procedures to specific types of events. All tactics and actions performed during field simulations must be consistent with department policies and should reinforce the methods taught during departmental training.

2. Field simulations must be approved in advance by a Division Commander or higher, who will review the proposed actions and methods to be employed. The preparation of a lesson plan or other training documentation is not required for field simulations.

3. Sound judgment must be exercised to avoid the unnecessary display of weapons and other actions that could pose a safety hazard and/or generate public concern. In all cases, the beginning and end of field simulations must be clearly delineated by the controlling supervisor, and properly coordinated with other affected agency components to ensure the safety of the participants and the continuity of police field operations.

K. SPECIALIZED IN-SERVICE TRAINING

1. Certain functions within the Department require the development of specialized skills in addition to the skills, knowledge, and abilities gained in basic or other in-service training. Functions within the Department that require pre-assignment or post-assignment specialized training include, but are not limited to:

(a) Criminal Investigation;
(b) Crime Scene Processing;
(c) Polygraph Examiner (requires a minimum of 30 hours of continuing education related to the field of polygraphy every 2 years);
(d) Chemical Analyst (requires retraining and recertification every 2 years);
(e) Law Enforcement Instructor (requires recertification every 2 years);
(f) RADAR/VASCAR Operation (requires retraining and recertification every 3 years);
(g) DCI Terminal Operation (requires retraining and recertification every 2 years);
(h) D.A.R.E. Instructor;
(i) School Resource Officer (SRO):
(j) Community Oriented Policing;
(k) Special Response Team;
(l) Crisis Negotiation;
(m) Field Training Officer
(n) Canine Handler;
(o) Command and Supervision;
(p) Traffic Crash Investigation/Reconstruction;
(q) Unmanned Aerial System Operator;
(r) Telecommunications (requires annual state mandated training).

2. Specialized in-service training provided to personnel will include the following:

   (a) Comprehensive initial training designed to provide for the development and/or enhancement of the skills, knowledge, and abilities particular to the specialization;

   (b) Management, administration, supervision, personnel policies, and support services of the function or component;

   (c) Supervised on-the-job training.

3. Specialized training will be initiated as soon as feasible following the assignment of a member to a component or function within the department that requires post-assignment training.

L. LEADERSHIP DEVELOPMENT

1. Members who are promoted to supervisory ranks will be provided with skill development training commensurate with their level of supervisory duties and responsibilities. This training will be provided either prior to promotion or as soon as feasible following promotion.

2. Advanced leadership training may be provided through the Southern Police Institute, the FBI National Academy, the Administrative Officers Management Program, the Management Development Program, or similar offerings. Such training is designed to improve the professional competence of officers who have demonstrated leadership abilities

3. The selection of personnel to attend this type of advanced training will be determined by the Chief of Police using the following criteria:

   (a) Present rank and position;
   (b) Length of service with the Department;
   (c) Demonstrated leadership ability;

(d) Performance record and promotional potential;
(e) Recommendation from relevant supervisors;
(f) Prevailing needs of the Department; and
(g) Pre-requisites for participation established by the respective training provider.

4. Personnel who attend advanced leadership training will normally remain assigned to the position held prior to such training. Although selection for attendance at advanced training recognizes the potential of the selected member, attendance by itself does not confer upon the member any greater expectation for promotion or reassignment.

5. Attendance at advanced leadership training may be used to satisfy selected in-service training requirements of the Department during the period the officer attends the training. Officers who attend advanced training should confer with the Training Coordinator to determine the amount of in-service training credit received.

M. ACCREDITATION FAMLIARIZATION

1. It is important that all employees are familiar with accreditation and what it entails during the self-assessment process. Familiarizing new employees with the process will provide a historical perspective and emphasize the importance of accreditation to the Department. Familiarization will include the history and background of accreditation and the agency's involvement in the process, the accreditation process, the goals and objectives of accreditation, and the advantages of accreditation and its impact on the Department.

2. Familiarization may be achieved by such means as classroom instruction, newsletter, memo, and periodic attendance by command staff at meetings of the Commission on Accreditation for Law Enforcement Agencies, Inc.

3. Familiarization with the accreditation process will be provided to agency employees as follows;

   (a) To all newly hired agency personnel upon hire and during their initial orientation period; and

   (b) To all agency personnel during the self-assessment phase preceding initial accreditation and each subsequent re-accreditation.

N. CIVILIAN TRAINING

1. The Support Services Bureau Commander will be responsible for ensuring that all newly appointed civilian members receive information regarding:

   (a) The agency's role, purpose, goals, policies and procedures;
   (b) Working conditions and regulations; and
   (c) Responsibilities and rights of employees.

2. The provision of this information shall be accomplished through a combination of the orientation programs conducted by the City Personnel Director and the Police Department.

3. In addition to orientation, civilian telecommunicators and record clerks will be required to complete in-service training designed to develop and maintain proficiency in the skills and knowledge required to perform the essential functions of their position.

4. In addition to orientation and other required in-service training classes, the Accreditation Manager shall receive specialized accreditation manager training within one year of appointment and shall be responsible for providing appropriate training to any other agency personnel assigned to the accreditation process.

O. REMEDIAL TRAINING

1. It is the responsibility of supervisory personnel to determine if members require remedial training. This may be noted as part of performance appraisal, evaluations, inspections, or participation in a training program. If a supervisor believes that a member would benefit from more training, the supervisor may request that the member attend additional training programs. If a member fails to satisfactorily meet the requirements of in-service or specialized training, that member may be required to attend remedial training. Agency response to the failure of a member to attend remedial training, or failure to demonstrate improved performance following remedial training, will be considered on an individual case-by-case basis.

2. Steps for initiation of remedial training:

   (a) Once it is apparent that an employee is not meeting job standards, the supervisor should discuss the problem with the employee. The supervisor should indicate the most critical knowledge or skill areas which need improvement;

   (b) The supervisor will provide the employee with written notice of the deficient performance and indicate agreed upon steps to correct the problem. If necessary, the supervisor may seek the assistance and advice of the Training Coordinator in developing a remedial training plan;

   (c) The remedial training plan, to include expected achievement levels and time frames, should be implemented as soon as possible commensurate with the availability of the course or instructor;

   (d) If an employee's performance deficiencies would expose the Department to unnecessary liability, the employee shall be reassigned to non-uniform administrative duty until the remedial training has been successfully completed;

   (e) The immediate supervisor will review the progress of the employee and evaluate the result of the remedial training.

3. Remedial training is offered to employees in lieu of more serious action. Failure to successfully complete remedial training and/or to satisfactorily perform the requirements of the position may result in more serious disciplinary action.

INDEX AS:

Accreditation Familiarization
BLET
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In-Service Training
Leadership Development
Lesson Plans
Remedial Training
Roll-Call Training
Specialized Training
Training
Training Advisory Committee
Training Coordinator

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: **400-10**
SUBJECT: CAREER DEVELOPMENT
DISTRIBUTION All Personnel
EFFECTIVE DATE: 06-15-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish guidelines and procedures for the maintenance and operation of a career development program.

POLICY

The need for career development in law enforcement exists at all levels. An agency must be concerned with the mental and physical capabilities of its personnel, specifically, the skills, knowledge, and abilities necessary to perform assigned tasks in an efficient and effective manner. It is through a formalized plan that career development activities should be directed, and that enables the Department to provide a system for identifying and fulfilling the needs of both the individual and the agency. It shall be the policy of the Kannapolis Police Department to offer its members a career development program designed to provide opportunities for individual growth and development at all levels.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Career Development: a process that is utilized to provide opportunities for individual growth and development.

2. Career Counseling: the interaction between a counselor and employee that is intended to assist an employee with selecting, preparing for, entering, or progressing in a job assignment.

3. Career Specialties: positions within the organization that require special training or advanced education.

4. Skills, Knowledge, and Abilities (SKA): skills are the proficiency with which an individual performs; knowledge is a body of information or the understanding gained through training and experience; abilities are the processes required to perform a specific job.

PROCEDURES

A. OBJECTIVES OF CAREER DEVELOPMENT

1. Career development is a structured process intended to provide career growth for all personnel regardless of rank, develop the Department's future leaders, promote productive job performance, and to increase the overall level of individual job satisfaction. In order to evaluate the extent to which the Department is achieving its career development goals, the following program objectives are established.

    (a) To conduct an annual training inventory for each Department member;

    (b) To provide an annual career counseling session for each member;

    (c) To administer promotional processes in a timely manner, to enable the Department to make staff replacements without appreciable loss of efficiency or interruption of services;

    (d) To provide higher levels of in-service training annually for sworn and non-sworn employees;

    (e) To provide opportunities for temporary duty assignments and job rotation to offer personnel meaningful work experience in areas outside their regular duty assignments;

    (f) To ensure that in-service training and educational opportunities provided by the Department are equitably distributed with respect to the City's Equal Employment Opportunity policy.

B. PROGRAM ADMINISTRATION

1. The Training Coordinator shall administer the career development program and its related activities.

2. The primary responsibility for career counseling shall rest with the employee's immediate supervisor. Career counseling, including a review of the employee's in-service training record, will be conducted annually as part of the performance evaluation process and will involve the employee and his/her immediate supervisors.

3. Responsibilities of the Training Coordinator include:

    (a) Assist with the education of employees in matters related to career development;

    (b) Initiate an Inventory of Skills, Knowledge and Abilities (KPD-218) on all new employees during orientation and ensure that such form is maintained current;

    (c) Ensure that all in-service training documentation is forwarded for inclusion in the employee's training record and/or public safety file, as applicable; and

    (d) Maintain an inventory of resources that are used for in-service training.

4. All personnel assigned by the Department to conduct career development activities will receive, as a minimum, training in the following areas:

    (a) General counseling techniques;

(b) Techniques for assessing skills, knowledge, and abilities of subordinates;
(c) Salary, benefits, and training opportunities available to Department personnel;
(d) Educational opportunities and incentives;
(e) Awareness of cultural backgrounds of any ethnic groups within the Department;
(f) Record-keeping techniques;
(g) Availability of outside resources.

5. The Training Coordinator will conduct an annual evaluation of the extent to which the career development program continues to meet the needs of the Department and its members, with specific consideration of the program objectives. Such assessment will be conducted as part of the annual review of the Career Development policy.

C. CAREER COUNSELING

1. Career counseling is used to determine individual career growth needs and to provide direction for the employee. First line supervisors will participate in the career development program as counselors for their subordinate employees. Counseling will be provided in the following areas:

   (a) Assessment of skills, knowledge, and abilities of the employee;

   (b) Assessment of skills, knowledge, and abilities required for each position with the Department;

   (c) Assistance for employees in preparing career schedules;

   (d) Assistance for employees in use of resource inventories;

   (e) Feedback and recommendations to the employee regarding career choices and goals.

2. Annually, as part of the performance evaluation process, each employee will complete an updated Inventory of Skills, Knowledge & Abilities (KPD-218), to include updated information on all changes that have occurred within the last review period. This form will be forwarded to the Training Coordinator for posting in the employee's training file.

3. The effectiveness of career counseling will be measured using the performance evaluation report completed by the supervisor. The evaluation report should be used to assess the employee's strengths and weaknesses, and to alert the supervisor to areas in which counseling and/or training should focus.

D. IN-SERVICE TRAINING

1. In-service and developmental training shall be provided to agency personnel in accordance with the provisions of General Order 400-09 (Training).

2. Job rotation and temporary assignments outside the normal assignment area may be utilized as a supplement to formal training. Such assignments may be requested by an individual member or recommended by supervisory personnel. Requests and/or recommendations should be directed through the established chain of command. The operational needs of the Department will be the primary consideration in such assignments.

3. The Department will ensure that personnel promoted to supervisory positions receive skill development training commensurate with the duties and responsibilities of their new assignment. Such training will take place either prior to or promotion or within the first year following promotion.

E. EDUCATIONAL PREMIUM

1. Sworn law enforcement officers who obtain an educational level higher than the minimum qualification established for the position may be eligible for incentive premiums. Eligibility criteria and the amount of the premium is established by City Council and is calculated based on the number of credit hours earned toward a degree in a criminal justice related field at an accredited college or university. (City Personnel Policy 400.18).

2. Fulltime civilian personnel are eligible for education assistance provided they have been employed by the City for a minimum of twelve months and have completed the established probationary period. This is an education expense reimbursement program. Eligibility criteria and the amount of the assistance is established by City Council and is based on the grade achieved in a specific course at an accredited college or university. (City Personnel Policy 500.13)

F. LATERAL ADVANCEMENT PROGRAM

1. The opportunity for advancement through the sworn and civilian ranks of a law enforcement organization is limited to the finite number of supervisory positions. An alternative career path for line-level personnel is established based on provided employees every opportunity to advance within the organization.

2. Participation in the Lateral Advancement Program is not a prerequisite to participate in any promotional process, nor does promotion remove individuals from the program.

3. The Department shall utilize a Lateral Advancement Committee chaired by the Deputy Chief to consider all applications for lateral advancement. The remainder of the committee shall be comprised of two Master Police Officers and one Master Telecommunicator who shall be standing members of the committee and the Telecommunications Center Manager, two sergeants, and one lieutenant. One of the two sergeants shall be the immediate supervisor of the Officer under consideration.

4. All applications to be considered for a lateral advancement will be reviewed by the Lateral Advancement Committee who will make a recommendation to the Chief of Police. The Chief of Police shall make the final decision.

5. Probationary Officer: a police officer who is serving a probationary period following initial appointment with the Department. The term probationary officer will include employees who assume sworn status with the Department following completion of Basic Law Enforcement Training (BLET), or by virtue of lateral entry from another law enforcement agency.

6. Probationary Telecommunicator: a telecommunicator who is serving a probationary period following initial appointment with the Department.

7. Police Officer: a police officer who has completed the probationary period but has not met the minimum qualifications for Police Officer 1 as defined below.

8. Telecommunicator: also known as TC, is a Telecommunicator who has completed the probationary period but has not met the minimum qualifications for Telecommunicator 1 as defined below.

9. Police Officer 1: Also known as a PO1, this is a police officer who has met the following requirements:

    (a) Obtained a General Certification from the North Carolina Criminal Justice Education Training Standards Commission;
    (b) Has three years of law enforcement service, at least one of which has been with the Kannapolis Police Department;
    (c) A rating of standard or higher on the most recent performance evaluation; and
    (d) No formal disciplinary action in the past 12 months.
    (e) Officers obtaining this designation shall wear a single chevron on both upper sleeves of uniform shirts and outerwear (except raingear.) The chevron will consist of one silver stripe on a dark navy blue or black background and is to be positioned point up, centered just below the police shoulder patch.
    (f) There is no pay incentive for this designation.

10. Telecommunicator 1: also known as TC1, is a Telecommunicator who has met the following requirements:

    a. Has completed three years of service as a Telecommunicator, at least one of which has been with the Kannapolis Police Department; and
    b. Has received and maintained all required certifications from the North Carolina Sheriff's Training and Standards Commission as a Telecommunicator; and
    c. Must have attained an overall rating of 3.0 or higher on the most recent annual performance evaluation; and
    d. No formal disciplinary actions within the past twelve months; and
    e. Successfully completed a 48 Telecommunicator Certification training; and
    f. Successfully completed ICS 100, ICS 200, ICS 700, and ICS 800 training; and
    g. Successfully completed all required annual agency and State mandated in-service training; and
    h. Successfully maintained an overall rating of 90% when processing calls utilizing Emergency Fire Dispatch (EFD) within the preceding six months.
    i. There is no pay incentive for this designation.

11. Police Officer 2: Also known as PO2, this is a police officer that has met the following requirements:

    (a) Obtained an Intermediate Certification from the North Carolina Criminal Justice Education Training Standards Commission; and
    (b) Has four years of law enforcement service, at least two of which has been with the Kannapolis Police Department; and
    (c) Has obtained and maintains DCI certification; and
    (d) Has obtained and maintains certification as a Chemical Analyst, or has obtained an Advanced Certification from the North Carolina Criminal Justice Education Training Standards Commission; and

(e) Is an active Field Training Officer, or was an active FTO prior to assignment to a specialized position within the Support Services Bureau, or promotion to a supervisory rank; and
(f) A rating of standard or higher on the two most recent annual performance evaluations; and
(g) No formal disciplinary actions in the past twelve months; and
(h) Recommendation of supervisors at the Unit and Division level.
(i) Line level officers obtaining this designation shall wear two chevrons on both upper sleeves of uniform shirts and outerwear (except raingear.) The chevrons will consist of silver stripes on a dark navy blue or black background and are to be positioned point up, centered just below the police shoulder patch.
(j) Any pay incentive will be in accordance with established City Personnel Policy and as approved by City Council.

12. Telecommunicator 2: also known as TC2, is a Telecommunicator who has met the following requirements:

a. Successfully obtained the designation of TC1; and
b. Has completed four years of service as a Telecommunicator, at least two of which has been with the Kannapolis Police Department; and
c. Maintains all required certifications from the North Carolina Sheriff's Training and Standards Commission as a Telecommunicator; and
d. Must have attained an overall rating of 3.0 or higher on the two most recent annual performance evaluation; and
e. No formal disciplinary actions within the past twelve months; and
f. Score 80 or above on the Telecommunicator Lateral Advancement Test; and
g. Successfully completed ICS 300, and ICS 400 training; and
h. Successfully completed all required annual agency and State mandated in-service training; and
i. Successfully complete at least 40 hours of approved training or educational courses which are related to the duties of Telecommunicator and will enhance their skills and/or knowledge. Courses may be completed in either traditional classroom or on-line settings. Courses must be requested through the chain of command and approved by the Communications Center Manager. (Annual in-service and State mandated courses do not count toward this requirement); and
j. Successfully maintained an overall rating of 90% when processing calls utilizing Emergency Fire Dispatch (EFD) within the preceding year.
k. Any pay incentive for this designation will be in accordance with established City Personnel Policy as approved by City Council.

13. Master Police Officer: Also known as MPO, this is a police officer that has met the following requirements:

(a) Obtained an Intermediate Certification from the North Carolina Criminal Justice Education Training Standards Commission; and
(b) Has six years of law enforcement service, at least three of which has been with the Kannapolis Police Department; and
(c) Maintains DCI certification; and
(d) Maintains certification as a Chemical Analyst, or has obtained an Advanced Certification from the North Carolina Criminal Justice Education Training Standards Commission; and

(e) Is an active Field Training Officer, or was an active FTO prior to assignment to a specialized position within the Support Services Bureau, or promotion to a supervisory rank; and
(f) A rating of standard or higher on the three most recent annual performance evaluations; and
(g) No formal disciplinary actions in the past twelve months; and
(h) Recommendation of supervisors at the Unit and Division level; and
(i) Has obtained one or more of the following advanced training levels or certifications:

(1) Advance Traffic Reconstructionist, or
(2) Criminal Investigator Certificate Program, or
(3) Advanced SWAT, or
(4) Instructor Certification, or
(5) Any similar advanced certification approved by the Chief of Police that provides the employee and department with a skill set equivalent to those listed.

(j) In addition to the requirements in section (i) above, supervisors wishing to maintain the designation of PO2 or MPO upon promotion must successfully complete, or have completed, training and/or certification in advanced supervision or leadership as approved by the Chief of Police.

(k) Line level officers obtaining this designation shall wear special insignia on both upper sleeves of uniform shirts and outerwear (except raingear.) The insignia will consist of two silver stripes over a diamond on a dark navy blue or black background and are to be positioned point up, centered just below the police shoulder patch.

(l) Any pay incentive will be in accordance with established City Personnel Policy and as approved by City Council.

14. Master Telecommunicator: also known as MTC, is a Telecommunicator who has met the following requirements:

a. Successfully obtained the designation of TC 2 and
b. Has completed six years of service as a Telecommunicator, at least four of which has been with the Kannapolis Police Department; and
c. Maintains all required certifications from the North Carolina Sheriff's Training and Standards Commission as a Telecommunicator; and
d. Must have attained an overall rating of 3.0 or higher on the three most recent annual performance evaluation; and
e. No formal disciplinary actions within the past twelve months; and
f. Score 90 or above on the Telecommunicator Lateral Advancement Test; and
g. Successfully completed a 40-hour Field or Communications Training Officer Course and is an active CTO; and
h. Successfully completed all required annual agency and State mandated in-service training; and
i. Successfully complete at least 60 hours of approved training or educational courses which are related to supervision and management. Courses may be completed in either traditional classroom or on-line settings. Courses must be requested through the chain of command and approved by the Communications Center Manager.

(Annual in-service and State mandated courses do not count toward this requirement); and

j. Successfully maintained an overall rating of 90% when processing calls utilizing Emergency Fire Dispatch (EFD) within the 18 months; and
k. Must be able to complete basic supervisory tasks such as troubleshooting technical issues within the Communications Center.
l. Any pay incentive for this designation will be in accordance with established City Personnel Policy as approved by City Council.

15. Employees who feel they meet the qualification set forth in this policy shall submit a memorandum to their immediate supervisor along with a completed Candidate Profile that can be located on the agency server in KPD Forms.

16. The candidate officer's chain of command shall insure that the candidate meets the minimum qualifications and then each shall submit a memorandum along with the candidate's application and profile to the Deputy Chief who will schedule a meeting of the Lateral Advancement Committee.

17. Employees earning the various designations of the Lateral Advancement Program are expected to be the leaders of the organization and therefore must maintain the highest professional standards. The Chief of Police may, at his discretion, revoke any lateral advancement designation for cause. Just cause includes, but is not limited to, failing to keep and maintain the requirements set forth for the designation achieved, below standard performance, or formal disciplinary action.

18. Any employee achieving the designations defined in this policy and who subsequently receives two or more below standard ratings on an individual annual performance evaluation (regardless of the overall evaluation rating) shall be returned to the next lower designation and must re-qualify and reapply for any higher designation.

INDEX AS:

Career Counseling
Career Development
Lateral Advancement

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 400-11

SUBJECT: PHYSICAL ABILITY STANDARDS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 07-01-2002
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish department policy regarding the general health and physical fitness of sworn officers.

POLICY

The stressful demands of law enforcement employment require that officers maintain satisfactory physical ability to perform the essential functions of their position. An inability to perform essential physical tasks can not only preclude safe and effective job performance but can impose unnecessary risk to the safety of citizens or co-workers whom the unfit officer would be unable to adequately assist without resorting to excessive force. All sworn officers have general law enforcement powers and duties imposed by state law and their oath of office, regardless of their rank, age, gender, or duty assignment. Therefore, the physical ability standards established for certification as a law enforcement officer by the North Carolina Criminal Justice Education and Training Standards Commission are adopted as the minimum standard for sworn officers of the Kannapolis Police Department as provided in this General Order.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Commission: the North Carolina Criminal Justice Education and Training Standards Commission, North Carolina Department of Justice.

2. Instructor: an officer holding a valid physical fitness instructor certification from the Commission, and who is authorized by the Chief of Police to administer physical fitness assessments, physical ability testing, and physical fitness training pursuant to this Order.

3. POPAT (Police Officer Physical Abilities Test): a formal assessment of a police officer or police applicant' s ability to satisfactorily meet the physical ability standards established by the Commission and/or Police Department.

PROCEDURES

A. JUSTIFICATION

1. A police officer's workday may involve rapid fluctuation between a state of relative rest to maximal output under conditions where the officer must constantly anticipate unknown and uncontrollable job demands. Police officers are commonly required to engage in foot chases and/or the physical suppression of a suspect among other physically challenging situations.

2. An officer's inability to perform the essential physical job tasks of a law enforcement officer can preclude them from rendering acceptable service to the public in emergency situations, and could potentially subject the Department to liability should a citizen be harmed in some way by their inability or failure to perform required tasks.

3. It is the personal responsibility of all police officers to maintain good physical fitness. Being physically fit diminishes stress, promotes self-esteem, improves firearms accuracy, increases an officer's confidence, makes them more effective with impact weapons and defensive tactics, and generally improves their job performance and quality of life. Officers who are physically fit use less sick time, increase public respect for the agency, and tend to be more productive. Physical fitness also helps reduce premature retirement and work related injuries.

4. Some police officers place themselves at unnecessary risk through unhealthy lifestyle choices such as smoking, improper diet, excessive drinking, inadequate rest, and lack of regular exercise. These officers make it easier for criminal suspects to do them harm, and they may be overly reliant on the use of weapons to offset their physical deficiencies. Today's reality is that officers must be in adequate physical condition to pursue and control a suspect without excessive force and firearm dependence. Good physical fitness gives officers the confidence, ability, and endurance to try other appropriate alternatives.

B. HEALTH & FITNESS EDUCATION

1. The Police Department believes that officer education is an essential ingredient to achieving the overall goal of this policy. Informing officers of the methods by which higher levels of physical fitness can be safely obtained is essential. Ultimately, it is the personal responsibility of each officer to develop and maintain a level of physical fitness that enables them to satisfactorily perform the demands of their position.

2. The Department's physical fitness instructors will be responsible for coordinating the delivery of periodic in-service education for all sworn personnel in the areas of health, nutrition, and physical fitness. The information presented during in-service education sessions must be consistent with the Commission approved curriculum used in basic law enforcement training.

3. The medical insurance benefits provided by the City of Kannapolis typically include coverage for an annual medical examination by the officer's primary care physician. Officers are encouraged to voluntarily obtain an annual medical exam when this benefit is available. Routine exams can provide for early detection of health problems and offer the best opportunity for effective medical intervention. Officers will be individually responsible for any co-payments or non-covered charges related to the private examinations.

4. The City of Kannapolis has established an Employee Wellness program. All personnel are strongly encouraged to participate in this program.

C. MINIMUM STANDARDS ESTABLISHED

1. The physical ability standards and testing procedures established for Basic Law Enforcement Training (BLET) by the Commission are hereby adopted as the minimum standards and testing procedures for police officer applicants and officers of the Kannapolis Police Department as provided in this General Order.

2. Physical ability standards shall apply equally to all officers of the Department, without regard to assignment, seniority, rank, race, age or gender.

3. The method used to assess police officers on their ability to meet established physical standards is simulative tasks. The simulative tasks are based on a statewide job task analysis for the position of entry-level law enforcement officer and are intended to accurately reflect and measure physical elements that are job-related and necessary to properly fulfill the requirements of the position.

4. For officers with qualifying disabilities under the federal American's with Disabilities Act (ADA), a determination as to whether the officer can meet established physical ability standards with "reasonable accommodation" will be made on a case-by-case basis by the City, based on sound medical knowledge, consultation with legal counsel, and other objective factors.

D. PRE-EMPLOYMENT PHYSICAL ABILITY TESTING

1. Because police officers will be required to demonstrate the ability to perform essential physical job tasks for the duration of their service with the Department, applicants for police officer positions will be required to complete the POPAT as part of the initial screening process.

2. Only one POPAT is allowed in any 24-hour period. If the applicant fails to complete the first POPAT attempt, he/she may, upon request, be scheduled for re-testing on a subsequent date. If the applicant fails to complete the second POPAT attempt, no further testing will occur.

3. Prior to participating in pre-employment physical ability testing, candidates for police employment must execute a *Waiver of Liability for Physical Ability Testing* (form KPD-209). In order to determine whether the applicant can safely participate in the testing, the candidate must also submit a *Physician's Statement* (form KPD-210) signed by their personal physician no more than two (2) weeks prior to the date the test is administered.

4. The Department may discontinue any further processing of a candidate's application for sworn employment based on their failure to successfully complete the POPAT. For applicants with qualifying disabilities under the ADA, a determination as to whether the applicant can meet established physical ability standards with "reasonable accommodation" will be made on a case-by-case basis by the City, based on sound medical knowledge, consultation with legal counsel, and other objective factors.

E. IN-SERVICE PHYSICAL ABILITY TESTING

1. All officers are encouraged to voluntarily participate in annual physical ability testing but are not required to do so.

2. If an officer is deemed by a supervisor as unable to perform the essential physical job functions as described in the applicable job description the Chief of Police may order physical ability testing.

3. All physical ability testing will be administered under the direct supervision of a certified instructor. Prior to conducting a POPAT, the instructor shall complete all of the following:

   (a) Inspect the equipment and facilities to be used during the test to ensure that they are in proper condition and suitable for testing purposes;

(b) Provide the participants with a description of the physical task performance standards, to include the requirements for successful completion of each event; and

(c) Explain the various test components. Participants will be taken to the test site and the instructor shall demonstrate how the various events should be completed. Adequate time will be allowed for participants to ask questions.

4. The instructor will use a Police Officer Physical Abilities Test Record (form KPD-211) to document whether or not the POPAT was completed. Only one attempt will be allowed. Once the instructor scores the POPAT, the officer will be informed of the test result.

5. If an officer is unable to complete a voluntary or agency ordered ability test, the instructor will inform the officer of the specific deficiency, and will forward a copy of the POPAT test result (form KPD-211) to the officer's supervisor and Bureau Commander no later than the next business day. Only one POPAT attempt is allowed during regular testing. Officers who fail to successfully pass the POPAT will be required to re-test.

6. Follow-Up Testing: Follow-up testing will be conducted in the same manner as regular testing and must be conducted at least 24 hours after the regular test. Only one attempt will be allowed. If the officer fails to complete the follow-up POPAT, he/she will be provided with a recommended voluntary program of physical exercise developed by the instructor and designed to improve the deficient area(s) of physical performance. The duration of the voluntary remediation period will be determined on a case-by-case basis by the Bureau Commander in consultation with the affected officer, instructor, departmental physician, and/or other relevant staff, as applicable.

7. Post-Remediation Testing: A POPAT will be scheduled at the conclusion of the remediation period. Only one attempt will be allowed. If the officer fails to complete the post-remediation POPAT attempt, the Bureau Commander will meet with the employee, affected supervisors, and instructor to review the matter and determine an appropriate course of action. Actions available to the Bureau Commander include, but are not limited to, the following:

   (a) The voluntary remediation period may be extended if there is reason to believe that the employee will be able to meet established POPAT standards with additional time. The duration of the period of additional voluntary remediation will be determined on a case-by-case basis by the Bureau Commander.

   (b) The officer may be required to attend and successfully complete a supervised program of physical fitness training. Supervised training will be administered by a qualified instructor according to a schedule and curriculum approved by the Department. The employee will be compensated for the actual time spent in required training sessions. The instructor will provide periodic evaluation reports to the Bureau Commander indicating the level of progress of the officer in improving the specific area(s) of deficiency.

8. No officer will be reclassified to non-sworn status, asked to retire, demoted, reassigned, or dismissed from employment based solely on the result of a POPAT if the officer has otherwise demonstrated a satisfactory ability to perform the physical requirements of the position assigned, with or without reasonable accommodation.

F. SATISFACTORY JOB PERFORMANCE REQUIRED

1. All sworn officers are required as a condition of continued employment to maintain the ability to satisfactorily perform the required physical tasks of their position.

2. Officers shall immediately notify the Department in writing of any medical or physical condition, temporary or otherwise, that impairs their ability to perform the physical requirements of their position. Such notice shall be routed via the chain of command to the Chief of Police.

3. If there is a clear and documented deficiency in the physical ability of any officer to satisfactorily perform the required functions of their position, formal departmental intervention will be required. The range of options available to the Department includes, but is not limited to, the following

   (a) The officer may apply for restricted duty status for a temporary period of time in accordance with city personnel policies;

   (b) The officer may use available and appropriate forms of accrued leave to pursue medical treatment and/or remediation that will enable them to return to unrestricted duty status;

   (c) The officer may be required to submit to medical examination by the Departmental physician to determine their medical fitness to perform the physical requirements of the position, with or without reasonable accommodation. The Department will pay the cost of this examination.

   (d) With the approval of the City Manager, and upon request, the officer may be granted a leave of absence without pay for a period of time for the purpose of pursuing a private program of medical treatment and/or remediation that will enable them to satisfactorily perform the physical requirements of the position;

   (e) The officer may be re-classified to a non-sworn position within the City if otherwise qualified for that position and a vacant position is available;

   (f) The officer may apply for disability retirement, if eligible; or

   (g) The officer may be involuntarily separated from employment based on their inability to perform the essential physical requirements of the position.

4. For officers with qualifying disabilities under the federal American's with Disabilities Act (ADA), a determination as to whether the officer can satisfactorily perform the required physical tasks of the position with "reasonable accommodation" will be made on a case-by-case basis by the City, based on sound medical knowledge, consultation with legal counsel, and other objective factors.

G. PERIODIC REVISION OF PHYSICAL ABILITY STANDARDS

1. The Commission may periodically authorize revisions to the BLET physical ability standards and testing procedures. Such revisions, as adopted and promulgated by the Commission, will automatically be incorporated into this Order upon their effective date.

2. When such action is deemed in the best interests of the Department, the Chief of Police may authorize a temporary moratorium on the imposition of sanctions for failure to pass the PAT pursuant to this Order in order to evaluate the departmental impact of revisions made in the BLET physical ability standards.

3. A temporary moratorium on sanctions will not relieve any officer of the requirement to participate in physical ability testing or health/fitness education as directed by the Department. Nor will a moratorium relieve any officer of his/her personal obligation to maintain a satisfactory ability to perform the physical requirements of the position.

H. RECORDS RETENTION

1. Original documentation related to POPAT for pre-employment purposes will be maintained in the applicant file. If the Department subsequently hires the applicant, these materials will be incorporated into the medical section of the officer's public safety file.

2. Original documentation related to POPAT for in-service officers, including special testing, health screening, medical examinations, physical assessments, and supervised remediation programs, will be maintained in the medical section of the affected officer's public safety file.

3. The Training Coordinator will retain documentation of the content of departmental health and fitness education programs on file.

APPENDICES:

Appendix A – POPAT Equipment Requirements & Testing Instructions

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INDEX AS:

Health & Fitness
Physical Ability Standards
Physical Abilities Testing
Physical Fitness
POPAT
Pre-Employment Testing

APPENDIX A

POLICE OFFICER PHYSICAL ABILITIES TEST
Requirements & Testing Instructions

The Police Officer Physical Abilities Test (POPAT) is a timed, two-part test of actual and simulated job task events that measure *basic* individual abilities directly related to the law enforcement profession. The following step-by-step description of the state mandated POPAT, obstacle dimensions, requirements and related criteria must be followed precisely to ensure standardization.

1. Participants **MUST** wear long pants and athletic shoes.

2. Instructors will provide course sequence directions and guidance to participants during the test.

3. Participants **MUST** complete Phase 1 successfully before moving on to Phase 2.

Test Description

Phase 1 - Chase and Apprehension Scenario

Begin by sitting in a chair. On the command of "Go," get up and advance forty (40) feet around the cone and back around the chair two (2) times.

Do a four (4) foot broad jump, which will be indicated by two (2) lines on the ground four (4) feet apart. Participant must clear the line for the event to count.

1. Clear a four (4) foot fence. This event must be accomplished by placing both hands on the fence and going over top of the fence in the safest manner possible.
2. Crawl under a two (2) foot obstacle. If participant move the obstacle, it will be place back into position, and participant must attempt the obstacle again until successfully completed.
3. Go around the back cone and run back to the roll bag and the mat. Once at the bag roll, mount the bag in a straddle position. Begin with participant's outside knee down on the ground. As participant rolls over top of the bag, be careful to make sure that participant's outside knee touches the ground. As participant rolls back over, participant's original outside knee must touch the ground. This will count as one (1) repetition. Participant must do three (3) of these rolls.
4. Complete twenty (20) push-ups with participant's hands about shoulder-width apart, body straight and off the ground in a fully extended position. Participant must lower and touch chin to a four (4) inch foam block and return to a fully extended position for the repetition to count.
5. Complete three (3) more bag rolls, using the same technique previously described.
6. Get up from the bag roll station and complete the following obstacles for a second time:

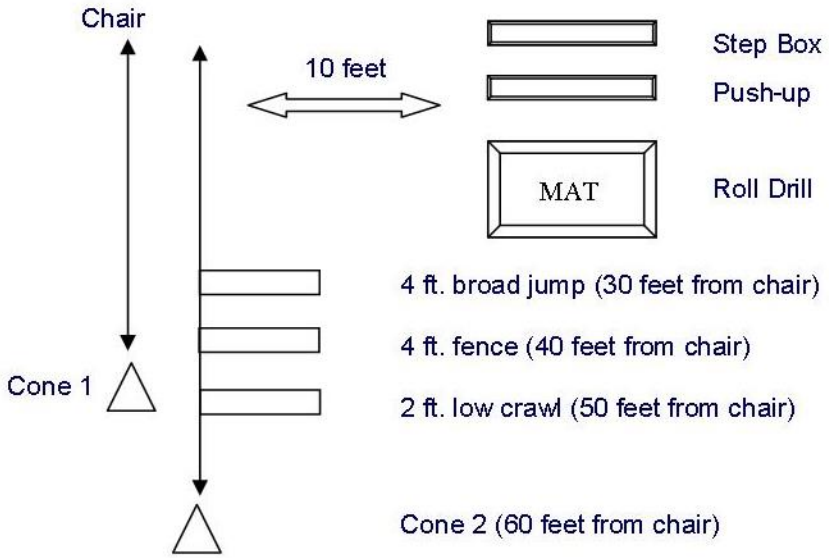
    - Four (4) foot broad jump
    - Four (4) foot fence

- Two (2) foot low crawl
- Run around the back cone and advance to the step box station.

7. Complete thirty (30) steps on the step box, placing both feet on the box and both feet back down to complete one (1) repetition.
8. Complete three (3) bag rolls.
9. Complete twenty (20) push-ups using the four (4) inch foam block.
10. Complete three (3) bag rolls.

Once the participant's knee touches on the final bag roll, the time will stop and participant's time will be recorded.

Phase 1 - Chase and Apprehension Diagram



This portion of the test must be completed in **6 minutes or less**.

Participants will be given a minimum of ten (10) minutes rest before moving on to the next part of the test.

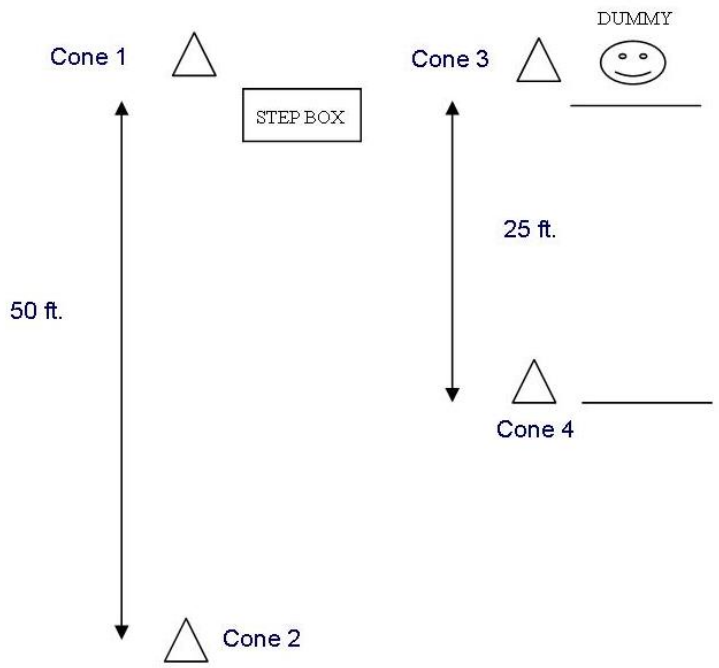
Phase 2 - Rescue Scenario

1. Start at a cone, advance fifty (50) feet around another cone and back two (2) times.
2. Complete thirty (30) steps on the step box placing both feet on the box and both feet back down to complete one (1) repetition.
3. Advance fifty (50) feet around the original cone and back two (2) times.

4. Return to the station where a dummy will be laying on the ground, with the head behind the line. Drag the dummy backward across the twenty-five (25) foot mark, indicated by a cone, and back across the original line. There is no wrong way to drag the dummy, but participants have to move backwards while dragging it.

Once the dummy is across the original line, time will stop and participant's time will be recorded.

Phase 2 - Rescue Diagram



This portion of the test must be completed in **3 minutes or less**.

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: **500-01**
SUBJECT: MEDIA RELATIONS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 03-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental policy and procedures governing the release of information to the public and news media.

POLICY

The Kannapolis Police Department is committed to informing the community of events within the public domain that are handled by or involve our agency. The policy of the Department shall be to release information in a manner that does not compromise individual rights, impair the investigation or prosecution of criminal offenses, nor impede the law enforcement process. By providing the news media and the public with information on our administration and operations, the Department can foster a relationship of mutual trust, cooperation, and respect. Members of the Kannapolis Police Department are to cooperate with the Public Information Officer and media representatives to expedite the disclosure of information to which the public is lawfully entitled.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Administrative News Release: the dissemination of information that pertains to the administration, management, policies, and organizational aspects of the Department.

2. General News Release: the dissemination of information that pertains to operational aspects of the Department.

3. Public Information Officer (PIO): the Public Information Officer for the City of Kannapolis.

PROCEDURES

A. ORGANIZATION & ADMINISTRATION

1. Members are to provide reasonable assistance to the PIO and news media personnel in their coverage of routine news stories and at the scene of incidents. Such assistance will be secondary to the primary duties and responsibilities required by the member's position or assignment.

2. Members of the Department must exercise discretion and common sense to avoid rendering statements or information that may create a misunderstanding or compromise the effectiveness of service. Statements and information provided to the PIO or media must be professional in nature and consistent with the member's position as a police employee.

3. Administrative News Releases and information pertaining to agency personnel, plans, internal discipline, policies and procedures, civil litigation, complaints against Department members, internal investigations or administrative changes will be prepared by the Chief of Police or his designee and distributed through the PIO.

4. General News Releases will normally be made by command and supervisory personnel. However, those officers conducting investigations or otherwise directly involved in a particular incident may release specific information in accordance with this Order. Such releases are to include only that information which is deemed to be public record and will not impair a police operation or investigation:

    (a) Routine news releases will be made on a daily basis during the hours of 0800-1000, and as necessitated by specific occurrences;

    (b) Subject matter of such releases will normally involve criminal investigations, arrest information, calls for service, and traffic accident information;

    (c) On-duty command and supervisory personnel will remain available to provide responses to inquiries as part of the public information function;

    (d) Releases will be disseminated in such a manner to ensure that first-release information is equally available to all news media.

5. The Chief of Police will exercise overall authority over the release of public information on behalf of the Police Department. However, in order to expedite the release of routine information, Bureau Commanders will be responsible for coordinating the release of information pertaining to crimes and incidents assigned to personnel under their command. All procedures and restrictions outlined within this directive will apply to such releases.

6. To ensure that confirmed accounts of serious incidents and investigations of an immediate interest to the news media are reported in a timely manner, the ranking officer-in-charge at the scene shall contact the PIO at the earliest practical time to provide an oral summary of the information that can be released regarding the incident.

    (a) Information to be released will include the general circumstances of an event and any supporting data that is deemed to be a matter of public record;

    (b) The officer in charge may, as circumstances permit, elect to answer general inquiries made by news media representatives who respond to the scene of an event. However, all media inquiries for information during an on-going emergency or serious incident will be referred to the PIO.

7. News conferences and media releases on major crimes, high profile operations and other incidents generating significant media interest will be conducted only at the direction of the Chief of Police or his designee and coordinated with the PIO. Personnel who are needed for assistance or to provide specific information will be assigned to help prepare releases and

participate on an "as-needed" basis. The PIO will handle the logistics of scheduled news conferences and will ensure that all local news media are notified and invited to attend.

8. During a major event or emergency situation, the PIO will serve as media liaison to the police Incident Commander and will assist news media representatives in their efforts to report the situation. In order to preserve the integrity and security of police operations, the Incident Commander must pre-approve the information included in news releases made during an on-going incident or emergency. As part of this function, the news media may be requested to assist the Police Department by providing relevant information to the community (e.g. evacuation or shelter information, traffic detour routes, etc.).

9. Specific police department personnel are authorized to release information, as follows, within the guidelines of this directive:

   (a) Incident Scenes: The ranking officer at the scene of an incident is authorized to release routine information pertaining to the incident, unless otherwise directed;

   (b) Agency Files: Records personnel may release routine information, such as providing copies of public record reports to victims, insurance companies, etc. All other requests for information from agency files are to be directed to supervisory officers;

   (c) Criminal Investigations: Routine investigative information may be released by the officer assigned to the case, or by the supervisor or commander in charge of the investigation.

B. GUIDELINES FOR RELEASE OF INFORMATION ON CRIMINAL INVESTIGATIONS

1. The following information **MAY** be made available to news media personnel in criminal matters, unless such release would tend to compromise or hinder an on-going investigation.

   (a) The name of the person arrested or charged (if 16 years of age or older), age, sex, residence, employment, marital status, and similar biographical data;

   (b) The nature or text of the charge, complaint, or indictment;

   (c) The identity of the investigating or arresting agency and length of the investigation;

   (d) The circumstances immediately surrounding the arrest, including the time and place of arrest, resistance, pursuit, possession and use of weapons, and a description of items seized at the time of arrest;

   (e) The victim's name, address, age, sex, occupation, property involved, and injuries sustained. *(**EXCEPTION**: In rape or sex offense cases, only the age and sex of the victim and general location where the crime occurred may be released).*

   (f) The type of force used against the victim and extent of injuries to either the victim or assailant.

2. The following information should **NOT** be released to the news media:

   (a) Statements related to the character or reputation of an accused person or a prospective witness;

   (b) Admissions, confessions, or the contents of a statement or alibi attributable to an accused person;

   (c) The performance or the results of any tests, or the refusal of the accused to take a test or to participate in a lineup, except that which is a matter of public record;

   (d) Statements concerning the credibility or anticipated testimony of prospective witnesses;

   (e) The possibility of a plea arrangement, or any other disposition;

   (f) Opinions concerning the evidence or any argument in the case, whether or not it is anticipated that the evidence or argument will be used at trial;

   (g) Name, address and the present location of any victims of sex offenses;

   (h) Name and address of unindicted witnesses to any crime;

   (i) Name and address of any subject sought for a crime, but not yet formally charged, unless assistance is requested from the news media in an effort to locate a subject;

   (j) Name and address of juveniles arrested, as provided by law;

   (k) The contents of any note, recording or message left by the victim of a suicide;

   (l) Information which may reveal the identity of a confidential informant;

   (m) Any information that may reveal the identity of any law enforcement officer working in an undercover capacity.

C. NEWS MEDIA ACCESS AT INCIDENT SCENES

1. General Access: Department personnel should extend reasonable courtesies to news media representatives who are actively covering an incident at the scene. These courtesies may, with Incident Commander approval, permit closer access and opportunity to view the scene than granted to the general public, so long as such courtesy does not interfere with police operations or create additional safety hazards. When closer access is granted, the officer-in-charge shall specifically identify the area where the news media will be allowed to enter and remain. These restrictions shall be clearly communicated to media representatives.

2. Direct Access: Direct access to a crime or incident scene by news media personnel may be allowed only after all known evidence has been processed and the on-site investigation has been completed. This restriction is necessary to preserve the integrity of the scene. Following release of the scene by police, it will be the responsibility of the media representatives to obtain permission from affected property owners or their representatives for entry onto private property. Police officers cannot grant this right of access to private property.

D. PHOTOGRAPHING, TELEVISING, OR RECORDING BY NEWS MEDIA

1. In Public Places: News media personnel shall be allowed to freely photograph and film at the scene of any incident so long as their presence is lawful and the activity does not interfere with any law enforcement activity or investigation. Officers may take reasonable measures to protect the privacy of a scene, such as covering a body, if the officer in charge deems such measures appropriate and necessary.

2. Suspects & Arrested Persons: Suspects or persons in custody shall not be deliberately posed for photographs, telecasts or videotaping by media representatives. Neither shall Department personnel pose themselves with a suspect or arrested person, nor enter into any agreement with the media to have a suspect or person in custody at a prearranged time and place to be photographed, televised or interviewed. No action shall be directed against the news media to prevent or impede their lawful right to photograph such persons while in public view at incident scenes or in other public places. Under no circumstances will news media representatives be permitted to interview persons in the custody of the Department.

3. Fire Scenes & Mutual Aid Incidents: Media access to fire scenes and the release of information concerning firefighting operations shall be controlled by the on-scene fire commander. Officers at the scene shall confer with the on-scene fire commander and assist in establishing an observation point from which media personnel may observe and photograph the proceedings. Media access and the release of information concerning other incidents at which police are serving in a mutual aid or assisting role will be the responsibility of the officials in primary command of the scene. This does not, however, relieve police officers of their responsibility to protect the public welfare.

E. SOCIAL MEDIA USE

1. The use of social media platforms by agency personnel is intended to provide public information about agency activities, neighborhood or citywide safety concerns, organizational programs, and other agency functions.

2. The official publication of this type information shall be limited to the Department's official Kannapolis911 Facebook, Twitter, or other platforms specifically approved in writing by the Chief of Police.

3. The Support Services Bureau Commander is designated as the Social Media coordinator and shall provide the appropriate login and password credentials to agency personnel authorized to post on the approved platforms.

4. Personnel authorized to make original posts is limited to the individuals holding the rank of Lieutenant or higher, or other specifically designated personnel.

5. The following guidelines should be utilized to ensure the use of this method of community contact is in keeping with agency goals and objectives:

    (a) Patrol Lieutenants are encouraged to post twice each month addressing either a Public Service Announcement, or posts concerning agency operations that may have an impact on the community or their specific sector;

(b) The Criminal Investigations Lieutenant is encouraged to post twice each month addressing wanted persons, still or video seeking the identification of suspects, CrimeStopper information, etc.;

(c) The Traffic Unit Sergeant is encouraged to post at least once each month a traffic safety Public Service Announcement, or other post addressing related topics of a neighborhood or community wide interest.

6. Agency personnel are reminded the restrictions related to the use personal web pages and social networking web sites which can be accessed by the public are covered in General Order 1200-11 (Social Networking Sites).

F. CONFIDENTIAL AND INTERNAL INVESTIGATIONS

1. Confidential intelligence or investigative information will not be disclosed to any unauthorized person except by express permission from the Chief of Police or pursuant to a lawful court order.

2. Investigative information pertaining to internal affairs and administrative investigations will be disclosed only by the Chief of Police, and then only when such disclosure has been specifically authorized by the City Manager and/or City Council, or pursuant to a lawful court order.

   (a) When information is released on internal affairs or internal investigations, it will be consistent with City Personnel Policies and conform with State law as it pertains to the rights of officers and employees;

   (b) When details of an internal investigation are to be released to the news media, disclosure will be made only after the investigation is completed.

G. MEDIA CREDENTIALS

1. The Department recognizes valid identification from all accredited news agencies. Appropriate media privileges are extended to properly identified representatives due to the public purpose served by these agencies. News media privileges will not be extended to unaffiliated (free-lance) writers, photographers, or other members of the general public.

H. MEDIA PARTICIPATION IN POLICY DEVELOPMENT

1. The contents of this directive shall be furnished to all local news media, and to other media upon request. All changes to this directive will likewise be furnished. News agencies are invited and encouraged to participate in the continued development of this policy by providing comments and suggestions.

INDEX AS:

Media Relations
News Releases
Press Conferences

Public Information

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 500-02

SUBJECT: INTERNAL AFFAIRS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 03-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish internal procedures for the investigation and disposition of alleged or suspected misconduct by Department members.

POLICY

It shall be the policy of the Kannapolis Police Department to investigate complaints and allegations related to internal discipline in a manner that will assure the community of prompt corrective action in the event of employee misconduct, while at the same time protecting employees from unwarranted criticism pursuant to the proper discharge of official duties. This policy shall include the investigation of alleged or suspected violations of laws, ordinances, Departmental rules, policies or procedures.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Administrative Investigation: an internal investigation where only internal disciplinary action is anticipated, and which is conducted separate and apart from any criminal investigation.

2. Internal Affairs: matters related to the conduct of agency employees and the maintenance of internal discipline. Internal affairs matters include, but are not limited to: citizen complaints, incidents involving the use of force, and allegations of improper or illegal conduct.

3. Internal Investigation: a formal investigation conducted at the direction of the Chief of Police into serious allegations of improper or illegal conduct by agency employees. Internal investigations are designated as either administrative or criminal in nature.

4. Supervisory Investigation: an administrative investigation into incidents or complaints of a relatively minor nature, conducted by the immediate supervisor of the accused member.

PROCEDURES

A. ADMINISTRATION

1. The internal affairs function has been established for the purpose of maintaining professional conduct within the agency, and to ensure the fair and impartial treatment of

employees who are subject to the internal review process. Activities of the internal affairs function include:

(a) Recording, registering, and controlling the investigation of complaints against employees;

(b) Supervising and controlling the investigation of alleged or suspected employee misconduct;

(c) Administrative review of high liability events, including the use of force, vehicular pursuits, and forcible entry to private premises;

(d) Maintaining the confidentiality of the internal affairs investigation and associated records.

2. The Deputy Chief will have responsibility for performing the internal affairs function and shall have the authority to conduct investigations and make report directly to the Chief of Police in accordance with this General Order.

3. As part of the internal affairs responsibility, Bureau Commanders will conduct a routine review of all internal reports involving members under their command which fall within the scope of the internal affairs function, including, but not limited to: citizen complaints, supervisory investigations, use of force reports, pursuit reports, and forcible entry reports.

4. Allegations against Bureau Commanders or the Deputy Chief shall be investigated by the Chief of Police or his designee. Allegations against the Chief of Police shall be referred to the City Manager.

5. All complaints or allegations of misconduct made against the Department or its members shall be appropriately investigated and promptly adjudicated in order to preserve the integrity of the agency and its employees.

6. Supervisors at all levels shall perform the duties and obligations of their position in the investigation of complaints or allegations of misconduct involving Department employees. It shall be the duty of all employees to report any violation of laws or rules by any other Department employee to the appropriate supervisor.

7. Complaints of a less serious nature (Category C or Category D violations) will be investigated and resolved when possible by the immediate supervisor of the accused member.

8. A formal internal investigation by the Deputy Chief and selected staff will be required for complaints or allegations of a serious nature (Category A or Category B violations), including, but not limited to: allegations of corruption, brutality, misuse of force, breach of civil rights, and criminal misconduct.

9. Criminal investigations arising out of an internal affairs matter may, at the request of the Chief of Police, be conducted by the North Carolina State Bureau of Investigation or other appropriate agency of jurisdiction. In all instances, internal administrative investigations and criminal investigations shall be conducted separately.

10. The Department will make public is procedures for filing complaints against the Department or its employees and will make available to Department employees and the public statistical summaries of citizen complaints received for investigation and their disposition.

B. CITIZEN COMPLAINTS

1. Complaints shall be accepted from any source, including anonymous sources, whether made in person, by mail, or over the telephone. Every effort should be made to have the complainant personally appear, discuss the nature of the complaint in detail, and sign a complaint report form. In cases where the complainant cannot file the report in person, Department personnel may visit the individual at his or her home, place of business or other location to complete the report. Before a formal investigation is concluded, the complainant should give a formal signed statement, if possible.

2. When feasible, the receiving supervisor shall furnish the complainant with a copy of the completed Complaint Report as written verification of receipt of the complaint by the Department. The supervisors will also furnish the complainant with a brief description of the Department's procedures for the investigation of citizen complaints (Form KPD-169).

    (a) Complaints will be accepted by any supervisor of the Department who is approached for such assistance. Supervisors shall not delay the acceptance of a complaint because the accused employee is assigned to another Unit, Division, or Bureau.

    (b) Without exception, every received complaint which, if true, would constitute a violation of departmental policy, shall be documented in the Complaint module of the Department's Records Management System and notification promptly forwarded by email via the chain of command to the Chief of Police. An internal affair file number will be assigned to every complaint received for investigation.

3. The receiving supervisor may attempt to resolve a complaint during the initial contact with the complainant. Efforts to resolve the complaint should be documented on the complaint report.

4. Any allegation of employee misconduct serious enough to require immediate action by the Department, such as criminal misconduct, improper use of deadly force, or gross misconduct resulting in serious injury or extensive property damage, shall be reported immediately to the Chief of Police.

5. Upon initial review by the Chief of Police, complaints will be assigned for appropriate investigation as follows:

    (a) <u>Criminal Investigation</u>: formal investigation of allegations of illegal conduct that could result in criminal charges being filed against the employee.

    (b) <u>Internal Investigation (Administrative)</u>: formal investigation of Category A or Category B violations that, if sustained, could result in disciplinary suspension, demotion, or dismissal.

(c) Supervisory Investigation (Administrative): investigation of Category C or Category D violations that, if sustained, could result in counseling, remedial training, verbal or written reprimand, or change in duty assignment.

6. Administrative investigations are to be completed within thirty (30) calendar days following the initial assignment. Extensions to the 30-day time limit may be granted by the Chief of Police when additional investigative time is required due to the complexity or nature of the investigation.

C. SUPERVISORY INVESTIGATION

1. Upon becoming aware of or receiving notification of potential misconduct by an employee under his/her command, a supervisor shall begin an immediate investigation of such allegation in accordance with the applicable procedures described in this Order. The supervisory investigation shall be limited to questioning the employee, witnesses and complainants, and securing all relevant evidence.

2. Upon completion of the investigation, the supervisor shall forward the following material through the chain of command to the Deputy Chief.

   (a) A report of the alleged violation;

   (b) All documents and evidence related to the investigation;

   (c) Recommendations for further investigation, or other disposition of the complaint.

D. BUREAU COMMANDER RESPONSIBILITY

1. Under the direction of the Deputy Chief the Bureau Commanders shall have primary supervisory responsibility for the review and investigation of all complaints against employees under their command, whether initiated by a citizen or the Department. While investigating a complaint of misconduct, Bureau Commanders are delegated the authority of the Chief of Police for the purpose of directing the investigation.

2. Upon receipt of a complaint, an initial determination as to the severity Category of the allegation and investigative responsibility shall be made. A supervisory investigation may be ordered or stopped at any time, and full investigative authority assumed by the Bureau Commander.

3. The Deputy Chief is responsible for keeping the complainant informed concerning the status of a complaint, to include at a minimum:

   (a) Verification of receipt that the complaint has been received for processing.

   (b) Bi-weekly status reports documented on form KPD-167 (Internal Investigation Status Report).

   (c) Notification of the results of the investigation upon conclusion.

4. If an internal administrative investigation reveals illegal conduct or a serious violation of Department policy that is unrelated to the original complaint, such finding shall be promptly reported to the Chief of Police, who will determine if a separate investigation is warranted.

5. Upon completion of the investigation, the Deputy Chief and affected Bureau Commander shall confer and shall forward to the Chief of Police a written report detailing findings of fact and recommendations for final disposition of the complaint. All materials and documentation related to the investigation shall be submitted with the report.

E. EMPLOYEE INTERVIEW PROCEDURES

1. The procedures outlined in this Order are to be followed whenever a Department employee is questioned as part of an investigation into allegation(s) of misconduct.

2. Prior to an internal interview that is part of a criminal investigation, the employee under investigation shall be advised orally and in writing of their constitutional rights under *Miranda*. The provisions of *Miranda* will be adhered to throughout the interview. In such cases, the employee may not be disciplined for asserting their constitutional right to remain silent.

3. Prior to an internal interview that is part of an administrative investigation, the employee under investigation shall be provided with a written statement of the allegations(s) and shall be advised orally and in writing of their rights and responsibilities relative to the investigation, to include the following:

   (a) The employee is required to answer all questions specifically and directly related to the employee's job performance or fitness for duty;

   (b) Refusal to answer pertinent questions or to cooperate fully in the administrative investigation will constitute insubordination and may subject the employee to further disciplinary action, up to and including dismissal;

   (c) Any required self-incriminatory admission made during the interview may only be used in subsequent administrative proceedings and will not be used against the employee in any criminal proceeding.

4. Representation and presence of legal counsel during the internal interviews shall be as follows:

   (a) Employees being interviewed as part of an administrative investigation are not permitted to have an attorney or other representative present during the interview. Consideration should be given to an employee's desire to consult with legal counsel prior to the interview in order to determine their legal rights and responsibilities. However, an administrative interview shall not be unreasonably delayed for this purpose.

   (b) Employees being interviewed as part of a criminal investigation may assert their right to legal counsel under *Miranda* and will be entitled to the presence and assistance of legal counsel during the interview.

5. The interview of any Department employee shall be conducted at a reasonable hour, preferably when the member is on-duty, as determined by the relative urgency of the investigation.

6. The employee being interviewed shall be informed of the name and rank of all persons present unless that information is unknown. Should an employee be required to leave

his/her assigned duties or area of assignment, his/her supervisor shall be notified accordingly. Reasonable meal and rest periods shall be allowed during the interview period.

7. The employee being interviewed shall not be subjected to any offensive or abusive language, nor threatened with dismissal or other disciplinary action. No promise or reward shall be made by the investigator as an inducement to answer any questions, and no intimidation techniques will be employed. Nothing herein shall be construed to prohibit the interviewing officer from informing an employee in an administrative investigation that he/she is subject to additional disciplinary action for refusal to answer questions or cooperate fully in the administrative investigation.

8. The employee shall truthfully answer all questions posed to him/her by the investigation officer in an administrative investigation. Any deception or materially false statement will subject the employee to additional disciplinary action.

9. Questions asked during the interview should be specific in nature and directly related to the investigation. The majority of questions should be asked by a single interviewer.

10. If the interview is tape recorded, the investigator will ensure that the information contained on the tape is accurately transcribed or summarized into written form and signed by the person interviewed. Should it be necessary to stop the tape recorder during an interview, the investigator must verbally state for the record why the recorder was turned off. No questions will be asked during the pause. Original tape recording will be maintained as part of the internal investigation file.

11. All written statements and/or transcriptions of recorded interviews shall contain a heading with the following information:

    (a) IA file number;
    (b) Name of investigator(s) conducting the interview;
    (c) Name of the person being interviewed;
    (d) Location of interview;
    (e) Date and time the interview began and ended;
    (f) Name of any other person(s) present;
    (g) Whether the interview was tape-recorded.

12. Any employee or other person providing a written statement to the Department as part of an internal investigation shall be permitted to read and receive a copy of their own statement.

F. POLYGRAPH EXAMINATIONS IN CRIMINAL INVESTIGATIONS

1. In criminal matters under investigation, the employee shall be advised of his/her right to accept or reject the polygraph examination. Should the employee waive his/her rights and consent to take the polygraph examination, he/she shall be informed that any statement or evidence derived from the examination can be used by the Department in both administrative and criminal actions.

G. SPECIAL EXAMINATIONS & PROCEDURES IN ADMINISTRATIVE INVESTIGATIONS

1. An employee may be required to submit to medical or laboratory examinations, at the agency's expense, when such examination is specifically directed and narrowly related to a particular internal administrative investigation being conducted by the agency. An employee may also be required to be photographed, submit audio or video recordings for use as exemplars, to participate in a line-up and/or submit a financial disclosure statement when such actions are material to a particular internal administrative investigation.

2. Upon the order of the Chief of Police, an employee shall:

   (a) Submit to a polygraph examination.

   (b) Submit to any medical, ballistics, chemical or other tests, photographs, or line-ups required in an administrative investigation; and release the results of any such tests to the Department in connection with the administrative investigation.

   (c) Participate in the creation of audio and/or video recordings to be used as exemplars to be used as part of an administrative investigation. These exemplars will be used for the limited purpose of the specific investigation for which they are ordered.

   (d) Submit financial disclosure statements in accordance with Departmental procedures in connection with a complaint in which this information is material to the investigation. Financial statements will be confidentially maintained by the Chief of Police and shall not be made available to the public.

   (e) Submit medical records that are granted by the employee and/or the employee's physician and that relate to a condition that the employee has raised as an issue, and the condition pertains to the employee's fitness for duty or job performance.

H. SEARCHES/EXPECTATION OF PRIVACY

1. Desks, lockers, storage space, rooms, offices, equipment, information systems, work areas, and vehicles are the property of the City of Kannapolis and are subject to inspection. They may also be searched in order to retrieve City property or to discover evidence of work-related misconduct, if there is reason to suspect such evidence is there.

2. Private property can be stored in areas mentioned above; however, employees shall not expect privacy in those areas. Only those employees who are acting in their official capacity shall be authorized to search or inspect areas assigned to other employees.

3. Due to the very nature of the complex problems that face law enforcement and the need for accuracy in reporting, those persons using police telephone lines can reasonably expect that security could take the form of monitoring and/or recording incoming or outgoing calls.

I. DISPOSITION OF ALLEGATIONS OF EMPLOYEE MISCONDUCT

1. Upon receipt of a supervisor's recommendations on a disciplinary matter, or upon completion of an internal investigation, the Bureau Commander shall submit written recommendations to the Chief of Police as to whether a violation has been sustained according to the evidence.

2. The Chief shall review the report and supporting documents, and shall give final approval of the disposition of the case in one of the following ways:

   (a) Misconduct Established: the investigation disclosed sufficient evidence to prove the allegation made in the complaint.

   (b) Misconduct Not Established: the investigation failed to disclose sufficient evidence to prove the allegation made in the complaint.

3. Upon making a final disposition, the Chief shall return the disciplinary recommendation to the appropriate supervisor for service and execution of the decision. All disciplinary actions arising out of a supervisory or internal investigation shall be in accordance with departmental directives and City personnel policies.

4. The accused employee shall be notified in writing of the final disposition of each allegation as soon as is practical after the disposition is made.

5. The employee shall have the opportunity to read and attach a reply to any adverse complaint in his/her personnel file. Also, the employee shall have the opportunity to read, sign, and date any document which contains the results and/or disposition of an investigation, prior to the document being placed in the employee's personnel file.

6. The resignation of an employee will not prevent the Kannapolis Police Department from rendering a final disposition of an internal investigation.

7. The Chief of Police or his designee will notify the complainant of the results of the investigation upon conclusion. The manner and specificity of this notification will be at the discretion of the Chief of Police in accordance with City personnel policies and state law.

8. No internal investigation shall be considered closed and no disciplinary action taken and the result of such an investigation shall be considered final until all hearings and appeals are concluded. Upon the order of the Chief of Police, an administrative investigation may be reopened and any disciplinary action or disposition resulting therefrom may be reassessed upon the presentation of new or additional evidence not previously considered by the Department.

J. HEARINGS & APPEALS

1. Employees have the right to file a grievance or adverse action appeal, as applicable, concerning any disciplinary action imposed by the Department. Grievances and adverse action appeals shall be in accordance with the established policies and procedures of the City of Kannapolis.

2. All reports resulting from an investigation of an employee, including any disciplinary actions taken, are to be provided to the City Manager if the City Manager makes such a request and/or if the Chief of Police feels that the City Manager should be informed of the investigation.

K. SECURITY OF INTERNAL AFFAIRS RECORDS

1. The agency shall maintain a record of all complaints against the agency or employees. These internal affairs records are confidential and will be maintained by the Chief of Police in a secure file that is separate from the Department's central records system and personnel files. Access to internal investigation files shall be restricted to persons specifically authorized by the Chief of Police for office purposes.

2. The release of any information contained in internal investigation files must be authorized by the Chief of Police and/or City Manager and shall be in accordance with City personnel policies and North Carolina Statute 160A-168.

INDEX AS:

Administrative Investigations
Citizen Complaints
Internal Affairs
Internal Investigations
Supervisory Investigations

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: **500-03**
SUBJECT: DEPARTMENTAL AWARDS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 03-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish internal procedures for the application, review, approval and display of departmental awards.

POLICY

The Kannapolis Police Department is committed to the recognition of police officers, civilian employees, and members of the public whose actions, conduct or service represent an exemplary contribution to the mission of the agency or which reflect a high degree of professional excellence.

PROCEDURES

A. DEPARTMENTAL AWARDS COMMITTEE

1. A departmental Awards Committee will be appointed by the Chief of Police and will meet periodically as required to provide timely review and disposition of Class A award applications.

2. The procedure for conducting Awards Committee meetings shall be as follows:

   (a) The committee members in attendance at a regular called meeting will constitute a quorum for the purpose of rendering a decision.

   (b) The supervisor submitting an application for a Class A award on behalf of another member may appear before the committee to present the justification for the application and to provide any additional supporting information.

   (c) Voting results are determined by simple majority, and each committee member present will have one vote. Provided, however, that no committee member may participate in any committee review or vote on his/her own application for an award. All committee decisions shall be considered as unanimous and reported as such.

   (d) Upon consideration of the information provided by the recommending supervisor, the awards committee may take one of the following courses of action:

      (1) Approve the award for which application is made;
      (2) Approve an alternate award;
      (3) Deny the award;
      (4) Defer the application (without a vote) for further action.

3. Award applications that are denied by committee vote may not be resubmitted for consideration at a future time. Applications that are deferred without a vote may be resubmitted for consideration at a subsequent committee meeting. The awards committee will determine the appropriate award, if any, to be approved based on available information, irrespective of the specific award requested on the face of the application form.

4. The Chief of Police may overturn an awards committee disposition and return the matter to committee for re-consideration if the original decision would be contrary to the best interests of the Department, or when there is reasonable cause to believe that a committee decision was based upon an error, omission, or misrepresentation of fact in the application.

5. Notice of the disposition of award applications will be provided to the affected member(s) as soon as practical following a final decision. Awards approved by the committee will be documented in the affected employee's public safety file and presented as soon as practical.

B. AWARD APPLICATION

1. Members must be recommended for a Class A award by a supervisory officer, who will endorse and submit a completed application form via the chain of command to the Chief of Police. Supervisors at all levels should remain alert to actions, conduct or achievements by agency members or other persons that would merit consideration for an award.

2. Any member may originate and submit an application for a Class B award or designation via the chain of command to the Chief of Police in accordance with this Order, and the applicable procedures for the type of award or designation requested.

3. Applications should be as specific as possible in setting out the justification for the award and should include adequate and verifiable documentation where required. The reviewing authority is not obligated to gather supporting documentation and may properly deny an application due to the absence or insufficiency of the information presented.

4. Members who feel that they may be eligible to receive an award and are being unfairly denied the opportunity for consideration may request a review of the circumstances through the normal chain of command. The only purpose of the review is to determine if sufficient facts are present to justify the submission of an application. The decision as to the merits of the application and approval of the award will remain the exclusive responsibility of the awards committee and Chief of Police.

C. CLASSIFICATION OF AWARDS

1. CLASS A AWARDS: Class A awards are higher awards presented in recognition of meritorious action or distinguished service to the department in the line of duty and require approval of the awards committee and Chief of Police. Class A awards include:

    (a) Medal of Valor
    (b) Police Star
    (c) Police Commendation (Individual & Unit)
    (d) Civilian Commendation
    (e) Distinguished Service Award
    (f) Life Saving Award
    (g) Purple Heart

2. CLASS B AWARDS: Class B awards may be earned for professional and academic achievement and require the approval of the Chief of Police. Class B awards include:

   (a) Intermediate Law Enforcement or Telecommuncator Certificate
   (b) Advanced Law Enforcement or Telecommunicator Certificate
   (c) Safe Driving Award
   (d) 2-Year Academic Degree
   (e) 4-Year Academic Degree
   (f) Graduate Degree

3. CLASS C AWARDS (DESIGNATIONS): Class C awards are designations that relate to specialized assignments or responsibilities within the agency and require the approval of the Chief of Police. Class C designations include:

   (a) Field Training Officer
   (b) Honor Guard
   (c) Special Response Team
   (d) K-9 Handler
   (e) Traffic Officer / Reconstructionist
   (f) DARE Officer

4. SPECIAL AWARDS: The Chief of Police may present special awards to department members or other persons in recognition of exemplary actions, service or achievement in the furtherance of the police mission. Such awards are intended as specific recognition by the Office of the Chief of Police and do not require awards committee review and approval.

D. CRITERIA FOR CLASS "A" AWARDS

1. Medal of Valor: The Medal of Valor is the department's highest award for heroic actions above and beyond the call of duty, and may be presented to an officer for conspicuous action in the line of duty involving extreme risk to the officer's own life when, because of such valor, a serious crime is prevented, a dangerous perpetrator is apprehended, or serious injury or death to an innocent person is averted.

2. Police Star: The Police Star is the department's second highest award and is presented for meritorious action above and beyond the call of duty. This award may be presented for exemplary action in the line of duty under unusually difficult or dangerous conditions when, because of the officer's action, a serious crime is prevented, the perpetrator is apprehended, or serious injury or death to an innocent person is averted. The action need not involve imminent risk of death to the officer, but must involve unusual determination, valor, initiative, skill, selflessness, or professionalism.

3. Commendation (Police): The Police Commendation is intended to recognize outstanding actions or service to the department in the line of duty that reflect a high degree of professional excellence. This award may be presented to an individual police officer, or to a group of police officers for outstanding actions or service performed as a unit.

4. Commendation (Civilian): The Civilian Commendation is intended to recognize civilian members and may be presented for outstanding actions or service to the Department in the line of duty that reflects a high degree of professional excellence, or for exemplary service of an extended nature that brings unusual credit or honor to the Department. This award may be

presented to an individual member, or to a group of civilian members for outstanding actions or service performed as a unit.

5. Paul D. Brown Distinguished Service Award: The Distinguished Service Award is intended to recognize exemplary service to the department and may be presented to any member for contributions to difficult police programs, assignments, projects, or other situations, such contributions being of a high degree of professional excellence; or for exemplary service of an extended nature which brings unusual credit or honor to the department.

6. Life-Saving Award: The Life Saving Award may be presented to any member for outstanding action above and beyond the normal requirements of duty that directly results in the saving of a human life. Documentation and other supporting evidence such as statements from physicians, witnesses, or EMS personnel should accompany the application. If the member's actions were directly responsible for the revival or sustaining of life until the victim was released to the care of medical authorities, the member may properly be considered for this award, even though the victim may have subsequently died.

7. Purple Heart: The Purple Heart may be presented to a police officer for serious physical injury sustained in the line of duty requiring significant medical intervention and treatment. Hospitalization is normally required. The officer must have been actively engaged in the performance of a law enforcement function at the time of the injury. Supporting documentation must be provided with the application to establish how the injury occurred, the nature and severity of the injuries sustained, and the extent of medical treatment required.

   (a) Although primarily intended to recognize officers who are seriously injured as the result of an adversarial action, the Awards Committee may also consider unusually serious cases involving injuries incurred from other duty related hazards (fires, explosions, traffic accidents, etc.) where the evidence clearly establishes that the officer exercised all responsible safety precautions and had no reasonable control over the circumstances leading to the injury.

   (b) The Awards Committee may not consider any injury sustained as the result of any conduct or actions by the injured officer that are less than fully acceptable by all agency standards.

8. Class A awards may be presented posthumously to members who are killed in the line of duty under circumstances in which they would otherwise be eligible to receive the award. Posthumous awards will be presented by the Chief of Police to the member's immediate survivor or other appropriate family member.

9. The Awards Committee may properly award more than one type of award for actions arising from the same set of circumstances should they determine that the applicant has independently satisfied the criteria for each award given.

E. CRITERIA FOR CLASS "B" AWARDS

1. Professional Certificate Awards:

   (a) An Intermediate or Advance Law Enforcement Certificate may be presented to police officers who have earned higher professional law enforcement certificates from the North Carolina Criminal Justice Education and Training Standards Commission.

(b) An Intermediate or Advance Telecommunications Certificate may be presented to telecommunicators who have earned higher professional telecommunications certificates from the North Carolina Sheriff's Training Standards Commission.

2. Academic Achievement Awards: these awards may be presented to police officers or civilian members who earn formal academic degrees from accredited colleges or universities in a criminal justice or job-related field. Awards may be presented for the following levels of achievement:

   (a) Associate's degree (2-year)
   (b) Bachelor's degree (4-year)
   (c) Graduate Degree (Master's Degree or higher).

3. Safe Driving Award: this award is presented to police officers whose duty assignment routinely requires them to operate police vehicles, and who have achieved an outstanding safety record. In order to qualify for this award, the officer must not have been involved in a traffic collision caused in whole or in part by the officer's careless, improper, or unlawful operation of the police vehicle.

   (a) Administrative records will be maintained in the Office of the Chief of Police on all police involved collisions. A determination as to whether the accident was due in whole or in part to careless, improper, or unlawful operation by the police driver will be made by the Collision Review Board.

   (b) This award is presented in five-year increments, with the years within each increment being consecutive. While the years within each increment must be consecutive, the increments need not be consecutive. For example, an officer with a 5-year award who has a collision in his seventh year does not lose the entire seven years. Instead, he begins a new increment the following day and starts working again toward his 10-year award for which he may be eligible in an additional five years.

F. CRITERIA FOR CLASS "C" AWARDS (DESIGNATIONS)

1. Commendation bars denoting Class C awards (designations) are presented to members who are currently authorized to perform certain specialized responsibilities within the agency. These designations include the following:

   (a) Field Training Officer: this designation is presented to police officers who are currently authorized by the department to conduct field training of probationary officers pursuant to General Order 400-02.

   (b) Honor Guard: this designation is presented to police officers who are currently or were previously authorized members of the Honor Guard, and who meet any additional proficiency requirements established by the Department.

   (c) Special Response Team: this designation is presented to police officers who are currently or were previously authorized members of the Special Response Team (SRT). An Operator pin obtained from the NTOA will be presented to police officers who are currently authorized members of the Special Response Team (SRT) and meet any additional proficiency requirements established by the Department.

(d) K-9 Handler: this designation is presented to police officers who are currently or were previously authorized by the department as K-9 handlers, and who meet any additional proficiency requirements established by the Department.

(e) Traffic Officer / Reconstructionist: this designation is presented to police officers who are currently or were previously assigned to the Traffic Unit and meet any additional proficiency requirements established by the Department.

(f) DARE Officer: this designation is presented to police officers who are currently or were previously authorized by the department to teach the DARE curriculum to 5th Grade students in the local public-school systems. A DARE Instructor pin obtained from the NCDOA will be presented to police officers who are currently authorized by the department as DARE instructors.

G. ANNUAL SERVICE AWARDS

1. The Police Department will present the ***Roger Carter Memorial Service Award*** on an annual basis to a sworn officer who has rendered exceptional service and whose character and integrity exemplify the highest ideals of law enforcement. The recipient of this award shall be a member who conducts his/her personal and professional life in a manner that is visibly consistent with the law enforcement code of ethics and the core values of the department.

2. The Police Department will present the ***Norma Howard Memorial Service Award*** on an annual basis to a civilian employee who has rendered exceptional service and whose character and integrity exemplify the highest ideals of law enforcement. The recipient of this award shall be a member who conducts his/her personal and professional life in a manner that is visibly consistent with the law enforcement code of ethics and the core values of the department.

3. All department employees are eligible for consideration for annual service awards. Nominations may be made by any agency member and shall consist of a written memorandum detailing why the employee meets the criteria set forth above. Nominations shall be accepted between March 1st and March 15th of each year and shall be forwarded to the Departmental Awards Committee via the chain of command.

4. All nominations shall be fully considered by the Awards Committee prior to the selection of the recipients. The name of recipients shall remain confidential until presentation of the awards.

5. The Chief of Police or his designee will present Annual Service Awards at a ceremony to be held each May during National Police Week.

H. AWARDS TO PERSONS OUTSIDE THE DEPARTMENT

1. Members at all levels should remain alert for actions or service by persons outside the Department that deserve formal recognition.

2. Class A awards may be presented to members of outside law enforcement or criminal justice agencies for eligible actions or service rendered while aiding, assisting, or working in direct conjunction with the Kannapolis Police Department.

3. Certificates of Appreciation may be presented to persons outside the department for outstanding actions or service rendered while aiding, assisting or working in conjunction with the Kannapolis Police Department. These certificates do not require Awards Committee approval but will be reviewed as they become known by the Chief of Police, who will decide if the award is appropriate and arrange for suitable presentation.

I. PRESENTATION OF AWARDS

1. Since the primary purpose of an award is the outward recognition of outstanding actions or service, the presentation of departmental awards should be made during assemblages that are appropriate for the nature of the award being presented.

2. Class A awards will normally be presented to the recipient by the Chief of Police or his designee. Class B awards will normally be presented to the recipient by the affected member's supervisor or commander. Class C awards (designations) will be presented in a manner appropriate for the type of designation earned.

J. DISPLAY OF AWARDS

1. Commendation bars denoting departmental awards and designations may be displayed in a horizontal position above the right breast pocket of the uniform shirt, centered directly over the nameplate. No more than three bars will be worn per horizontal row. When two or more bars are worn per row, they must be affixed in a department approved mounting device.

2. Commendation bars denoting Class A awards will be displayed above those denoting Class B awards. Class B awards will be worn above those denoting Class C awards. If an award of more than one class is worn on the same horizontal row, the higher award will be worn in the position nearest to the officer's badge.

   (a) The commendation bar denoting the Police Star will be worn in the top horizontal row in a position nearest to the officer's badge. A full-sized medal is also presented for this award and may be worn at the option of the recipient for ceremonial purposes or other special occasions.

   (b) The commendation bar denoting the Medal of Valor will be distinctively worn centered directly above all other departmental commendation bars. A full-sized medal is also presented for this award and may be worn at the option of the recipient for ceremonial purposes or other special occasions.

3. Class B awards for Professional Certificates, Academic Achievement and Safe Driving have more than one level. Only the commendation bar denoting the highest level earned may be displayed on the uniform.

4. Multiple awards of the same type may be indicated by use of small stars attached to and centered on the commendation bar. The number of stars will correspond to the number of times the same award has been presented (e.g., one star would indicate a second award, two stars a third award, etc). Duplicate commendation bars for the same award shall not be displayed.

5. Commendation bars shall not be displayed on uniform coats or outerwear, with the exception of the Eisenhower Jacket and Ceremonial Blouse.

6. Award recipients will be provided with a commendation bar denoting the award, an appropriate mounting device, full size medal (if applicable), and certificate or citation (if applicable).

7. Members of the Kannapolis Police Department who receive an award from an outside law enforcement agency may, upon request, be authorized by the Chief of Police to display such ward insignia on the departmental uniform.

K. LETTERS OF COMMENDATION

1. Supervisory personnel who become aware of commendable performance by departmental members should draft a letter or memorandum of commendation. A copy of the commendation should be forwarded via the chain of command to the Chief of Police who may elect to include the commendation in the personnel file of the affected member.

2. Upon receiving a letter from a citizen or person outside the department that commends an officer or civilian member, the Chief of Police or appropriate commander will acknowledge receipt of the letter in writing, when possible. A copy of the commendation letter and the department's acknowledgement will be provided to the affected member and a copy placed in the member's personnel file.

INDEX AS:

Awards
Commendation Bars
Departmental Awards

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: **500-04**
SUBJECT: INSPECTIONS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 03-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish policy and procedures for conducting Departmental inspections.

POLICY

The inspection process is an essential mechanism for evaluating the quality of agency operations, ensuring that agency goals are being pursued, identifying the need for additional resources, and ensuring that quality services are maintained throughout the agency. The inspection process compares the agency's formal expectations with the actual performance. Inspections, when conducted with clear objectives and a positive approach, provide a means of communications within the agency that transcends normal chain of command barriers. While the primary duties and responsibilities of the inspections function are assigned to command and supervisory personnel, all members are expected to maintain the highest standards of the Department. It shall be the policy of the Department to regularly assess the effectiveness and efficiency of agency performance through an inspection process.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Line Inspection: an inspection conducted by personnel in control of the persons, facilities, procedures, or other elements being inspected. A line inspection may be carried out by any supervisor within the chain of command and is often conducted by supervisory personnel who may also be responsible for ensuring that any sub-standard conditions revealed in the inspection are corrected.

2. Roll Call Inspection: the inspection of personnel and equipment at scheduled squad, unit or division briefings.

3. Staff Inspection: inspection conducted by personnel who do not have control of the persons, facilities, or procedures being inspected.

PROCEDURES

A. OBJECTIVES OF THE INSPECTION PROCESS

1. The objectives of the inspection process are to:

   (a) Ensure compliance with applicable law and departmental directives;

   (b) Determine how the resources of the agency, including both personnel and equipment, are being used to meet the needs of the community, and to ensure that such resources are effectively utilized;

   (c) Ensure that materials and equipment are kept in a state of operational readiness;

   (d) Ensure that training is appropriate, timely, and effective;

   (e) Evaluate the progress and effectiveness of programs, policies, and procedures;

   (f) Ensure that reports and records are accurate and current;

   (g) Ensure that departmental facilities are adequate and maintained in a good state of repair;

   (h) Ensure that investigative procedures are effective and productive;

   (i) Ensure uniformity of operations throughout the agency; and

   (j) Determine areas where the agency or its members are vulnerable and/or at risk.

B. ROLL CALL INSPECTIONS

1. Roll call inspections are a less formal type of line inspection and will be conducted on a daily basis by all first line supervisors. Roll-call inspections will evaluate the personal appearance, uniforms/attire, duty equipment, and readiness for duty of line officers.

2. While much of this evaluation may be conducted through visual observation of officers during daily briefings, supervisors are required to individually inspect each officer at least once each seven (7) day period. The inspection is to include a detailed examination of the officers' firearm, ammunition, uniform/attire, and personal equipment carried while on duty.

3. Roll call inspections, and any corrective action taken, are to be documented at the squad or unit level only, unless otherwise required by agency directives.

C. LINE INSPECTIONS

1. The conduct of line inspections will be a primary responsibility of commanders and supervisors at every level of the Department. Line inspections will be an ongoing activity to ensure that members are acting in concert with agency requirements in the areas of:

   (a) Personal appearance;
   (b) Use and maintenance of equipment;
   (c) Adherence to agency directives and orders.

2. Line inspections are to include an assessment of the status and condition of physical facilities. The Deputy Chief of Police will conduct a formal inspection of the police headquarters building and remote communications and storage facilities on a monthly basis. The inspections and findings shall be documented via memorandum to the Chief of Police.

3. All Division Commanders will conduct formal line inspections on a monthly basis to include remote office facilities, personnel, vehicles, and other equipment issued or assigned to components under their command.

4. Reports on monthly line inspections will be completed and documented in writing on the appropriate departmental form. The original report is to be submitted to the affected Bureau Commander, and a copy retained by the Division Commander. The Bureau Commander will be responsible for informing the Chief of Police of major deficiencies and observations made as a result of these inspections.

5. Whenever possible, the inspecting supervisor will take corrective action regarding deficiencies at the time of discovery. Such action is to be documented in the monthly report. Deficiencies that cannot be corrected immediately are to be so noted, and a plan of action and time frame for correction must accompany the monthly report.

6. The Bureau Commander will maintain a record of division-level line inspections and any corrective actions taken or planned. Follow-up inspections may be required by the Bureau Commander where indicated.

7. Bureau Commanders will remain available to provide assistance to Division Lieutenants in the conduct of formal line inspections as required.

D. STAFF INSPECTIONS

1. Staff inspections will be conducted to ensure an objective review of agency facilities, property, equipment, personnel, and administrative services and operational activities outside the normal line inspection procedures and the chain of command. Staff inspections will be conducted, at a minimum, once every four years within all organizational components.

2. Staff inspections are administrative in nature and as such, will be conducted at the direction of the Chief of Police. Staff inspections will be conducted by a Bureau Commander not having normal supervisory control of the persons, facilities or procedures being inspected. Additional personnel may be assigned by the Chief of Police to assist the inspecting commander as required to complete the process in a timely manner.

3. While performing duties related to the staff inspections function, Bureau Commanders and their inspection staff will be considered as operating through the authority of the Chief of Police.

4. Prior to conducting any staff inspection, the Chief of Police will notify the Bureau Commander of the affected organizational component, in writing, of the scheduled inspection at least five (5) working days in advance.

5. The Bureau Commander assigned to conduct the inspection will conduct a pre-inspection conference with the commander and supervisor of the affected component(s) prior to the

inspection. The scope and time frame of the inspection will be discussed during this conference. Personnel assisting with the inspection will also be included in this conference.

6. The inspecting commander will submit a full written report to the Chief of Police that identifies any deficiencies and makes recommendations for their improvement and/or correction; and also identifies the positive aspects of the area being inspected. A copy of the report will be forwarded to the affected Bureau Commander.

7. The Chief of Police will convene a review session with the affected Bureau Commander to discuss the results of the inspection within ten (10) days of receiving the report, if feasible. Other members to attend this review session will be as designated by the Chief of Police.

8. The Bureau Commander of the unit being inspected will take appropriate corrective action on all deficiencies noted and submit a written report to the Chief of Police within ten (10) working days of the review session. The report is to indicate the specific corrective action taken, or a plan of action for those deficiencies that require more time to remedy. Follow-up inspections may be conducted as required to ensure compliance.

E. SPECIAL INSPECTIONS

1. Special inspections may be conducted without advance notice by authorized representatives of state and federal regulatory agencies when acting within their lawful authority to conduct administrative inspections of records or equipment in order to verify compliance with applicable laws and/or regulations.

F. INSPECTIONAL AUTHORITY

1. All vehicles, equipment, computers, media, facilities, lockers, desks, work areas, cabinets, files, records, storage areas, and any other property owned or under the control of the City of Kannapolis or the Kannapolis Police Department will be subject to unannounced inspection at the direction of the City Manager, Chief of Police or other authorized person, and no officer or employee shall have an expectation of privacy therein.

2. Nothing in this Order shall be construed as to prevent or limit the reasonable conduct of line inspections by supervisory or command personnel in addition to those required herein.

INDEX AS:

Inspections
Line Inspections
Roll Call Inspections
Staff Inspections

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: **500-05**
SUBJECT: SAFETY PROGRAM
DISTRIBUTION All Personnel
EFFECTIVE DATE: 09-01-1997
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish department guidelines for administration of the City of Kannapolis Safety and Loss Control Program.

POLICY

The City of Kannapolis considers the safety of its employees a major responsibility. Consistent with this position, it shall be the policy of the Police Department to make every reasonable effort to prevent accidents and preserve the health and safety of its members. Individual members are expected to observe established safety rules and to take an active part in protecting themselves, their fellow employees, and agency facilities. The joint effort of the Department and its members toward observance of this policy will ensure the safest possible working conditions.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. OSHA: the federal Occupational Safety and Health Administration, U.S. Department of Labor.

2. Safety Manual: the City of Kannapolis Safety Program Manual, inclusive of all city safety policies and procedures.

PROCEDURES

A. GENERAL PROVISIONS

1. All members are responsible for making safety a daily concern. Members are expected to observe the rules of safety and take an active part in protecting themselves, their fellow workers, and departmental property. Everyone, regardless of his or her position or assignment, must accept this responsibility.

2. Copies of the City of Kannapolis Safety Program Manual will be maintained at central locations throughout the Department for use and reference by all employees. It is the responsibility of each member to become familiar with and adhere to the safety policies and procedures contained in this manual.

B. DEPARTMENTAL SAFETY COMMITTEE

1. The Support Services Bureau Commander is designated as the Department Safety Officer and will serve as chairman of the police department's Safety Committee. This committee will consist of five (5) members appointed by the chairman, to include a representative from Patrol, CID, and Staff Services.

2. The Departmental Safety Committee will meet on at least a monthly basis. Minutes of each meeting will be kept and a copy forwarded to the City Safety Coordinator and Chief of Police.

3. The function of the Departmental Safety Committee will be to assist in the implementation of safety policies and procedures, and to advise the Chief of Police on all aspects of the safety program. The committee will:

   (a) Prepare annual accident reduction objectives for the Department for approval by the Chief of Police;

   (b) Develop procedures for handling and processing safety suggestions, recommendations and complaints;

   (c) Discuss accident prevention methods, program promotion, safety hazards, injury records, etc;

   (d) Conduct monthly inspections of departmental facilities by an appointed inspection team to identify potential safety hazards;

   (e) Review all work-related accidents and injuries, and determine any action necessary to reduce the potential for recurrence;

   (f) Review safety inspection reports, employee safety suggestions and complaints, accident investigations, and make appropriate recommendations for changes in work practices or procedures, protective devices, equipment, or training;

   (g) Determine the safety training needs of the department and provide and evaluate the appropriate programs. Required training programs for all employees include safety orientation and first aid;

   (h) Promote the safety program and motivate employees to accept safety as an individual and collective responsibility.

C. BASIC SAFETY RULES FOR POLICE EMPLOYEES

1. Members are to adhere to the basic safety rules for police employees as specified in Tab #1 of the Safety Manual. These rules are not intended to be all-inclusive but are designed to serve as a fundamental guide in the prevention of work-related accidents and injuries.

D. RESPONSIBILITIES OF EMPLOYEES

1. Employees will be required, as a condition of employment, to exercise care in the course of their work to prevent injuries to themselves and their fellow workers, and to prevent damage to departmental property.

2. All departmental members are required to:

   (a) Use safety equipment which has been provided for their use in performing daily work assignments;

   (b) Not use equipment for which training and orientation has not been received;

   (c) Warn co-workers of unsafe conditions or practices they are engaged in which could lead to or cause an accident;

   (d) Report defective equipment immediately to a supervisor;

   (e) Report hazardous or unsafe conditions that exist in the workplace as well as throughout the city;

   (f) Report all work related injuries and accidents regardless of the severity as soon as possible;

   (g) Protect unsafe conditions that result from municipal work that could present a hazard to the public;

   (h) Avoid the abuse or neglect equipment, so that these items will be in useable condition for as long as possible, as well as to ensure that they are in the best possible condition while being used;

   (i) Participate in all required safety and occupational health training sessions and be certain that they understand all instructions.

E. SUPERVISOR'S RESPONSIBILITIES

1. Supervisors will assume the responsibility of instructing their personnel in safe work practices and will consistently enforce safety rules and standards within their area of responsibility. Supervisors are to act positively to eliminate potential safety hazards and must set the example of good safety practices for their subordinate personnel.

2. The principal safety responsibilities of supervisors are as follows:

   (a) Enforce all safety rules and procedures. Give full support to all safety activities, programs and procedures;

   (b) Ensure that injuries are reported promptly and treated properly, and that all accidents are reported, even if injury is not apparent;

   (c) Conduct thorough investigations of all accidents and take necessary steps to reduce the potential for recurrence through employee safety education, operating procedures, or modification of equipment;

   (d) Provide new employees with a safety orientation regarding their assigned duties;

(e) Conduct regular safety checks, including careful examinations of all new and relocated equipment before it is placed in operation;
(f) Properly maintain equipment and issue instructions for the elimination of fire and safety hazards;

(g) Continuously inspect for unsafe practices and conditions and properly undertake any necessary corrective action;

(h) Provide safety equipment and protective devices for each job based on knowledge of applicable standards or on recommendation of the Departmental Safety Committee;

(i) Conduct periodic safety briefings and encourage the use of employee safety suggestions.

F. INVESTIGATION OF WORKPLACE ACCIDENTS AND INJURIES

1. All work-related accidents or injuries involving departmental employees shall be investigated by the supervisor of the affected member. The purpose of the investigation will be to identify any unsafe conditions or acts that contributed to the accident, and any corrective action needed to reduce the potential for recurrence.

2. The investigating supervisor shall complete a Safety Form-H Supervisors Accident/ Incident Investigation Report. The original copy will be forwarded to the Chief of Police within 24 hours, and a copy provided to the Departmental Safety Representative.

3. Supervisors are responsible for ensuring that the procedures specified in the City of Kannapolis Worker's Compensation Policy and "Action Sheet" are followed in the event that an employee under their command is injured on the job.

4. The investigation should include details as to how the accident or injury occurred, copies of any relevant reports or documents, and the findings and recommendations of the investigating supervisor.

5. Employee fatalities or life-threatening injuries resulting from any work-related accident or injury must be reported immediately to the Chief of Police and the Director of Human Resources for the City of Kannapolis.

G. EMERGENCY RESPONSE TO HAZARDOUS MATERIALS INCIDENTS

1. OSHA regulations require that every employer develop and implement a written emergency response plan to handle anticipated hazardous materials emergencies prior to their occurrence. All personnel are to observe the response procedures for police personnel specified in General Order 1100-04 (Hazardous Materials Incidents), and Annex-A of the City of Kannapolis Emergency Preparedness Plan.

H. RESPIRATORY PROTECTION

1. All employees who may be required to use a respiratory device (including police gas masks) in performing their official duties shall fully comply with all applicable procedures as specified in the City of Kannapolis Respiratory Protection Policy (Tab #9 of Safety Manual).

2. No member may utilize a gas mask or other respiratory device unless the member has been properly trained in its use and has obtained the required respiratory medical clearance. Training shall include an opportunity to become familiar with the respirator, have it fitted properly, test its face seal, and to wear it in normal air for a long familiarity period.

3. No member may utilize any respiratory device that is not approved for use under current OSHA standards and designed for the activity to be performed.

I. HAZARD COMMUNICATION

1. All employees working with or potentially exposed to hazardous chemicals, will be appropriately trained in the City's Hazard Communication Program (Tab #8 of Safety Manual), to include an explanation of the labeling system, the material safety data sheets (MSDS), and how employees can use the appropriate hazard information.

2. A Material Safety Data Sheet (MSDS) for each hazardous chemical maintained by the Department is contained in loose-leaf binders housed in MSDS Compliance Stations located in the central hallway of the main police facility and the central hallway of the CID Annex for 24-hour access by all personnel.

3. No member may bring any hazardous chemical into departmental facilities unless such chemical is stored in an approved container that is properly labeled (to include appropriate hazard warnings), and a corresponding MSDS sheet from the manufacturer is on file.

4. The Departmental Safety Representative is responsible for the maintenance and updating of the MSDS compliance stations.

J. CONFINED SPACE ENTRY

1. Confined spaces can present an immediate danger to life due to hazardous machinery, oxygen deficiency, explosive or flammable atmospheres, and concentrations of toxic substances. Confined spaces include, but are not limited to: storage tanks, pits, silos, boilers, ventilation and exhaust ducts, tunnels, sewers and underground utility vaults.

2. No police employee may enter a confined space in violation of the City of Kannapolis Confined Space Entry Procedures (Tab #5 of Safety Manual). Safe entry into and/or the rescue of victims from confined spaces require special training, personnel and equipment. The Fire Department is responsible for conducting confined space rescues. Officers of the Police Department **shall not** enter a confined space as part of a rescue attempt unless such officer is fully trained in confined space rescue techniques, properly equipped, and is specifically authorized to make such entry by the ranking on-scene Fire Commander.

3. City maintenance workers making authorized entry into confined spaces will notify the Police Department Communications Center prior to making entry. Telecommunicators are to monitor the City Maintenance radio frequency for the duration of such work. If emergency rescue assistance is needed, the Communications Center will immediately dispatch the Fire Department.

K. INFECTIOUS DISEASE CONTROL

1. All personnel shall comply with the procedures governing occupational exposure to infectious disease as specified in departmental policy and the City of Kannapolis Blood borne Pathogens Exposure Control Plan (Tab #4 of Safety Manual).

L. REPORTING SAFETY HAZARDS

1. Any member may report unsafe equipment, conditions or practices in a confidential manner to the Departmental Safety Representative or Chief of Police without fear of reproof, ridicule or reprisal by any employee who may be adversely affected by such notice. Any safety hazard notices received will be referred to the Police Safety Committee for consideration and follow-up action.

INDEX AS:

Accident Investigation
Confined Space Entry
Hazard Communication
Infectious Disease
MSDS Sheets
Respiratory Protection
Safety Program
Safety Rules

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER 500-06

SUBJECT: LINE OF DUTY DEATHS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 11-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of the General Order is to establish procedures for our agency's response in the event of a member's death in the line of duty, and to establish guidelines to ensure appropriate support to the family of the deceased member.

POLICY

Coordination of agency response following the line of duty death of a police officer is an extremely important and complex responsibility. Professionalism and compassion must be exhibited at all times as an obligation to the officer's survivors and to the law enforcement community. It shall be the policy of the Kannapolis Police Department to provide liaison assistance to the immediate survivors of any member who dies in the line of duty.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Line of Duty Death: the death of an active duty police officer by felonious or accidental means while lawfully performing a police-related function, either on or off duty.

2. Survivors: immediate family members of the deceased officer to include spouse, children, parents, siblings, and/or significant others.

PROCEDURES

A. LINE OF DUTY DEATH INFORMATION

1. Each member of the Police Department will complete a confidential line of duty death information packet to be used in the event of the member's serious injury or death in the line of duty. Data collected includes next of kin, notification requests, and information regarding the member's preferences on funeral arrangements. Such information can be invaluable to your survivors and the Police Department in fulfilling your wishes.

2. Line of duty death information packets will be maintained in a secure file in the office of the Chief of Police. This information will be reviewed by the affected officer on at least an annual basis and updated as needed.

B. FAMILY NOTIFICATION PROCEDURES

1. The family notification procedures described in this section will be observed in the event that a Kannapolis police officer is killed in the line of duty or suffers a critical injury with poor prognosis of survival.

2. Notification of survivors in the local area shall be made in person by the Chief of Police or highest ranking officer available, accompanied by a second officer, chaplain, or close friend. Notification should never be made alone. If there is knowledge that the survivor to be notified suffers from a potentially life-threatening medical condition, medical personnel should be requested to be available nearby during the notification.

3. The name of the deceased officer shall not be released by the Department until the next of kin of the officer has been notified.

4. If the opportunity to get the family to the hospital exists prior to an injured officer's death, immediate transportation by police vehicle should be provided.

5. If the officer has died, notification should be made to the survivors in as forthright and sensitive a manner as possible. Never make a death notification on the doorstep. Ask to be admitted to the residence. Inform family members slowly and clearly of the information that you have. If specifics of the incident are known, the notification officer should relay as much information as possible to the family.

6. If the family requests to visit the hospital to view the body, they should be transported by police vehicle. It is highly recommended that the family not drive themselves to the hospital. If the family insists on driving, an officer should accompany them.

7. If young children are at home, the notifying officer should help arrange for childcare needs. This may involve help from a co-worker's spouse, transportation of children to a relative's home, or similar assistance.

8. The parents of a deceased or critically injured officer will be afforded the same courtesy of personal notification and transportation, if possible.

9. Notification of immediate survivors living outside the local area will be made by contacting the law enforcement agency in that jurisdiction and requesting a personal notification.

10. In all cases, the Chief of Police will respond to the residence or other appropriate location to meet with the immediate family as quickly as possible.

11. In the event of an on-duty death, the external monitoring of police radio frequencies may be extensive. Police communications regarding notifications should be restricted to secure talk groups or telephone whenever possible. If the media has obtained the officer's name, they should be requested to withhold the name pending notification of the officer's next of kin.

C. ASSISTANCE FOR AFFECTED OFFICERS

1. Officers who were on the scene or who arrived moments after an officer was critically injured or killed, and/or who exhibit signs of serious emotional distress shall be relieved from duty as soon as feasible commensurate with investigative and operational priorities.

2. Police officers who were directly involved in the incident or who have otherwise been emotionally affected by the serious injury or death of another officer may be required to attend a critical incident stress debriefing session arranged by the Department.

D. ASSISTING THE FAMILY AT THE HOSPITAL

1. The Department shall take all appropriate steps to protect survivors from unwanted media attention and the intrusion of curiosity seekers. To accomplish these objectives and to serve the immediate needs of the family at the hospital, a hospital liaison officer shall be designated as having the following responsibilities:

    (a) Coordinate with hospital staff to provide an appropriate waiting room for the immediate family. The desires of the family should be followed with regard to their access to other officers and friends.

    (b) Coordinate with hospital staff to designate a separate area for fellow officers and friends to assemble. Applicable hospital policies shall be respected by all officers in order to avoid the disruption of emergency medical services.

    (c) Ensure that medical personnel provide pertinent information on the officer's condition to the family on a timely basis and before such information is released to others.

    (d) Provide hospital staff with all necessary information, including any data required for insurance or billing for medical services.

    (e) Arrange transportation for the family back to their residence upon their departure from the hospital.

2. If it is possible for the family to visit the injured officer before death, they should be afforded that opportunity. The family should be "prepared" for what they might see in the emergency room and an officer should accompany the family into the room for the visit, if requested.

3. Medical personnel should advise the family of relevant hospital policies and, in the event of death, explain why an autopsy is necessary.

E. FAMILY LIAISON

1. With the approval of the family, the Chief of Police will assign a liaison officer to work closely with the family to ensure that their needs and requests are appropriately handled. An effort will be made to assign someone who enjoyed a close relationship with the officer and their family. The responsibilities of the liaison officer includes but are not limited to the following:

    (a) Assist with travel and lodging arrangements for out of town family members;

    (b) Arrange for the delivery of the officer's personal belongings to the family;

    (c) If the family desires a burial in uniform, obtain a uniform and accessories and deliver them to the funeral home.

    (d) Ensure that the family is informed of information concerning the death and the status of the investigation.

(e) Ensure that the surviving parents are afforded recognition and that proper placement is arranged for them during the funeral and procession.

(f) Assist the family in dealing with general media inquiries. If family members wish to make a statement, the liaison officer should assist them in preparing for potential inquiries from the media, so as not to jeopardize subsequent legal proceedings.

(g) Ensure adequate security is maintained at the survivor's residence, and that routine residence checks are conducted for 6-8 weeks following the funeral. This service is necessary since the survivors will be spending time away form home dealing with various legal matters.

F. DEPARTMENTAL COORDINATION

1. Bureau Commanders will be responsible for ensuring that the resources of the Police Department are effectively coordinated to achieve the intent of this policy. These responsibilities include, but are not limited to, the following:

   (a) Work closely with the family liaison officer to ensure that the needs of the family are being met.

   (b) Meet with the Chief of Police, funeral director, family priest/minister, cemetery director and honor guard commander as necessary to coordinate funeral activities and establish an itinerary.

   (c) Direct the funeral activities of the Police Department and visiting police departments according to the wishes of the family.

   (d) Issue an appropriate DCI message to include the following:

      (1) Name of deceased officer;
      (2) Date and time of death;
      (3) General circumstances of death;
      (4) Funeral arrangements (specify if funeral will be private or with full honors)
      (5) Information on memorials and how to direct donations (if available).

   (e) Coordinate traffic management and provide for the uninterrupted provision of police services, with other jurisdictions if necessary, during the viewing and funeral.

G. HONORS ACCORDED

1. The Chief of Police will meet with the officer's immediate family to determine their wishes regarding Departmental participation in the funeral services and will make the family aware of certain ceremonial honors the Department can offer. A final decision regarding the according of funeral honors will be made by the Chief of Police.

2. An officer who dies in the lawful performance of duty may be accorded full honors if requested by the survivors. These honors may include honor guard, casket watch, casket bearers, rifle salute, military flag fold & presentation, taps, bagpipes, and processional escort.

3. Former police officers who retired from service with the Kannapolis Police Department under honorable conditions may be afforded partial or full funeral honors at the discretion of the Chief of Police, upon request of the deceased officer's immediate family.

4. The Honor Guard Commander will be responsible for coordinating and directing the activities of the Honor Guard involved in according ceremonial honors.

5. The wearing of mourning bands and ribbons shall be for such period of time as designated by the Chief of Police.

6. The US flag at police headquarters will be flown at half-staff in the event of a line of duty death involving an active-duty member of the Kannapolis Police Department. The flag will remain at half-staff until sunset on the day of the funeral. Protocol for display of the US flag in all other circumstances will be in accordance with the City of Kannapolis flag policy.

H. COORDINATION OF SURVIVOR BENEFITS

1. The Office of the Chief of Police, in conjunction with the City's Human Resource Director, will provide assistance with the coordination of applicable survivor benefits on behalf of the deceased officer. This assistance includes:

    (a) Filing worker's compensation claims and related forms.

    (b) Presenting information on applicable Public Safety Officer Benefits (PSOB) and assisting in the preparation and submission of necessary documentation.

    (c) Maintaining periodic contact with the family to ensure that benefits are being received.

    (d) Advising the family of the role of police associations and organizations, and the nature of support programs that they sponsor for law enforcement survivors.

    (e) Documenting inquiries and interest in public donations to the family and assist in establishing an appropriate method for receiving such contributions.

    (f) Assisting survivors in obtaining the badge and service side arm of an officer killed in the line of duty, if requested, as provided by North Carolina law.

I. FAMILY SUPPORT ADVOCACY

1. The Police Department will serve in a support capacity for the surviving family, assisting them in coping with the emotional impact and related life changes that will be required as a result of their loss. This support may include, but is not limited to, the following:

    (a) Release of the details surrounding the officer's death to survivors. If information of a sensitive nature cannot be immediately released due to court proceedings or for investigative reasons, this should be explained to the survivors.

    (b) Provide contact with surviving family members in order to keep them abreast of any criminal proceedings related to the death of the officer.

(c) Accompany surviving family members to criminal proceedings, explaining the nature of the proceedings and introducing them to court personnel as appropriate.

(d) Identify support services that are available to family members and provide assistance in securing needed services.

J. DEPARTMENTAL RESPONSE TO LINE OF DUTY DEATHS IN OUTSIDE AGENCIES

1. The Chief of Police will determine an appropriate departmental response to line of duty deaths occurring in outside law enforcement agencies and will authorize appropriate command staff to implement the response. The level of such response will be determined on a case-by-case basis taking into account the proximity of the agency to Kannapolis and the particular circumstances of each incident.

2. Departmental actions that may be authorized by the Chief of Police in response to a line of duty death in an outside agency may include, but are not limited to:

   (a) Letter of condolence to the affected agency;
   (b) Sending of a floral arrangement on behalf of the department;
   (c) Wearing of mourning bands and ribbons for specified period of time;
   (d) Official attendance of departmental representatives at the funeral service;
   (e) Lending of direct assistance (e.g. honor guard, escort, etc) to the affected agency, if requested.

3. Bureau Commanders will be responsible for coordinating the activities of units and personnel under their command to ensure that the authorized response is carried out in a sensitive and professional manner.

K. PROCEDURAL VARIATIONS

1. The procedures outlined in this Order will apply in most cases. Any variation necessitated by manpower shortages, the unusual size of the funeral, the type of service, the physical arrangement of the service, or for other reason may be made with the approval of the Chief of Police.

INDEX AS: **CALEA REFERENCE:**

Line of Duty Deaths
Funeral Honors

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: **500-07**
SUBJECT: VICTIM & WITNESS ASSISTANCE
DISTRIBUTION All Personnel
EFFECTIVE DATE: 05-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish Department policy and procedures for providing assistance to persons who are crime victims or witnesses.

POLICY

The Police Department supports the intent of NCGS 15A-825 which establishes certain legal rights of crime victims and witnesses. Departmental employees must make every reasonable effort to assure that the rights and safety of victims and other witnesses are protected, and that such persons are treated with fairness, dignity, and compassion. Agency members should be particularly sensitive to the special needs of the victims and families of crimes such as domestic violence, child abuse, sexual assault, and abuse of the elderly because of their effect on the delicate structure of the family unit and the community in general. Victims and witnesses who come into contact with our agency will be informed of appropriate support agencies or resources that may be available to provide needed assistance and services.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Victim: person who suffers physical, financial, or emotional harm as a direct result of a crime committed upon his or her person or property.

2. Witness: a person who has information or evidence relevant to the investigation of a crime.

3. Victim Advocate: trained personnel of the individual community services agencies to which victims and witnesses are referred for specified assistance.

4. Victim Information: the information that is provided to victims and witnesses during preliminary investigations, and upon arrest and post-arrest of a suspect, regarding services available to assist them.

5. Referral: informing the victim or witness of appropriate support agencies or resources available to assist them.

PROCEDURES

A. ADMINISTRATION

1. The Field Operations Bureau Commander shall have primary responsibility for the overall administration and coordination of the department's victim & witness assistance program.

2. The supervisor of the Community Services Unit shall be responsible for establishing and maintaining liaison with other appropriate public and private organizations that provide victim/witness assistance services, and for coordinating the provision of relevant training for Department personnel.

3. All agency personnel will have a shared responsibility to ensure that the goal and objectives of the victim/witness assistance program are met in accordance with State law and the provisions of this Order.

4. The primary goal of this General Order is to ensure that crime victims and witnesses receive professional handling consistent with their important investigative and prosecutory role. It is the responsibility of our agency to ensure that victims and witnesses of crimes are informed of appropriate services and resources that may be available to assist them, not only from our Department, but also from other public and private organizations. This goal will be met through the following activities:

   (a) Providing initial and periodic update training to all Department members regarding their role and responsibility in providing victim/witness assistance;

   (b) Treatment of all victims and witnesses with fairness, compassion and dignity;

   (c) Providing immediate assistance, if needed, to victims and witnesses;

   (d) Providing information about victim/witness assistance that is offered directly by the Police Department;

   (e) Providing information about community services listed in the *Victim/Witness Services Guide*, that are available within our service area, and the type of assistance that they can provide to victims and other witnesses, including, but not limited to:

      (1) Medical assistance;
      (2) Temporary shelter or protection;
      (3) Emergency food and clothing;
      (4) Victim compensation;
      (5) Elderly assistance;
      (6) Civil remedies;
      (7) Legal assistance.

B. NORTH CAROLINA CRIME VICTIMS RIGHTS ACT

1. NCGS Chapter 15A, Subchapter VIII-A, Rights of Crime Victims and Witnesses, summarizes the legal rights of victims and witnesses in North Carolina. In accordance with GS 15A-830, victims of identified crimes will be notified of certain rights pertaining to medical services,

compensation funds, investigating officers, prosecutors, arrests, and pretrial release of defendants. A detailed listing of the crimes identified by this statute is found in Appendix A of this General Order.

C. VICTIM SERVICES RENDERED DURING PRELIMINARY INVESTIGATION

1. The officer responsible for conducting the preliminary investigation shall:

   (a) Give information to the victim/witness about applicable services that are available such as counseling, medical attention, compensation programs or emergency financial assistance, and victim advocacy. This can be accomplished by providing the person with a *Victim/Witness Services Guide*;

   (b) Advise the victim/witness about what to do if the suspect or the suspect's companions or family threatens or otherwise intimidates him or her;

   (c) Inform the victim/witness about the case number, if known by the agency, and subsequent steps in the processing of the case;

   (d) Provide a telephone number that the victim/witness may call to report additional information about the case or to receive information about the status of a case.

2. In cases where the person is the victim of a crime included in Appendix A of this General Order, the officer shall provide the victim with a *Victim Information* sheet (KPD-199).

D. VICTIM SERVICES RENDERED DURING FOLLOW-UP INVESTIGATION

1. The assigned follow-up investigator will attempt to re-contact the victim within ten (10) days of the investigator's initial contact. Periodic contact will be made in rape and other serious offenses where the investigator feels the impact of a crime has been unusually severe and has triggered above-average need for victim/witness assistance. The purpose of subsequent contacts would be to determine if the needs of the victim/witness are being met.

2. The investigator will explain the procedures involved in the prosecution of the victim's case and the victim's role in these proceedings. Information will not be released that may compromise or endanger the successful prosecution of the case.

3. Whenever possible, the investigator will schedule line-ups, interviews, and other required appearances at the convenience of the victim/witness. If necessary, the investigator may provide transportation for the victim and/or witness.

4. A secure waiting area will be provided for the victim and other witnesses during arrest, pre-arrest, and post-arrest procedures, to ensure that they do not come into close proximity to suspects unless necessary for the investigation.

5. The investigator shall honor a victim/witness request for the presence of a victim advocate during line-ups or similar proceedings and shall assist the victim/witness in locating an advocate through Rowan Information & Referral or First Call For Help in Cabarrus County.

6. When appropriate, the investigator will seek the victim/witness employer's cooperation with the investigation to minimize the employee's loss of pay or other benefits resulting from the investigation.
7. The investigator will facilitate the return of property belonging to victims/witnesses as promptly as possible when it is determined that the property is no longer needed as evidence, or as allowed by law.

8. In cases where the individual is the victim of a crime listed in Appendix A of this Order, the investigator shall, within seventy-two (72) hours, complete and mail to the victim a *Request for Case Information* postcard (KPD-195) and *Case Assignment Notification* (KPD-196).

9. Within seventy-two (72) hours of the arrest of the suspect(s), the investigating officer shall complete and mail to the victim a *Notification of Arrest* (KPD-197). If arrest of the suspect is made for an outside agency, a copy of the *Notification of Arrest* (KPD-197) along with a copy of the *Arrest Report* (DCI-608F) will be mailed to the outside agency within seventy-two (72) hours of the arrest.

10. Upon the arrest of a suspect in cases involving a crime listed in Appendix A of this General Order, the investigating officer shall within seventy-two (72) hours complete and deliver to the District Attorney's Office a *Victim/Witness Coordinator Notification* (KPD-198).

11. The investigating officer will ensure that all incident reports, supplemental reports, and felony case summaries are provided to the District Attorney's Office in accordance with established protocols and timelines.

E. RESPONSIBILITY OF THE COMMUNITY SERVICES UNIT

1. During normal office hours (0800-1700) each weekday, the Community Services Unit will be the single point of contact for information about referral services for victims and other witnesses in need of counseling, medical attention, and emergency financial assistance.

2. The supervisor of the Community Services Unit will maintain liaison with other criminal justice agencies, governmental and non-governmental agencies/organizations concerned with victim/witness needs and rights. Liaison may be initiated by letter, telephone, or personal contact. The Community Services supervisor will submit an annual report via the chain of command to the Chief of Police outlining the results of liaison contacts. The purpose of such liaison is to:

   (a) Ensure that our referrals of victims/witnesses to outside sources are based on accurate and up-to-date information about the services offered by those sources; and

   (b) Maintain an ongoing means of communication to offer and receive suggestions about how the department and outside sources can more effectively work together to meet victim/witness needs.

F. ANALYSIS OF VICTIM/WITNESS NEEDS AND SERVICES

1. The Community Services Unit will complete a written review and analysis of victim/witness needs and available services within the Department's service area at least every 2 years. The analysis is designed to identify appropriate victim/witness services that the agency can provide without duplicating services offered elsewhere in the community, whether by another

government agency or by a private-sector organization. In completing the analysis, the Community Services Unit will conduct a survey either by phone or through the mail, to include the following elements:

(a) The extent and major types of victimization within the Kannapolis Police Department service area;

(b) An inventory of information and service needs of victims, witnesses, and survivors of crime (i.e. homicide and suicide survivors) with emphasis on special victims such as those victimized by domestic violence, abuse and neglect (especially children and the elderly), sexual crimes, and victims of drunk drivers;

(c) Victim assistance and related community services that are currently available within our service area;

(d) Identification of unfulfilled needs of crime victims and witnesses; and

(e) Identification of needs appropriate for the Police Department to directly meet.

2. The survey will consist of two parts: A printout of crimes and victimization which have occurred within the Kannapolis Police Department service area for the purposes of selecting survey candidates; and a questionnaire to be completed either over the phone or by mail that will be administered to at least 50 crime victims with an emphasis to select victims from all categories of victimization. Data from this survey will be collected in order to identify problems or areas of special needs. A written report of the analysis will be submitted via the chain of command to the Chief of Police.

3. If at any time during the return of the surveys a problem is detected, it must be addressed at that time. If a problem involves a specific agency component, the Chief of Police or his designee will meet with the appropriate Commanders to address the problem. If new programs are founded, training should be provided to all personnel regarding these programs and how they would affect their role in the Victim/Witness Assistance Program.

G. RESPONSIBILITIES AND DUTIES OF SUPPORT PERSONNEL

1. The Communication Center is staffed 24 hours a day and is the single point of contact for victims/witnesses requiring emergency police assistance. After normal office hours (0800-1700) on weekdays and during weekends, the Communications Center is also the single point of contact for victims/witnesses in need of medical attention, counseling, or emergency financial assistance between the time of victimization and the time of preliminary investigation.

2. Telecommunicators will screen victim/witness calls in order to determine an appropriate response. The telecommunicator will determine whether the caller needs emergency or non-emergency assistance and will provide the caller with law enforcement services and/or appropriate referrals to other community services as needed.

3. The Records Unit is staffed from 0800 hours to 1800 hours each weekday and is capable of providing information on the type of victim/witness services that can be provided by our Department and other agencies.

H. VICTIM/WITNESS ASSISTANCE TRAINING FOR AGENCY PERSONNEL

1. The Community Services Unit will be responsible for coordinating the provision of initial training to all agency personnel in carrying out the victim/witness assistance program. This training will enable employees to provide informed answers to questions from the public about the victim/witness services offered by our agency and other community organizations. Supplemental training will be conducted through roll call sessions on an as-needed basis.

2. All sworn personnel are provided with training in sensitivity and responding to the needs of victims and witnesses during Basic Law Enforcement Training. In addition, new officers are instructed in the Department's victim/witness policy and procedures during field training.

3. Communications and Records personnel will receive training regarding their role in the victim/witness assistance program, to include how to communicate with the victims and witnesses and make referrals to Community Services. Personnel will be trained to screen victim/witness calls and respond in the proper manner, to include:

   (a) Judging characteristics of the call to determine whether an emergency or non-emergency response is required;

   (b) Informing victims/witnesses of the agency's response, including direct law enforcement service and/or referral to other agencies.

4. A complete listing of victim/witness service agencies in our area and the type of assistance that they provide will be made available to all Department members to assist them in making victim/witness referrals.

I. VICTIM/WITNESS PROTECTION

1. The Kannapolis Police Department will provide appropriate assistance to victims/witnesses who have been threatened or who, in the judgment of the agency, express specific, credible reasons for fearing intimidation or further victimization. Under North Carolina law, it is illegal to threaten injury or destruction of another's property or threaten, menace, or in any other manner, intimidate a person who is summoned or acting as witness in a court.

2. Victims and witnesses should be directed to dial 911 if they feel that they are in immediate danger from a suspect or the suspect's associates, and an officer will be dispatched. The victim or witness should contact the assigned follow-up investigator if they feel they are being harassed or intimidated, but no immediate danger exists.

3. The level of protective assistance provided must be evaluated based on the nature of the case, the danger faced by the victim/witness, and by the resources available to the agency. Protective assistance could include protective custody of the victim/witness, re-arrest of the offender, or other security measures as deemed appropriate by supervisory personnel.

4. Protection from domestic violence is available to victims under NCGS Chapter 50B (see General Order 600-09 - Domestic Violence).

5. If the Department becomes aware of danger to a victim or witness, the investigating officer should promptly attempt to contact and alert the victim/witness. When the victim/witness is located in another jurisdiction, the appropriate agency should also be contacted, informed of the situation, and requested to take reasonable precautions.

J. VICTIM/WITNESS ASSISTANCE TO AGENCY PERSONNEL

1. Victim/witness assistance services rendered to agency personnel and their families following line-of-duty deaths or serious injuries shall be in accordance with General Order 500-06 (Line of Duty Deaths).

K. PUBLIC INFORMATION / CASE INFORMATION

1. All members of the department shall have a general responsibility to inform the public and the media about the agency's victim/witness services.

2. A defendant in a criminal case has a right to access to certain information in the State's case against him through a legal process called "discovery." Procedures for the discovery process are set forth in NCGS Chapter 15A, Article 48. In order to ensure the confidentiality of victims/witnesses and their role in case development, the release of information contained in law enforcement investigative files to a criminal defendant or his/her attorney must be coordinated through and authorized by the District Attorney having responsibility for prosecuting the case.

3. The Community Services Unit will conduct public information activities related to victim/witness assistance, to include public presentations to community groups and civic clubs, and neighborhood organizations, and release of information to the media. Members may also publicly distribute brochures and related materials pertaining to victim/witness assistance topic areas such as child abuse, rape crisis, family violence, and sexual assault. Brochures for distribution may be available from the following organizations or agencies:

   (a) Crime Prevention Division, NC Department of Crime Control & Public Safety;
   (b) State of North Carolina, Office of the Governor;
   (c) North Carolina Department of Human Resources;
   (d) United States Department of Justice;
   (e) North Carolina Victim Assistance Network;
   (f) Local Community Services; and
   (g) Publications developed by the Police Department.

APPENDICES:

Appendix A – Victim/Witness Offense List (NCGS 15A-830)

INDEX AS:

Victim Rights
Victim Assistance
Victim/Witness Protection

APPENDIX A

VICTIM / WITNESS ASSISTANCE OFFENSE LIST
NCGS 15A-830

In accordance with North Carolina General Statute 15A-830, victims of the following crimes will be notified of certain rights pertaining to medical services, compensation funds, investigating officers, prosecutors, arrests, and pretrial release of defendants.

Any Class A, B1, B2, C, D, or E felony

The following Class F felonies:

14-16.6(b)&(c)	Assault on an executive or legislative officer;
14-18	Involuntary manslaughter;
14-32.1(e)	Assault on a handicapped person;
14-32.2(b)(3)	Patient abuse and neglect;
14-32.3(a)	Domestic abuse of disabled or elder adults (serious injury);
14-32.4	Assault inflicting serious injury;
14-34.6(c)	Assault or affray on a firefighter, E.M.T., medical responder, emergency department nurse or emergency department physician;
14-41	Abduction of Children;
14-43.2	Involuntary servitude;
14-43.3	Felonious restraint;
14-190.17	Second degree sexual exploitation of a minor;
14-190.19	Participating in prostitution of a minor;
14.202.1	Indecent liberties with children;
14-288.9	Assault on emergency personnel; or
20-138.5	Habitual D.W.I

The following Class G felonies:

14-32.3(b)	Domestic neglect of disabled or elder adults (serious injury);
14-51	First and second-degree burglary;
14-58	Arson (Unoccupied dwelling);
14-87.1	Common law robbery; or
20-141.4	Death by vehicle.

The following Class H felonies:

14-32.3(a)	Domestic abuse of disabled or elder adults (injury);
14-32.3(c)	Domestic exploitation of disabled or elder adults; or
14-33.2	Habitual misdemeanor assault

The following Class I felonies:

14-277.3	Stalking;
14-32.3(b)	Domestic neglect of disabled or elder adults (injury);
14-34.6(b)	Assault or affray on a firefighter, E.M.T., medical responder, emergency department nurse or emergency department physician; or
14-190.17A	Third degree sexual exploitation of a minor.

An attempt of any of the felonies listed above if the attempted felony is punishable as a felony.

Any of the following misdemeanor offenses when committed between persons having a personal relationship as defined in G.S. 50B-1(b):

14-33(c)(1)	Assault (serious injury or use of deadly weapon);
14-33(c)(2)	Assault on a female;
14-33(a)	Simple assault;
14-34	Assault by pointing a gun;
14-134.3	Domestic Criminal Trespass; or
14-277.3	Stalking

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 500-08

SUBJECT: POLICE CHAPLAIN PROGRAM
DISTRIBUTION All Personnel
EFFECTIVE DATE: 07-01-2007
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish procedures and guidelines for the volunteer position of Police Chaplain for the Kannapolis Police Department.

POLICY

It shall be the policy of the Kannapolis Police Department to establish guidelines for a Volunteer Police Chaplain Program to support employees and their families in times of crises. This program is intended to provide guidance, counseling and other ministerial functions to our employees on a 24-hour basis.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Police Chaplain: an individual whose responsibility is to provide a ministry of guidance, counseling, and support to all members of the police department upon request.

PROCEDURES

A. ADMINISTRATION

1. The Support Services Bureau Commander will function as the Volunteer Chaplain Program Coordinator.

2. At the time of appointment Police Chaplains will be issued an identification card bearing his or her photograph. If a Chaplain separates from the Department, he or she will surrender their ID card and any other issued equipment to the Chaplain Program Coordinator.

B. SELECTION PROCESS

1. Volunteer Chaplains will be carefully screened through basic background and criminal checks, and must be ordained, licensed, or similarly recognized as a member in good standing of a recognized religious denomination. Chaplains will be recruited and selected to suit the needs of the Department.

2. Acceptable candidates will be interviewed by an interview board consisting of at a minimum, the Support Services Bureau Commander, the Field Operations Bureau Commander, and one additional command level officer.

3. Volunteer Chaplains will be appointed by the Chief of Police, upon successful completion of the screening process and a positive recommendation from the Support Services Bureau Commander.

C. QUALIFICATIONS

1. Volunteer Police Chaplains shall meet the following requirements:

   (a) Must be an ordained member of the clergy in full time service with an endorsement from their governing body.

   (b) If retired, must have an endorsement from their most recent affiliation or denomination.

   (c) Must have at least five years experience as a member of the clergy.

   (d) Must maintain high spiritual and moral standards.

   (e) Must be willing and available to respond to any and all situations where a chaplain's presence is indicated.

   (f) Must manifest and display a broad base of experience and professional ministry, emotional stability, and personal flexibility.

   (g) Must be tactful, considerate, and mindful, in approaching all people and show compassion and understanding regardless of race, creed, or religion.

   (h) Be willing to become involved in training programs that enhance his or her efficiency in meeting and dealing with people in crisis. A chaplain should be aware and familiar with medical, psychiatric, and other health care resources available in the area.

   (i) Must possess a valid North Carolina Driver's License.

D. DUTIES AND RESPONSIBILITIES

1. Police Chaplains may be called on to assist employees of the Department in any of the following situations:

   (a) Accompany an officer to assist in any death or serious injury notification.

   (b) Counseling for employees during times of personal crisis.

   (c) Providing chaplain services at Departmental and ceremonial functions.

   (d) Providing chaplain services during hospital visitations to employees and their families.

   (e) Advise the Chief of Police in all matters of religious nature involving the Department and perform as a liaison with local ministerial associations.

2. Police Chaplains must comply with the G.O. 500-01 (Media Relations)

3. Police Chaplains are volunteers and are not sworn officers and do not have the power of arrest. Chaplains are NOT AUTHORIZED to carry a firearm.

4. While at the scene of any critical incident the Police Chaplain will comply with all instructions of officers present as they relate to police procedures, policy, and officer safety. Following the resolution of the incident the Chaplain will complete and submit a statement explaining their actions and involvement during the incident. This report will be delivered as soon as practical to the Support Services Bureau Commander who will in turn forward it to the appropriate personnel.

5. Police Chaplains shall not publicly criticize the actions of any law enforcement officer, City official, fellow chaplain, or department policy or action. Any grievance voiced by a chaplain shall be discussed directly with the Chief of Police or his designee.

6. Police Chaplains are encouraged to attend briefings and to periodically participate in the Citizen Observer Program. The ride-a-longs will be conducted only after a Citizen Observer form (KPD-164) is completed and approved by the Chief of Police.

7. The Chaplain will, when appropriate, contact the personal clergy of anyone involved in a crisis, but ONLY with the individual's permission. When needed, the Chaplain will make appropriate referrals to other agencies for those needing specialized care.

8. All communications between a Chaplain acting in a professional capacity and an employee will be considered privileged and confidential. Chaplains will not disclose any information learned during any counseling session or conversation to the Department or anyone else without the explicit permission of the involved employee.

9. Chaplains will not release information regarding their cases to any news agency or insurance carrier except at the direction for the Department and in complete compliance with ministerial guidelines. All information will be held in strict confidence and used solely for the spiritual benefit of the individuals involved.

10. All official correspondence, counseling, visitations, or other chaplain activities will be strictly nondenominational in nature. Because of the diverse religious background of the employees of the Kannapolis Police Department, chaplains shall refrain from any appearance of proselytizing.

11. Police chaplains are expected to provide emotional support and guidance to employees in a time of crisis or need. However, chaplains shall make every effort to refer employees to official representatives of the employee's faith in matters related to specific doctrine.

12. Chaplains may assist in other situations as needed at the discretion of Command level officers

E. TRAINING

1. All Police Chaplains will receive an initial four (4) hour orientation at the Police Department consisting of:

    (a) Chaplain's duties and responsibilities

(b) Applicable Departmental policies and practices

2. Specialized chaplaincy training may be made available to the chaplains through the International Association of Police Chaplains and/or other equivalent policy chaplaincy programs.

INDEX AS: **CALEA REFERENCE**:

Police Chaplain

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: **600-01**
SUBJECT: USE OF FORCE
DISTRIBUTION All Personnel
EFFECTIVE DATE: 07-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this Order is to explain the law and department policy regarding the Use of Force by police officers. Understanding the law and department policy will allow officers to perform their duties confidently and wisely, without subjecting themselves to criminal or civil liability.

POLICY

Police officers are delegated the authority and responsibility to protect life and property, and to apprehend criminal offenders. However, the apprehension of criminal offenders and the protection of property must at all time be subservient to the officer's duty to protect human life, including his own. Consistent with this principle, it is the policy of the Kannapolis Police Department that officers shall use force only to the extent reasonably necessary to achieve the lawful objectives of the Department.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Deadly Force: force that is plainly likely to cause serious physical injury or death.

2. Non-Deadly Force: any physical force other than deadly force. The use of a baton or similar weapons normally is non-deadly force, but they can constitute deadly force, depending on the manner of use.

3. Reasonable Belief: the facts or circumstances known to the officer are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

4. Reasonably Necessary: force that may be used only to accomplish lawful objectives and only to the extent reasonably necessary in light of the circumstances confronting the officer. Force is reasonably necessary only if lesser force would not likely lead to safe control of persons and situations.

5. Serious Physical Injury: an injury that creates a substantial risk of death, serious and protracted disfigurement, or impairment of the function of any bodily organ or limb.

PROCEDURES

A. STATEMENT OF AUTHORITY

1. A Kannapolis Police officer is authorized to use **non-deadly force** upon another person when that force is, or reasonably appears, to be necessary:

   (a) To prevent the escape from custody or to effect the arrest or an investigative detention of a person who he reasonably believes (or reasonably suspects, in the case of investigative detention) has committed a criminal offense; or

   (b) To defend himself or a third person from what he reasonably believes to be the use of physical force while effecting or attempting to effect an arrest or investigative detention, or while preventing or attempting to prevent an escape

2. A Kannapolis Police officer is authorized to use **deadly force** upon another person ONLY when that force is, or reasonably appears, to be necessary:

   (a) To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or

   (b) To effect an arrest or to prevent the escape from custody of a person who he reasonably believes is attempting to escape by means of a deadly weapon; OR who by his conduct or any other means indicates that he presents an imminent threat of death or serious physical injury to others unless apprehended without delay

3. Any Use of Force which is not reasonably necessary in conformance with the laws and Constitution of North Carolina and the United States is prohibited. Nothing in this policy shall be construed to permit, excuse or justify the use of unreasonable or excessive force.

B. USE OF FORCE CONTINUUM

1. The Police Department has established a Use of Force continuum to provide officers with a guideline for determining the level of force that may legitimately be used in a given situation based on the level of resistance demonstrated by the suspect (as well as other variables), and to assist them in articulating the degree of force utilized when completing written reports or testifying in court. Force utilization shall be consistent with the methods instructed and the Use of Force continuum established by the Department.

2. Use of Force confrontations are dynamic situations and there are variables that affect the force continuum. In considering these variables, appropriate de-escalation techniques as outlined in General Order 1000-04 Section (J) (5) should be utilized to mitigate the need for any use of force. When assessing the need to use force and the level of force to be employed, officers should consider all circumstances of the encounter, including but not limited to: size, gender and skill level of the officer and the suspect, environmental conditions, reaction time, presence of multiple suspects, availability of other options, injury or exhaustion, proximity of a weapon, and totality of the circumstances.

C. LIMITS ON THE USE OF FORCE

1. WARNING SHOTS may be fired in an effort to stop a person only when the officer is authorized to use deadly force, and then only if the officer reasonably believes a warning shot will eliminate the need for deadly force and can be fired safely in light of the existing circumstances.

2. CONDUCTIVE ENERGY WEAPONS (CEW) may only be used in situations where the subject poses an immediate and continuing danger. Non-compliance and non-violent physical resistance do not necessarily create this immediate and continuing danger. A conductive energy weapon may not be used on a subject who physically resists in a non-violent manner, unless the situation is such that an officer could reasonably conclude that the resistance presents some immediate danger, despite its non-violent character. The X-26 Taser and similar devices are now regarded by the Court as a greater use of force than as previously "ranked" on traditional police use-of-force continuums. Factors to be considered in the use of these types of devices include:

   (a) The number of officers' present. When more than one officer is present, the use of a CEW is not authorized unless officers can clearly articulate that the subject continues to pose an immediate and serious physical threat, not negated by the number of officers' present

   (b) Size and strength. If only one officer is present, the relative sizes and apparent physical strength of the officer and the subject must be taken into consideration.

   (c) Mentally ill or non-criminal. CEW must not be used against a mentally ill person or other person who is not suspected of a crime unless doing so is necessary to protect officers or others from an immediate, serious, physical threat posed by that person. In the case of apparently mentally ill persons, every reasonable effort to de-escalate or otherwise resolve the situation must be made before a CEW is used.

   (d) Repeated drive-stun(s). A CEW shall not be used to repeatedly drive-stun an apparently mentally ill subject. If the initial drive-stun(s) do not achieve compliance, repeated uses of the drive-stun will not be attempted.

   (e) Manufacturer Guidelines. CEW will be used only in strict compliance with the manufacturer's most current recommendations and guidelines.

3. FIRING AT OR FROM MOVING VEHICLES is prohibited except where the officer reasonably believes there is an imminent threat of death or serious physical injury to himself or a third person if the officer does not do so, and that such action is the only reasonable means of protecting himself and/or a third person.

4. CHOKE HOLDS, STRANGLEHOLDS, LATERAL VASCULAR NECK RESTRAINTS, CAROTID RESTRAINTS and other similar techniques which restrict a persons ability to breathe or interrupt the flow of blood to the brain are prohibited except when the officer reasonably believes there is an imminent threat of serious physical injury or death to himself or a third person if he does not do so, and that such action is the only reasonable means of protecting himself and/or a third person.

5. HEAD BLOWS WITH IMPACT WEAPON: The use by an officer of a baton or other impact weapon to strike an intentional blow to a person's head is prohibited except when the officer reasonably believes there is an imminent threat of serious physical injury or death to himself or a third person, and that he has no other reasonable alternative for defending himself and/or a third person. Depending on the method of use and other circumstances, a flashlight, handgun, baton or similar object used as a club to strike a head blow could be considered use of deadly force

6. CHEMICAL MUNITIONS AND DISTRACTION DEVICES, while intended as non-deadly weapons, may be considered as having potentially deadly capabilities, especially where the delivery method is a projectile or grenade that could seriously injure a person upon impact or explosion. The use of chemical munitions or distraction devices must be authorized by the on-scene incident commander after careful assessment of the existing conditions. *(Note: For the purposes of this section, the term "chemical munitions" does not include individually issued duty canisters of OC aerosol spray).*

7. OC AEROSOL SPRAY: Officers will not use OC aerosol sprays on subjects who are exhibiting only verbal and/or passive resistance (Passive resistance means a subject offers no physical resistance to arrest and makes no overt action or indication of aggressive behavior.) Use of OC aerosol spray is only authorized for circumstances that an objective reasonable officer would conclude poses a "risk of immediate danger" to the officer or another person. Officers will not use OC aerosol sprays on subjects who are under physical restraint, unless the subject is still violently resisting and lesser means of controlling the subject have failed.

8. OFF-DUTY ACTIONS: Off-duty officers shall refrain from taking forcible police action except in those circumstances occurring within the territorial arrest jurisdiction of the Department and which seriously threaten life, valuable property, or public order. In other circumstances, the appropriate police action is to request the assistance of an on-duty officer at the first opportunity.

    (a) Before taking any action while off-duty, officers should carefully consider the risks to themselves and to others that may be caused by a sudden confrontation with armed criminals or suspects. If feasible, the off-duty officer should identify himself as a law enforcement officer before taking any action.

    (b) No unarmed off-duty officer will be subject to disciplinary action for failure to take law enforcement action if such action would reasonably require the officer to be armed.

9. DISPLAY AND BRANDISHMENT OF WEAPONS: Except for general maintenance, storage, inspection or authorized training, officers shall not draw, point, or exhibit their firearm or other weapon unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance with law and Departmental policy.

10. WEAPONS AND DEVICES PERMITTED: Officers may carry and use only those weapons and control devices which have been issued by the Kannapolis Police Department, or which have been specifically authorized in accordance with departmental directives.

11. SHOTS TO DESTROY ANIMALS may be fired only when it is reasonably necessary to do so for the officer to defend himself or another person against an immediate threat of significant physical injury, or to relieve a badly injured animal from great suffering.

(a) Before destroying a badly injured domestic animal, the officer shall make reasonable efforts to notify the animal's owner and/or any appropriate agencies or authorities (Humane Society, nearby veterinary office, Animal Control, etc) in order to involve more appropriate persons in the decision. If no suitable alternative is identified, the officer may, upon supervisory approval, proceed with the destruction of the animal;

(b) No weapon shall be fired to destroy any animal, wild or domestic, unless the weapon can be fired safely with respect to human life and other property. Following destruction, the officer will be responsible for arranging the removal or other appropriate disposition of the animal prior to leaving the scene.

D. PROCEDURES FOLLOWING THE USE OF FORCE

1. PERSON IN NEED OF MEDICAL ATTENTION: Appropriate medical aid shall be rendered and/or summoned as quickly as reasonably possible for any person on whom an officer used force and needs medical attention or complains of an injury. The officer shall notify a supervisor as soon as practical of any use of force and that medical aid has been rendered and/or summoned. The supervisor shall order or otherwise arrange transportation of such person to a place where necessary medical care can be obtained, unless the person is transported to a medical facility by a local Emergency Medical Service.

2. CONDUCTIVE ENERGY WEAPON DEPLOYMENT:

   (a) Any deployment of a conductive energy weapon that includes probe strikes and penetration to the skin will require that EMS personnel of the appropriate county be summoned for the purpose of removing the probes.

   (b) Officers are authorized to remove the wires from the probes but should leave the probes embedded.

   (c) In the event the suspect refuses treatment a copy of the refusal paperwork will be obtained and submitted with the administrative review.

   (d) In the event the suspect seeks to be transported to a hospital, all other in-custody rules apply. Copies of any release paperwork will be submitted with the review.

3. PHOTOGRAPHS OF INJURIES. With the consent of the injured person, the police supervisor shall, when feasible, have photographs taken of the injuries. Photographs may also be taken to document the absence of visible injuries when a complaint of injury is made, and no injury is apparent. Officers with visible injuries should also be photographed.

4. CHARGING FOR RESISTANCE AND ASSAULT: If an officer exercising police authority encounters resistance that clearly justifies a charge of resisting arrest or assaulting an officer, these charges should be made immediately.

5. NOTIFICATION OF SUPERVISOR: An officer who uses force on a subject shall notify his immediate supervisor at once. The supervisor shall conduct appropriate investigation into the incident. If the officer's immediate supervisor is unavailable, the officer shall notify the next higher supervisor in his chain of command. Off-duty officers involved in Use of Force situations are subject to the same notification and reporting procedures as on-duty officers. When an off-duty officer uses force, he shall notify an on-duty supervisor immediately.

6. CUSTODY OF FIREARMS DISCHARGED: Any officer who has discharged a firearm during a Use of Force incident shall, once the threat to his/her safety has been eliminated, maintain custody and preserve the weapon in the same condition in which it was following the Use of Force. The involved officer will hold the weapon until such time as it can be turned over to authorities charged with the responsibility of investigating the discharge. If the officer is injured or otherwise unable to maintain custody and control of the weapon, a supervisor shall secure the weapon as evidence and submit it to investigators.

7. DOCUMENTATION/REPORTING REQUIRED: Use of Force by officers shall be documented and reported on Form KPD-115 (Use of Force Report). The purpose of filling out the report is to immediately document the Use of Force so that, should any questions arise concerning the force incident, the pertinent facts will be readily available. The report will also be used to assist in identifying training and equipment needs.

   (a) Not every touching by an officer requires completion of a Use of Force Report or notification of a supervisor. Some examples of situations which DO require supervisory notification and completion of a Use of Force Report include:

      (1) An officer exercising police authority takes an action that results in, or is alleged to have resulted in, injury or death of another person;

      (2) An officer exercising police authority uses an impact weapon, flashlight, hand, fist, foot, or other object to strike a blow to a subject;

      (3) An officer exercising police authority bodily removes or drags a resisting subject from one place to another, or uses force which in any way causes a subject to suffer a blow to the head, or to lose consciousness;

      (4) An officer exercising police authority uses any chemical agent, conducted energy weapon, or distraction device;

      (5) An officer discharges his firearm, regardless of duty status and regardless of whether the discharge was accidental or intentional. (Exceptions: lawful hunting activity, approved firearms range activity, other lawful/safe private target practice.

   (b) An officer who uses force on a subject shall complete the applicable portions of the Use of Force Report and forward it to his supervisor no later than the end of the tour of duty on which the force was used. Off-duty officers are subject to the same reporting procedures as on-duty officers, and shall forward a completed Use of Force Report to the on-duty supervisor

   (c) The supervisor receiving a Use of Force Report shall prepare an administrative report detailing their initial investigation to determine the relevant facts and circumstances surrounding the force incident, and their findings as to whether the application of force was in accordance with departmental policies. The supervisor's administrative report will be attached to the officer's Use of Force Report and submitted accordingly.

   (d) Original copies of all Use of Force Reports are to be forwarded for review via the chain of command to the Chief of Police, who will determine if further action of any

kind is required. Use of Force Reports will be maintained on file in the office of the Chief of Police for a period of three (3) years from the date of the force incident. After three years, the Use of Force Report will be purged unless it has become the subject of civil or criminal litigation.

(e) The agency will conduct an annual analysis of Use of Force Reports to identify patterns or trends that may indicate training needs and/or policy modifications.

8. Any assault on an officer will be fully documented in the appropriate incident report. A copy of the incident report shall be forward via the chain of command to the Field Operations Bureau Commander. Annually the Field Operations Bureau Commander shall complete a review of all assaults on agency personnel to determine trends or patterns and shall include recommendations to enhance officer safety, revise policy or address training issues.

E. INVESTIGATION OF OFFICER INVOLVED SHOOTINGS AND DEADLY FORCE EVENTS

1. PRELIMINARY RESPONSE: The preliminary response to a deadly force incident involving a department member is the responsibility of the ranking on-duty patrol supervisor. This responsibility includes responding directly to the incident location, summoning necessary medical aid, securing the scene, and notifying higher command authorities. Once initial measures have been taken to eliminate any existing threat and/or provide emergency medical aid to injured persons, the scene shall be secured, and officers posted to provide perimeter security pending the arrival of higher command authorities. Witnesses should be identified and detained for questioning by the assigned investigators.

2. CRIMINAL INVESTIGATION: The Chief of Police will request that the State Bureau of Investigation (SBI) conduct an independent criminal investigation of any incident involving the use of deadly force by a department member that results in death or serious physical injury to any person. The Director of SBI has established procedures for that agency's investigation of such incidents. These procedures are designed to ensure the public's confidence in the objectivity and integrity of such investigations.

   (a) A team of SBI agents will immediately respond to handle the initial aspects of the investigation (i.e. crime scene processing, interview of witnesses, etc.) and assume overall responsibility for conducting the investigation;

   (b) The Police Department will turn over all aspects of the criminal investigation to the SBI in such incidents. The role of the SBI is to obtain all the facts so that the District Attorney can decide as to any criminal liability on the part of the involved law enforcement officer(s).

   (c) Any internal administrative investigation conducted by the Police Department will be conducted <u>separately</u> from the criminal investigation and initiated <u>after</u> the SBI criminal investigation has been completed;

   (d) It will be standard practice for our agency to release the name of the involved officer(s) to the news media, and to confirm that the SBI has been requested to investigate the matter. All additional requests for information from media representatives shall be referred to the designated SBI official or public information officer. Any media requests related to subsequent decisions on prosecution shall be referred to the appropriate Office of the District Attorney;

(e) When involved officers are interviewed by the SBI, the officer will be advised that the investigation is criminal in nature and advised of his/her constitutional rights accordingly. Unless the officer specifically requests an attorney and/or someone else to be present during the interview, no one other than SBI personnel will participate in the interview;

(f) Upon completion of their investigation, the SBI will submit a written report to the District Attorney, without a conclusion or recommendation, for his review and decision if further investigation or prosecution is warranted. Officers should remain aware that in such cases, the submission of the SBI's final report to the District Attorney might be delayed pending receipt of laboratory reports and/or medical examiner findings.

3. INTERNAL INVESTIGATION: An internal administrative investigation shall be conducted into the use of deadly force by a department member that results in death or serious physical injury to any person. The investigation will be the responsibility of a designee of the Chief of Police and shall be conducted in accordance with the applicable provisions of General Order 500-02 (Internal Affairs).

4. INVESTIGATION OF VEHICULAR USE OF FORCE: In the event of a traffic collision arising from an officer operating a police vehicle in a manner that may constitute a use of deadly force (e.g., moving roadblock, forcible stop, etc), and that results in the serious injury or death of any person, the Chief of Police will request that the N.C. State Highway Patrol conduct the investigation. The Highway Patrol will be responsible for requesting additional investigative assistance from the State Bureau of Investigation, if needed.

5. ADMINISTRATIVE LEAVE: Any employee whose action(s) or use of force in an official capacity results in death or serious injury to any person shall be placed on administrative leave directly upon his preliminary report of the incident. This leave shall not be interpreted to imply or indicate that the employee has acted improperly. While on administrative leave, the employee shall remain available for official department business, including interviews and statements regarding the incident, and may be recalled to duty at any time. Upon returning to duty, the employee may be assigned to administrative duties for a period deemed appropriate by the Chief of Police.

6. CRITICAL INCIDENT DEBRIEFING: In all cases where any person has been seriously injured or killed as a result of the application of deadly force by an officer, the involved officer will be required to undergo a debriefing with a department provided psychologist, Licensed Professional Counselor, or other approved professional as soon as practical. The purpose of this debriefing will be to assist the officer in dealing with any emotional and/or psychological after-effects of the incident. The debriefing will not be related to any criminal or administrative investigation and will remain protected by the privileged physician/patient relationship. Where appropriate, critical incident stress debriefing services may also be made available on a voluntary basis to other personnel involved in the incident.

F. INSTRUCTION IN USE OF FORCE POLICIES

1. All sworn personnel will be issued a copy of and instructed in the provisions of this General Order before being authorized to carry a departmental firearm or other issued/authorized weapon. A review of this policy will be conducted with all sworn personnel as part of the department's annual in-service use of force training.

2. Instruction in the provisions of this general order shall specifically include awareness level training for all sworn personnel on the criminal and administrative procedures used to investigate use of force or other police actions that result in death or serious bodily injury.

3. Upon promotion supervisors shall receive specific instructional training on the processes and procedures related to their duties in responding to and managing any police action that results in death or serious bodily injury.

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KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 600-02

SUBJECT: WEAPON REGULATIONS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 02-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish regulations for the use, qualification, maintenance, specification, and control of department issued and authorized weapons.

POLICY

It shall be the policy of the Kannapolis Police Department to regulate the carrying and use of firearms and other weapons by Department members. No member may carry or use a weapon pursuant to police authority, either on-duty or off-duty, unless such weapon has been issued or specifically authorized by the Department and the member has been properly trained in its use. Any carrying or use of a weapon must be in accordance with prevailing law and departmental directives.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Armorer: an individual specifically trained and experienced in the area of disassembly, assembly, and repair of functional problems of firearms, and who is authorized by the Chief of Police to repair departmental weapons.

2. Certified Instructor: a person holding a valid instructor certification issued by the N.C. Criminal Justice Education and Training Standards Commission or other department approved credentialing body for a specific type or category of weapon, and who is approved by the Chief of Police to conduct training for that weapon in accordance with this General Order.

3. Chemical Munitions: pyrotechnic or non-pyrotechnic grenades, projectiles, barricade rounds, and similar devices which deliver CS or CN tear gas, smoke, Oleoresin Capsicum or blended irritant/inflammatory agents designed for tactical applications or crowd control during civil disturbances. For the purpose of this Order, the term chemical agent munitions will not include individually issued OC aerosol projectors.

4. Commission: the North Carolina Criminal Justice Education and Training Standards Commission.

5. Distraction Device: a less lethal device utilized by special operations units as an aid during dynamic tactical entries. The device produces a loud report and brilliant flash but has no ejecting submunitions.

6. Duty Weapon: a handgun issued by the Department for official use in the performance of law enforcement duties.

7. Off-Duty Weapon: a handgun carried concealed by an officer while not on duty. The officer may carry the issued duty weapon or an authorized private weapon as provided herein.

8. Personal Weapon: a privately owned handgun that is approved by the Department for use by an officer as a secondary weapon or off-duty weapon.

9. Qualification: the successful completion of weapons training and demonstration of proficiency in accordance with applicable standards under the direction of a certified instructor.

10. Remedial Training: personalized training conducted by a certified instructor to correct a specific deficiency, which is usually identified by testing or evaluation during training.

11. Secondary Weapon: a privately owned handgun authorized for on-duty use by an officer and which is carried concealed in addition to the department issued duty weapon.

12. Specialty Impact Munitions: less lethal munitions such as bean bag rounds, rubber pellet rounds, stinger grenades, frangible breaching rounds, wood baton rounds and similar kinetic energy devices designed for high threat applications or crowd control during civil disorders.

PROCEDURES

A. ADMINISTRATION

1. Prior to receiving initial authorization to carry or use a firearm or other weapon pursuant to police authority, and thereafter on at least an annual basis, each officer shall receive training on departmental policies governing the use of force and weapon regulations, and must demonstrate proficiency with any approved weapon that the officer is authorized to use. All weapons training and qualification must be conducted under the direct supervision of a certified instructor.

2. Officers who fail to qualify with an issued or authorized weapon will be required to undergo remedial training by a certified instructor prior to resuming official duties. Officers failing to qualify after sufficient remedial training shall have their authorization to carry or use the weapon immediately suspended. Remedial training may also be conducted at the direction of the Chief of Police following any incident involving the improper use of a weapon.

3. Members who carry a firearm or other weapon pursuant to their authority as law enforcement officers will carry only those weapons and ammunition that have been issued or specifically authorized for use by the Department (see Appendices to this Order).

4. The Police Department will maintain a complete record of all weapons issued or approved for use, to include the type, description, identifying model, serial number, and identity of the member, component, or specialized unit to whom the weapon is assigned.

5. Each officer shall at all times, both on and off duty, exercise reasonable control over Department issued or authorized weapons so as to ensure their security against unauthorized access and to protect the safety of himself and others.

6. Departmental weapons may not be loaned or transferred to the custody or control of any person other than the assigned officer except as necessary to comply with law or agency

directives. Department owned weapons shall not be transported outside the State of North Carolina except as required for official purposes and authorized by a supervisor.

7. All authorized personal firearms must conform to departmental specifications (see Appendix B) and be registered with the Department to include: make, model, caliber, finish and serial number. Officers must provide factory ammunition for training and qualification at their own expense and will assume sole responsibility for any loss or damage to their personal weapon. The weapon, ammunition, and method of carry must be inspected and approved for use by a certified firearms instructor and documented on Form KPD-144 (Secondary Weapon Authorization).

8. An officer may be subject to disciplinary action if their possession or use of a firearm or non-lethal weapon constitutes any of the following:

   (a) A violation of the law or departmental policy;
   (b) Intentional or gross disregard for public safety;
   (c) Misconduct on the officer's part; or
   (d) A careless or reckless act that results in an accidental discharge.

B. DUTY WEAPONS

1. All sworn officers will be issued a duty handgun and duty ammunition in order to provide for standardization. No officer may deviate from this standard weapon and ammunition without written authorization from the Chief of Police.

2. All sworn officers, while on duty or in uniform, shall be armed with a fully loaded and functional duty weapon, except as follows:

   (a) Temporary securing of firearms as required to enter facilities such as jails, detention centers, booking rooms, courtrooms, or similar controlled access areas;

   (b) While working in an authorized undercover capacity when such action could endanger their personal safety or compromise a covert investigation;

   (c) While working in a special capacity or assignment where the carrying of a firearm is not appropriate, with the approval of a supervisor.

3. On-duty plain-clothes officers will carry the duty weapon in a concealed manner and must have in their immediate possession the issued badge and police identification card.

C. SECONDARY WEAPONS

1. The Department recognizes that in a violent line of duty encounter, an officer's primary duty weapon may be damaged so as to cause malfunction, suffer mechanical failure, run empty, or be forcibly taken by an assailant. In view of these possibilities, sworn officers may carry an authorized personal handgun as a secondary weapon while on duty.

2. While officers are permitted to carry a secondary handgun while on duty, they are not required to do so. If an officer elects to carry a secondary weapon, the Department must authorize the weapon in the same manner as for a concealed off-duty weapon.

3. Secondary weapons must be carried in an approved holster and worn concealed. In all cases, the weapon must remain secure while performing rigorous physical activity.

4. The use of a secondary weapon shall be limited to those situations justifying the lawful use of deadly force where:
   (a) The primary duty weapon has been rendered inoperable due to an unanticipated malfunction, damage, or has run empty; or

   (b) The officer has been forcibly disarmed of his primary duty weapon by a suspect; or

   (c) The use of the primary duty weapon would not be feasible or practical due to the circumstances confronting the officer.

D. DEPARTMENTAL SHOTGUNS

1. The only shotguns and shotgun ammunition authorized for duty use are those issued by the Department. Access to shotguns is restricted to sworn officers who have completed the prescribed training and maintain qualification as required by this Order.

2. The officer to whom the shotgun is assigned will ensure that the shotgun is routinely cleaned and maintained in good working order. When the shotgun is assigned to a police vehicle rather than to an individual officer, the vehicle operator assumes responsibility for the condition and security of the shotgun as long as the vehicle remains under his control.

3. Shotguns assigned to police vehicles will be properly secured in locking mounts with the chamber empty, safety engaged, magazine fully loaded, and action closed. No shell will be introduced into the firing chamber of any shotgun unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance with law and departmental policy.

E. SPECIALIZED TACTICAL FIREARMS

1. The Department maintains special purpose firearms that may include, but are not limited to: tactical shotguns, tactical rifles, selective fire weapons, and tear gas launchers. Only those officers who have successfully complete and maintain qualification as required by this Order will be authorized to utilize such weapons.

2. Access to specialized tactical firearms shall be restricted to authorized members of the Special Response Team (SRT), designated firearms instructors and qualified armorers.

3. The SRT Coordinator will be responsible for ensuring that the procurement, use, storage, transfer and disposition of specialized firearms complies with all applicable laws and regulations of the Bureau of Alcohol, Tobacco and Firearms (ATF).

F. FIREARMS TRAINING & QUALIFICATION

1. Prior to receiving initial authorization to carry a Department issued or authorized firearm, an officer must:

   (a) Successfully complete a Commission approved course of instruction in Basic Law Enforcement Training;

   (b) Receive a copy of and be provided with instruction in Departmental policies relating to the use of force and weapon regulations;

(c) Qualify with the weapon under the direct supervision of a certified firearms instructor;

(d) Hold a probationary or general law enforcement certification issued by the Commission.

2. All sworn officers must successfully complete in-service firearms training on at least an annual basis that includes instruction in each of the following topic areas:

   (a) Departmental policy on the use of deadly force;
   (b) Legal requirements regarding the use of deadly force;
   (c) Firearms safety; and
   (d) Basic marksmanship fundamentals.

3. Qualification shall be completed with duty equipment and duty ammunition for all Departmental weapons.

4. Departmental firearms instructors shall deliver firearms training and proficiency qualification that meets or exceeds the minimum requirements established by the North Carolina Criminal Justice Education and Training Standards Commission.

5. A semi-annual training schedule and course outline will be developed jointly by the Firearms Instructors and Training Coordinator and submitted for approval to the Chief of Police.

6. All sworn officers shall qualify at least annually with the issued duty weapon on a Commission approved day and night course of fire. The minimum acceptable score will be seventy percent (70%) accuracy on all standard courses of fire.

7. Officers will initially be given three attempts to qualify and must qualify on one of the three attempts. Once a qualifying score is attained on any of the three attempts, no further attempt will be made.

8. An officer failing to qualify with the issued duty weapon during any qualification session, or after remedial training, shall immediately surrender the duty weapon to the firearms instructor prior to leaving the range. An officer whose authority to carry the issued duty weapon has been temporarily revoked may be reassigned to non-uniformed administrative duty or placed on administrative leave pending remedial training at the discretion of the Chief of Police.

9. An officer who fails to qualify with a duty weapon on either the day or night course of fire will be required to complete remedial training by the firearms instructor prior to resuming official duties. All remedial firearms training and attempts at re-qualification must be completed as soon as practical following the initial failure to qualify. Officers failing to qualify with a duty weapon after remedial training will have their employment status with the Department reviewed by the Chief of Police and City Manager.

10. The Chief of Police may authorize officers to receive additional or specialized firearms training depending upon their current assignment and type of weapons utilized.

11. Unclaimed contraband, court awarded, or evidentiary weapons shall NOT be used for training purposes.

G. QUALIFICATION WITH OTHER FIREARMS

Except where necessitated by design of a particular weapon, qualification with other firearms will be in accordance with procedures established in this General Order.

1. Shotguns: Officers who are assigned or have access to departmental shotguns are required to qualify with such weapons annually. The course of fire will be determined by the Firearms Instructor supervising the particular session in accordance with Commission requirements.

2. Non-Issued Off-Duty/Secondary Weapons: Officers must qualify with each non-issued off-duty or secondary weapon on at least an annual basis on a Commission approved day and night course of fire. Failure to qualify on any one of the three attempts will result in the revocation of authorization to carry such weapon in an official capacity.

3. Specialized Firearms: Officers who are issued or have access to a specialized departmental firearm will be required to qualify at least annually on a Commission approved course of fire for the type of weapon involved.

H. AUTHORITY TO ORDER REMEDIAL WEAPONS TRAINING

1. The Chief of Police shall have the authority to immediately revoke the authorization of any officer to carry or access a firearm or other weapon pursuant to police authority, either on or off duty, and/or may require an officer to undergo remedial training and re-qualify with an issued or authorized weapon as part of a disciplinary or administrative action.

I. WEAPONS TRAINING RECORDS & DOCUMENTATION

1. All weapons training and qualification, including remedial training, will be documented and a copy of the record maintained in the officer's training file. Certified instructors will report the successful or unsuccessful completion of weapons training for each officer to the Chief of Police and shall ensure that all required forms and documentation are properly prepared and submitted in accordance with this Order.

2. The Chief of Police will maintain in each officer's public safety file documentation that the officer has completed the required in-service weapons training requirement and shall ensure that notice of compliance by the agency is submitted to the Commission on an annual basis.

J. POSSESSION OF WEAPONS BY CIVILIAN EMPLOYEES

1. No civilian employee of the Police Department may possess a weapon or carry a concealed handgun while on duty (includes any compensated time such as training, conferences, special assignment, etc), while wearing the departmental uniform, or while on any property owned, occupied or controlled by the City of Kannapolis.

2. Except as specified above, nothing in this section shall be construed to prevent a civilian employee who has a valid North Carolina concealed handgun permit from carrying a concealed handgun in accordance with State law and local ordinances.

K. CARRYING OFF DUTY CONCEALED WEAPONS INSIDE ARREST JURISDICTION

1. Off-duty officers are authorized to carry a concealed handgun pursuant to their status as a law enforcement officer while inside the territorial arrest jurisdiction of this department. Officers may carry either the issued duty weapon or a personal weapon authorized by the Department, subject to the following restrictions:

(a) An officer cannot carry a concealed weapon while consuming any quantity of alcohol or while under the influence of alcohol, or any medicine or other substance that impairs mental or physical capabilities; nor shall a concealed weapon be carried for a period of eight hours after the most recent consumption of alcohol or impairing substance;

(b) An officer cannot carry an off-duty concealed weapon while on probation, while suspended, or while specifically ordered by any superior officer of this agency;

(c) An officer must carry the issued police identification and badge at all times while carrying a concealed handgun off-duty pursuant to police authority.

2. Off-duty officers carrying concealed weapons inside the territorial arrest jurisdiction shall abide by all laws, ordinances, and agency regulations governing their carrying and use as if they were on-duty.

3. Although officers are authorized to carry a concealed off-duty firearm as provided herein, they are not required to do so. An officer who elects not to carry an off-duty firearm shall not be subject to disciplinary action if an occasion should arise in which he/she could have taken police action if armed.

L. CARRYING OFF DUTY CONCEALED WEAPONS OUTSIDE ARREST JURISDICTION

1. The Law Enforcement Officers Safety Act (LEOSA) (18 USC §926B and §926C), with certain limitations and conditions, exempts active and retired "qualified law enforcement officers" from state law and local ordinances prohibiting the carrying of concealed weapons. Currently employed police officers may carry an approved personal firearm outside their territorial arrest jurisdiction provided that they comply with the conditions and restrictions of the LEOSA. The Police Department does not currently certify or credential retired officers to carry a concealed firearm under the LEOSA.

2. Consistent with the provisions of the LEOSA, North Carolina law, and departmental directives, off-duty officers who are outside the territorial arrest jurisdiction of this department are authorized to carry an approved personal firearm any place where a private citizen may lawfully carry a concealed firearm.

3. An off-duty officer who is outside the territorial arrest jurisdiction of this department is a private citizen with no authority to take any action that is not lawful for a private citizen under identical circumstances, excepting only the possession of a concealed handgun.

4. Officers must successfully complete departmental training on private citizen use of deadly force and restrictions on carrying a firearm for private citizens before carrying a concealed weapon while off-duty outside the territorial arrest jurisdiction.

5. An officer who carries a concealed personal weapon outside the arrest jurisdiction of the Department while off duty, and pursuant to police authority or their status as a law enforcement officer, shall comply with all restrictions outlined in Section K, Paragraph 1 above.

M. CARRYING A CONCEALED HANDGUN PURSUANT TO A PERMIT

1. Under the LEOSA and North Carolina law, police officers are exempt from the requirement to obtain a concealed handgun permit, provided that they abide by prevailing law and their

agency regulations. However, both officers and civilian employees are eligible to apply for a concealed handgun permit in their capacity as private citizens.

2. Employees carrying a concealed handgun pursuant to a permit will be considered private citizens, and are expressly prohibited from using any force or taking any action to enforce the criminal law or prevent a crime from occurring, unless a private citizen is authorized under North Carolina law to take the same action under identical circumstances.
3. Employees carrying a concealed handgun pursuant to a permit must comply with all legal restrictions imposed on private citizens, both inside and outside the territorial arrest jurisdiction of the department.

N. BATONS

1. The Department issues a baton to provide officers with a less-lethal force option for gaining compliance of resistant or aggressive individuals in arrest and other enforcement situations. Only the baton issued by the Department is authorized for use by agency personnel. Uniformed officers whose normal duty assignment requires them to make arrests or supervise prisoners shall carry the issued baton when on-duty and engaged in police related activity.

2. Prior to receiving initial authorization to carry or use a baton, and on at least an annual basis thereafter, officers must successfully complete and maintain qualification in accordance with Section A1 of this Order.

3. During training, each baton will be inspected and approved by a qualified weapons instructor. Through the baton training program, officers are taught when the use of a baton or other impact weapon is appropriate and lawful based on the department's use of force continuum. It is the responsibility of each officer to use the baton in accordance with the manufacturer's instructions and Departmental directives.

4. The use of a baton, other than for authorized training or evaluation purposes, constitutes a use of force and must be reported in accordance with the provisions of General Order 600-01.

O. OLEORESIN CAPSICUM (OC) AEROSOL SPRAY

1. The Department issues oleoresin capsicum (OC) aerosol projectors to provide officers with a less lethal force option for gaining compliance of aggressive individuals in arrest and other enforcement situations. Only the OC aerosol projectors issued by the Department are authorized for use by agency personnel.

2. Prior to receiving initial authorization to carry or use an OC aerosol projector, and on at least an annual basis thereafter, officers must successfully complete and maintain qualification with the weapon in accordance with Section A1 of this Order. During this training, the OC aerosol projector will be inspected and approved by a qualified weapons instructor.

3. OC qualified officers whose normal duty assignment requires them to make arrests or transport prisoners should carry the issued OC aerosol projector while on duty and engaged in police related activity. Qualified uniformed officers should carry OC aerosol projector in the issued holder on the duty belt. Qualified plain-clothes officers may carry OC aerosol projector in alternative devices as authorized by the agency.

4. All OC aerosol projectors shall be maintained in an operational and charged state by the assigned officer. It shall be the responsibility of the assigned officer to request a replacement projector when the unit has been discharged (regardless of the amount remaining in the

projector after use), becomes damaged or inoperative, or has reached the manufacturer's expiration date. Supervisory personnel will inspect OC aerosol projectors on a monthly basis.

5. Through the OC aerosol projector training program, officers are taught when the use of OC aerosol is appropriate and justified based on the department's use of force continuum. OC aerosol projectors may be used only in accordance with the manufacturer's instructions and Departmental directives.

6. Officers may, but are not required to, issue a verbal warning prior to using OC aerosol against a suspect to encourage voluntary submission to officer control. The use of OC aerosol against an attacking or violently resisting suspect does not require warning or waiting before spraying. In all cases, the use of OC aerosol must immediately cease once the suspect is incapacitated or submits to officer control.

7. Post-Exposure Decontamination: Once OC aerosol has been employed, officers should immediately handcuff the suspect, and shall take appropriate action to aid the suspect's decontamination:

    (a) Once the suspect is safely under control, officers shall promptly assist the suspect in decontamination utilizing the field wash provided by the Department. Field wash is the first step in the decontamination process and offers some relief on site, prior to transport. Officers should verbally reassure the suspect that the effects of the OC aerosol are temporary and encourage them to relax and cooperate with the decontamination process.

    (b) Suspects that have been sprayed shall be monitored continuously for indications of medical distress and shall not be left unattended at any time while in police custody.

    (c) If at any point the suspect states or appears that they are in medical distress, the officer shall immediately summon EMS assistance. Medical distress includes, but is not limited to: breathing difficulties, chest pain, vomiting, or loss of consciousness.

    (d) Officers are to assist the suspect with conventional decontamination as soon as possible in accordance with the procedures taught by the Department during training.

    (e) Officers shall obtain prompt medical attention for any person exposed to OC aerosol if any one of the following applies:

        (1) The person requests medical attention; or

        (2) The person fails to recover from the effects of OC within a reasonable time period following decontamination; or

        (3) The person indicates that he/she suffers from a serious pre-existing medical condition such as asthma, lung disease, or heart problems; or

        (4) The person was wearing contact lenses at the time of exposure or indicates that they suffer from a serious pre-existing eye condition; or

        (5) The person will be committed to a jail or other facility that requires medical clearance for persons subdued with OC aerosol prior to acceptance. In such cases, the officer shall advise the receiving facility that the person was exposed to OC aerosol and has been afforded medical attention.

(f) Advance notice should be provided to the medical facility where the exposed suspect will be taken for treatment. Officers shall observe the intake procedures for OC aerosol contaminated persons established by the medical facility so as to avoid cross-contamination of other patients and treatment areas

8. An officer may utilize OC aerosol to protect himself or others from attack by an aggressive animal. However, officers should consider any reasonable, practical alternative before resorting to the use of OC aerosol, such as retreat to a position of safety, summoning animal control authorities, or requesting restraint of the animal by the owner. Decontamination of sprayed animals should be attempted if practical. Officers should remain alert to the possibility that decontamination will lead to renewed aggressiveness on the part of the animal.

9. An officer may use deadly force to protect himself from the use or threatened use of OC aerosol ONLY when the officer reasonably believes that deadly force will be used against him if he becomes incapacitated. Officers should use any reasonable, practical alternative before using deadly force against an OC aerosol armed adversary, such as increasing separating distance and seeking cover from the spray. Using deadly force may be unnecessary and unlawful if the officer has assistance on the scene and the adversary poses no imminent threat given the number of officers present and the totality of the circumstances.

10. Any discharge of OC aerosol, other than for authorized training or evaluation purposes, constitutes a use of force and must be reported in accordance with the provisions of General Order 600-01.

P. CHEMICAL MUNITIONS

1. Only those chemical munitions issued and approved by the Department are authorized for use by agency personnel. Chemical munitions may only be used in accordance with the manufacturer's instructions and after receiving proper training.

2. Prior to receiving initial authorization to use chemical munitions, and on at least an annual basis thereafter, officers must successfully complete and maintain qualification in accordance with Section A1 of this Order. During this training, chemical munitions will be inspected and approved by a qualified instructor.

3. The use of any chemical munition must be authorized in advance by the ranking on-scene commander after a careful assessment of the existing conditions and intended application of the selected munition. Affected on-scene personnel must be equipped with approved gas masks, and appropriate precautions taken to minimize the risk of fire or other hazard associated with the use of the selected munition.

4. Chemical munitions which are defective, damaged, or have reached the manufacturer's expiration date shall be rendered safe and disposed of in accordance with the manufacturer's guidelines and applicable EPA regulations.

5. Any use of a chemical munition, other than for authorized training or evaluation purposes, constitutes a use of force and must be reported in accordance with the provisions of General Order 600-01.

Q. DISTRACTION DEVICES

1. Only the distraction devices issued and approved by the Department are authorized for use by agency personnel. Distraction devices may be used only in accordance with the manufacturer's instructions and after receiving proper training.

2. Prior to receiving initial authorization to carry or use distraction devices, and on at least an annual basis thereafter, officers must successfully complete and maintain qualification in accordance with Section A1 of this Order. During this training, distraction devices will be inspected and approved by a qualified instructor.

3. Because of the specialized nature of distraction devices and their intended application under high threat conditions, use of distraction devices shall be restricted to qualified members of the department's Special Response Team (SRT).

4. Except for emergency reaction to the threat of deadly force, distraction devices shall not be used without the prior authorization of the Incident Commander or SRT Team Leader.

5. Distraction devices may be employed by the SRT whenever the use of a less lethal diversion would aid dynamic entry and potentially reduce the risk of serious injury or death. Circumstances which may justify the use of distraction devices include, but are not limited to:

   (a) Barricaded gunmen and/or hostage situations;

   (b) High-risk warrant service;

   (c) High threat circumstances where the distraction of violent mentally deranged suspects or those impaired by alcohol or drugs is believed necessary in order to facilitate safe apprehension;

   (d) Other high-risk incidents where the on-scene Incident Commander deems their use reasonable and necessary to aid a tactical action.

6. Through training, officers are taught when the use of a distraction device is appropriate and lawful, and how to minimize the possibility of serious injury to affected persons while ensuring their own safety. It is the responsibility of each officer to use distraction devices in accordance with the manufacturer's guidelines and methods instructed.

7. The SRT Team Leader and Incident Commander shall review the use of distraction devices as soon as practical following each incident to ensure that such use was in accordance with departmental policy, and that the devices functioned properly.

8. The SRT Coordinator will be responsible for ensuring that the procurement, storage, disposal and reporting of device disposition complies with applicable law and the regulations of the Federal Bureau of Alcohol, Tobacco and Firearms (ATF).

9. Distraction devices which are defective, damaged, or have reached the manufacturer's expiration date or specified reload limit shall be rendered safe and disposed of in accordance with the manufacturer's guidelines and applicable EPA regulations.

10. Any use of a distraction device, other than for authorized training or evaluation purposes, will be considered a use of force and must be reported in accordance with the provisions of General Order 600-01.

R. SPECIALTY IMPACT MUNITIONS

1. Only the specialty impact munitions issued and approved by the Department are authorized for use by agency personnel. Specialty impact munitions may be used only in accordance with the manufacturer's instructions and after receiving proper training.

2. Prior to receiving initial authorization to use specialty impact munitions, and on at least an annual basis thereafter, officers must successfully complete and maintain qualification in accordance with Section A1 of this Order. During this training, the specialty impact munitions will be inspected and approved by a qualified instructor.

3. Because of the specialized nature of impact munitions and their intended application under high threat conditions, the use of impact munitions will generally be restricted to qualified members of the department's Special Response Team (SRT). However, selected types of impact munitions may be made available to regular field units for use by properly trained and qualified officers.

4. Generally, specialty impact munitions may be employed whenever their use as a less lethal force option would potentially reduce the risk of serious injury or death or need to resort to deadly force. Circumstances which may justify the use of specialty impact munitions include, but are not limited to:

    (a) Persons armed with impact or edged weapons;

    (b) Dispersal or routing of individuals in civil disturbance situations;

    (c) Situations where the use of a specialty impact munition as an alternative to deadly force may facilitate the apprehension of a violent and/or armed individual;

    (d) Tactical breaching.

5. Through training, officers are taught when the use of specialty impact munitions is appropriate and justified based on the department's use of force continuum. It is the responsibility of each officer to use specialty impact munitions in accordance with the manufacturer's instructions and departmental directives.

6. The SRT Coordinator and/or Incident Commander shall review the use of specialty impact munitions as soon as practical following each incident to ensure that such use was in accordance with departmental policy and to evaluate the effectiveness of the munition.

7. The SRT Coordinator will be responsible for ensuring that the procurement, storage, disposal and reporting of specialty impact munitions complies with applicable law and the regulations of the Federal Bureau of Alcohol, Tobacco and Firearms (ATF).

8. Impact munitions which are defective, damaged, or have reached the manufacturer's expiration date shall be rendered safe and disposed of in accordance with the manufacturer's guidelines and applicable EPA regulations.

9. Any use of a specialty impact munition, other than for authorized training or evaluation purposes, will be considered a use of force and must be reported in accordance with the provisions of General Order 600-01.

S. CONDUCTED ENERGY WEAPONS

1. The Department may authorize the use of selected conducted energy weapons (e.g. Taser®) as a less lethal force option for gaining compliance of violent individuals in arrest and other enforcement situations. Only the conducted energy weapons that have been specifically approved and authorized for use by the Department may be carried or used.

2. Conducted energy weapons may only be used in situations where the subject poses an immediate and continuing danger. Non-compliance and non-violent physical resistance do not necessarily create this immediate and continuing danger. A Taser may not be used on a subject who physically resists in a non-violent manner, unless the situation is such that an officer could reasonably conclude that the resistance presents some immediate danger, despite its non-violent character. The X-26 Taser and similar devices are now regarded by the Court as a greater use of force than as previously "ranked" on traditional police use-of-force continuums.

3. Prior to receiving initial authorization to carry or use a conducted energy weapon, and on at least an annual basis thereafter, officers must successfully complete and maintain qualification with the weapon in accordance with Section A1 of this Order.

4. During training, each conducted energy weapon will be inspected and approved by a qualified instructor. Through the training program, officers are taught when the use of a conducted energy weapon is appropriate and lawful based on the department's use of force continuum. It is the responsibility of each officer to use the weapon in accordance with the manufacturer's instructions and Departmental directives.

5. The use of a conducted energy weapon, other than for authorized training or evaluation purposes, constitutes a use of force and must be reported in accordance with the provisions of General Order 600-01.

6. The removal of a conducted energy weapon probe that has penetrated the skin will be completed in accordance with General Order 600-01.

T. USE OF UNCONVENTIONAL WEAPONS

1. There are occasions when an officer may be required to defend himself or others against an attack with whatever means are available, which may include items not normally considered to be weapons. These occasions, while not encouraged, shall not be considered as prima facia evidence of the improper use of force or the use of an unauthorized weapon.

2. Incidents involving the use of an unconventional weapon shall be reported in accordance with the provisions of General Order 600-01 (Use of Force) and reviewed by the Department to determine if the use of the unconventional weapon was justified and necessary in light of all the circumstances of the encounter.

U. WEAPONS MAINTENANCE, INSPECTION & REPAIR

1. All firearms purchased by the department must be inspected and approved by a qualified armorer <u>prior</u> to being initially issued and/or placed into duty use. Firearms removed from duty use for any reason (such as resignation/retirement or for repairs) must be inspected and approved by a qualified armorer before the weapon is re-issued or returned to duty use.

2. The Field Operations Bureau Commander will be responsible for maintaining a record on each departmental firearm to include documentation of all armorer inspections and any service or

repairs. These records will be maintained on file for the duration of the weapon's service life plus three years.

3. All issued and authorized weapons shall be subject to periodic and/or random unannounced inspection by armorers, supervisors and command personnel to ensure operational readiness and compliance with departmental directives.

    (a) Individual officers are responsible for properly maintaining their issued and assigned weapons in a clean and fully functional condition.

    (b) Line supervisors will conduct weekly administrative inspections of duty weapons and shotguns issued for use by their subordinate personnel. These inspections will be conducted in accordance with the procedures set forth in Special Order SO-002.

    (c) Bureau Commanders will designate personnel to perform routine cleaning, maintenance and lubrication of shotguns assigned to components under their command on at least a monthly basis.

    (d) The SRT Coordinator will designate qualified personnel to perform routine cleaning, maintenance and lubrication of specialized firearms assigned for SRT use on a monthly basis. Weapons issued to or assigned for use by SRT members will be inspected by departmental armorers on at least a quarterly basis.

    (e) Departmental armorers will perform in-depth inspections of departmental firearms on an annual basis to ensure that the weapons are being properly maintained and meet the manufacturer's standards for safety and performance. Any unauthorized modifications or indications of misuse or improper maintenance discovered by an armorer shall be reported in writing to the Chief of Police for appropriate action.

4. Any malfunction or suspected malfunction of a departmental firearm shall be reported to the appropriate supervisor as soon as practical, and the firearm submitted to a departmental armorer for inspection and repair.

5. Officers not authorized as armorers are prohibited from making any modifications or repairs to departmental weapons without the authorization of the Chief of Police. Provided, however, that minor field adjustments and field stripping of weapons using approved methods and procedures for the purpose of routine cleaning and maintenance is permitted.

6. The safe storage and maintenance of issued weapons and ammunitions in a state of operational readiness is the responsibility of the officer to whom the items are issued. Additional weapons owned by the agency shall be maintained in the agency armory. All agency ammunition shall be maintained in designated secure locations. A minimum amount of ammunition necessary for training and qualification purposes may be maintained at the agency's secured range house located at the Cabarrus County Training Center.

V. CARRYING OF FIREARM DURING PERIOD OF SUSPENSION

1. Officers placed on disciplinary suspension are required to immediately surrender all departmental firearms issued to them, along with their badge and police identification. During a period of disciplinary suspension, officers are not authorized to exercise police powers, and are prohibited from engaging in police status off-duty employment or carrying any weapon pursuant to police authority.

W. TEMPORARY PROVISION OF FIREARMS FOR POLICE TRAINEES

1. The Training Coordinator will be responsible for establishing liaison with affected Basic Law Enforcement Training (BLET) directors to temporarily provide departmental firearms or other weapons needed for the training and qualification of police officer trainees employed by and under the administrative control of the Kannapolis Police Department. Such weapons remain the property of the Kannapolis Police Department and may be used ONLY for authorized training purposes under the direct supervision of a certified instructor.

2. Departmental firearms shall NOT be provided directly to a police officer trainee for transport or storage. Rather, the Training Coordinator will deliver the weapons directly to the BLET program director or his designee. At the conclusion of each training session, all departmental firearms must be turned in by the police trainee to the BLET program director or his designee prior to leaving the training location.

3. Upon completion of BLET weapons training and qualification, the Training Coordinator will promptly retrieve agency weapons from the BLET Director. All weapons shall be cleaned and inspected for damage. In addition, agency firearms must be inspected and approved by a departmental armorer prior to their return to storage.

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APPENDICES:

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APPENDIX "A"

Specification of Department Approved Weapons and Ammunition

STANDARD ISSUED DUTY WEAPON SPECIFICATIONS

DUTY HANDGUN:	Glock Model 22 (.40 S&W)
DUTY SHOTGUN:	Remington Model 870P (12 gauge)
DUTY BATON:	ASP 26" Expandable Baton
OC AEROSOL PROJECTOR:	Defense Technology .2% OC Spray Defense Technology First Defense 360°

AMMUNITION SPECIFICATIONS

HANDGUN ROUND:	Speer .40 caliber 180 grain JHP
SHOTGUN ROUNDS:	Winchester 12 gauge 00-Buckshot (9-pellet) Winchester 12 gauge 1-ounce slug Remington 12 gauge 00-Buckshot (Reduced Recoil) Remington 12 gauge 1-ounce slug (Reduced Recoil)
TACTICAL SNIPER RIFLE ROUND:	Federal Gold Medal Match .308 caliber 168 grain BTHP
SMG/TACTICAL RIFLE ROUND:	Speer .40 caliber 180 grain JHP Federal .223 caliber 55 grain HI-SHOK SP

SPECIALIZED TACTICAL WEAPONS

TACTICAL SNIPER RIFLE:	Remington Model 700 Police Rifle (.308 Win) Remington Model 40-XS Tactical Rifle (.308 Win) Accuracy International AWP Tactical Rifle (.308 Win) Blaser R93 Tactical Rifle (.308 Win)
TACTICAL SHOTGUN:	Remington 11-87 Police (12 gauge) Remington 870 Tactical (12 gauge) Benelli M1Super 90 Entry (12 gauge)
SELECT FIRE WEAPONS:	H&K MP5/40A2 SMG (.40 S&W)

	H&K G36C Compact Carbine (.223 caliber)
TACTICAL RIFLES:	H&K G36KE Carbine (.223 caliber) Colt LE6920 Carbine (.223 caliber) Barnes Precision BP-15 Carbine (.223) S&W M&P-15 Carbine (.223)
SOUND SUPPRESSORS:	Surefire M4FA for Colt LE6920 Carbines
DISTRACTION DEVICES:	Defense Technology Model #25 Defense Technology Multi-Port Plus
CONDUCTED ENERGY WEAPON:	Advanced Taser® X26 Advanced Taser® X26P

CHEMICAL MUNITIONS & LAUNCHERS

LAUNCHER:	Federal Labs 37mm Launcher Combined Tactical Systems 37mm Multi-Launcher Defense Technology Model 1325 40mm Launcher Defense Technology Model 1375 40mm Multi Launcher
PEPPERBALL LAUNCHER:	Jaycor Tactical Systems Inc. SA200 Pepperball System
CS MUNITIONS:	Defense Technology #1032 CS Flameless Tri-Chamber Defense Technology #1026 CS Triple Chaser Defense Technology #1192 CS Ferret Powder Penetrator Defense Technology #1082 CS Riot Control Defense Technology #1016 CS Pocket Tactical Defense Technology #1050 OC/CS Aerosol Defense Technology #1262 CS Ferret 40 Liquid Defense Technology #1292 CS Ferret 40 Powder Defense Technology #3012 CS Ferret SG Liquid Defense Technology #3092 CS Ferret SG Powder
OC MUNITIONS:	Defense Technology #MK-46 Projector Defense Technology #2040 OC Flameless Expulsion Defense Technology #1041 OC Instantaneous Blast Defense Technology #1260 OC Ferret 40 Liquid Defense Technology #1290 OC Ferret 40 Powder Defense Technology #3010 OC Ferret SG Liquid Defense Technology #3090 OC Ferret SG Powder Jaycor Tactical Systems Inc. #R90C OC Powder Projectiles
SMOKE:	Defense Technology #1063 SAF Smoke Defense Technology #1017 Smoke Defense Technology #1083 Max Smoke

SPECIALTY IMPACT MUNITIONS

IMPACT MUNITIONS:	DEFENSE TECHNOLOGY/FEDERAL LABORATORIES #1178 Multiple Foam Baton Round #6325 eXact Impact Sponge Round

#3027 Drag Stabilized Round

COMBINED TACTICAL SYSTEMS
#2570 Shotgun Product (Breaching Round)

*(***NOTE – Part Numbers are the Armor Holdings, Defense Technology / Federal Laboratories combination numbers. For consistency only the Defense Technology part numbers were used.*

APPENDIX "B"

Specification for Privately Owned Off-Duty / Secondary Weapons

PRIVATELY OWNED OFF-DUTY / SECONDARY WEAPONS & AMMUNITION

WEAPONS: Privately owned firearms used as off-duty and secondary weapons must be of .380 caliber or larger and must be of reliable function and design. These weapons must be inspected and approved by an authorized firearms instructor and registered with the Department prior to carrying. All such weapons must be of a type and design suitable for law enforcement use.

AMMUNITION: The minimum requirements for ammunition used in off-duty and secondary weapons are listed below. Bullet design is limited to jacketed hollow point (JHP), full metal jacket (FMJ), lead round nose (LRN), and lead hollow point (LHP). In all cases only factory loaded ammunition will be approved for use. Wad cutters, reloads, exploding, or frangible ammunition may not be used.

OFF-DUTY / SECONDARY WEAPONS	
CALIBER	**MIMIMUM BULLET WEIGHT**
.380 auto	90 grain
.38 special	125 grain
.38 super	125 grain
9mm	115 grain
.357 magnum	125 grain
.357 sig.	125 grain
10mm	155 grain
.40 S&W	155 grain
.41 magnum	155 grain
.44 special	180 grain
.44 magnum	180 grain
.45 ACP	180 grain

APPENDIX "C"

RULES OF CONDUCT FOR THE FIRING RANGE

The firing range is a specialized training environment designed for the purpose of improving firearms proficiency. The handling and discharge of firearms is an inherently dangerous activity that requires each officer to conduct himself in a responsible and mature manner. The firearms instructor will have the authority to exclude any officer from the firing range for failure to observe reasonable rules of conduct. All officers shall adhere to the following rules:

1. Only those individuals that have completed general and specialized certification as a Firearms Instructor by the North Carolina Criminal Justice Education Training and Standards Commission and hold a current CPR certification shall provide firearms training.

2. The senior certified firearms instructor is designated as the firing range supervisor.

3. Range safety procedures and rules shall be reviewed with all agency personnel prior to the use of the range. This review shall be documented and may be accomplished as part of roll call training prior to designated range dates.

4. Only those weapons and ammunition approved by the agency and listed in appendices A and B of General Order 600-02 are permitted on the range.

5. No live ammunition or loaded weapons of any kind will be brought onto the range until directed by the firearms instructor. All weapons will remain holstered and secured until otherwise directed by the firearms instructor.

6. Officers are to obey all range commands and instructions given by the firearms instructor. Do not anticipate commands and act before they are given.

7. No alcoholic beverages are permitted at the training facility.

8. No officer shall report for firearms training after consuming or under the influence of an alcoholic beverage or other intoxicant.

9. No food, beverages, or tobacco are permitted on the firing line.

10. While loading, unloading or handling a weapon, the barrel should remain pointed downrange and away from any person. If a malfunction occurs which cannot be immediately corrected, keep the weapon pointed downrange and notify a safety officer for assistance.

11. Officers may not go forward of the firing line unless directed to do so by the firearms instructor.

12. Use of issued or approved eye and ear protection is required when firing.

13. Officers are required to wear their issued body armor during all qualification attempts and live fire training exercises.

14. All supplies of duty and training ammunition shall be stored at designated, secured facilities maintained by the police Department. A limited amount necessary for the conduct of actual training may be stored in the police department's secured range house located at the Cabarrus County Training Center.

15. All duty ammunition and training ammunition will be disbursed by the firearms instructor or designated safety officers. Individual officers shall not remove ammunition from the departmental supply.

16. Cease fire on the signal of the instructor. Rounds fired after the signal to cease fire is given will be deducted from the raw score.

17. Do not leave the firing line without clearing the weapon of any ammunition and securing the empty weapon in the holster.

18. Unnecessary talking on the firing line is prohibited. Full attention must be given to the instructor and safety officers.

19. All firing of revolvers will be done in the double action mode.

20. Officers are not to dry fire on the range unless under the supervision of the firearms instructor.

21. If a weapon is dropped, do not pick it up. Remain in place and notify a safety officer.

22. During night qualification, do not turn on a flashlight at any time unless engaged in a stage of fire permitting the use of a flashlight, or to signal a safety officer.

23. When descending to or rising from a bending, prone, or kneeling position, do not allow the muzzle of the weapon to touch the ground.

24. Never draw or re-holster a weapon with a finger on the trigger or inside the trigger guard.

25. Officers firing semi-automatic weapons shall place the weapon in a safe mode before holstering by engaging the weapon's external safety, if present.

26. Handle all firearms as if they were loaded.

27. Officers may not go forward of the three-yard line during the scoring phase of any qualification attempt until directed to do so by the firearms instructor.

28. Officers are responsible for maintaining the firing range and training facility in a clean and orderly manner. Do not litter. All trash, casings, old targets, cardboard and other debris must be collected and disposed of properly before leaving the range.

29. No officer may leave the range until released by the firearms instructor.

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 600-03

SUBJECT: PATROL OPERATIONS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 09-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental policy and procedure for the patrol component of the Kannapolis Police Department. This directive is intended to offer guidelines in organization, assignment, scheduling, effective use of patrol resources, and operational practices.

POLICY

For purposes of this policy, the term "patrol" is used in its broadest sense. It is considered to be a primary police function, and embraces much more than the act of patrolling. Patrol is defined as a generalized function in which officers engage in a wide variety of activities, such as preventive patrol, preliminary investigations, field interrogation, the identification of hazards, and communication with the public. It shall be the policy of this Department to standardize selected police functions and procedures in order to insure uniformity of operations within the agency's patrol component and to provide consistent, effective service to the public.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Field Interview: the questioning of a person by officers because there is reasonable suspicion to believe that the person may have committed, may be committing, or may be about to commit a crime, belief that the person may constitute a hazard, or belief that the interview may have a preventive effect.

2. Follow-up Investigation: an extension of a preliminary investigation in which the purpose is to gain supplemental information in order to close a case, arrest an offender, and/or recover stolen property.

3. Patrol: the deployment of officers to suppress and prevent criminal activity, investigate offenses, apprehend offenders, and furnish day-to-day police services to a community.

4. Police Hazard: a situation, person, property, or location that may induce an incident requiring police action.

5. Preliminary Investigation: the activity that begins when officers arrive at the scene of an incident and continues until such time as a postponement of the investigation or transfer of responsibility will not jeopardize the successful completion of the investigation.

PROCEDURES

A. PATROL FUNCTIONS

1. A clear definition of function enables officers to know what actions are in concert with agency policy, and thus, facilitates the delivery of services to the community. The following list indicates the primary functions of the patrol component:

    (a) Preventive patrol;
    (b) Crime prevention activities;
    (c) Response to calls for service;
    (d) Investigation of crimes, offenses, incidents and conditions, including the apprehension of offenders;
    (e) Investigation of traffic crashes;
    (f) Traffic direction and control;
    (g) Maintenance of public order and provisions of emergency services;
    (h) Service of legal process;
    (i) Prompt and accurate reporting of incidents; and
    (j) Development of proactive problem-solving partnerships between citizens and the Department.

B. ANNUAL PERFORMANCE OBJECTIVES

1. The Field Operations Bureau Commander, working in conjunction with the Patrol Division staff, will develop written objectives relating to the performance of the patrol component on an annual basis. These objectives will be developed and submitted to the Chief of Police in accordance with established departmental policy and procedure. Performance objectives are to be measurable, and will be disseminated to all members of the patrol component after review and approval by the Chief of Police.

C. ORGANIZATION AND ADMINISTRATION

1. The Patrol Division is a component of the Field Operations Bureau and shall be administered and directed by the Field Operations Commander.

    (a) Each patrol squad will be commanded by an officer holding the rank of Lieutenant;

    (b) Each patrol squad will be supervised by one or more officers holding the rank of Sergeant, who will coordinate and direct the daily activities of squad members;

    (c) Each patrol squad will normally consist of 8-12 patrol officers. The actual number may vary, depending upon available staffing and prevailing operational requirements.

2. In order to provide continuous service to the public, the patrol component will conduct operations on a twenty-four (24) hour basis.

3. To provide adequate time for pre-shift roll call briefings and ensure continuous coverage of the service area, the following schedule will be in effect for patrol squads:

(a) DAY SHIFT: Roll-Call Briefing: 6:30 AM Tour of Duty: 6:45 AM to 6:45 PM
(b) NIGHT SHIFT: Roll-Call Briefing: 6:30 PM Tour of Duty: 6:45 PM to 6:45 AM

4. The manner of shift rotation and the amount of time assigned to a shift will consist of the following:

   (a) Day Shift: Seven (7) days worked in a fourteen (14) day period as follows: two days on; two days off; three days on; two days off; two days on; three days off.

   (b) Night Shift: Seven (7) nights worked in a fourteen (14) day period as follows: two nights on; two nights off; three nights on; two nights off; two nights on; three nights off.

5. Selected uniformed officers may be assigned by the Field Operations Commander to work an overlap shift as required to supplement regular patrol units during peak demand periods. This overlap supplement will consist of a field supervisor and at least two patrol officers.

6. The design of the Department's shift rotation ensures that all patrol officers work both day and night shifts equally, with no fixed or permanent shift being established. The Field Operations Bureau Commander will assign officers to the individual patrol squads, making provisions for reasonable equity among the squads, based on the following priorities:

   (a) Operational needs of the agency;
   (b) Officers having specialized training (e.g. chemical analyst, FTO, SRT, K-9 Handler);
   (c) Seniority/experience level;
   (d) Officer preference.

7. Line officers will be assigned to specific patrol zones during a tour of duty. The assignment will be at the discretion of supervisors, taking into account service demands, manpower availability, and related factors.

8. Officers are normally assigned to a patrol zone for a minimum of one year in order to become better acquainted with persons, businesses, and hazards in the zone, and to assign responsibility and accountability to specific personnel. However, officers may be temporarily reassigned to other zones by supervisory personnel as needed.

9. In order to grant non-emergency leave and other days off for patrol officers and patrol supervisors, the following criteria will be used:

   (a) Manpower needs of the unit;
   (b) Order in which request is made;
   (c) Seniority of officers making requests.

D. PATROL SHIFT CHANGE PROCEDURES

1. Patrol shift changes shall be accomplished in a manner that provides for uninterrupted police coverage of the service area and ensures the continuity of on-going police field operations. The following general procedures will be followed:

   (a) On-Coming Shift: Patrol officers and supervisors will report directly to the Police Department for roll-call briefing prior to their regularly scheduled tour of duty. The ranking supervisor of the on-coming shift will provide the communications center with

a list of all officers that will be working and their zone assignment. All officers shown on the list will be considered 10-41 at the beginning of the regular tour of duty. Therefore, it will not be necessary for the listed officers to individually check 10-41 with the communications center.

(b) Off-Going Shift: Patrol officers and supervisors shall check 10-42 by radio with the communications center when ending a tour of duty. The ranking supervisor shall ensure that all officers and supervisors are safely accounted for at the conclusion of each workday.

2. All patrol officers shall observe the standard work schedule unless otherwise authorized by proper authority. In all cases, the actual time worked by the officer, including the time spent in roll-call briefings, shall be accurately recorded on the officer's timesheet for compensation purposes.

3. Patrol supervisors will be responsible for making any necessary adjustments in zone or work assignments of line officers and shall effectively coordinate such changes with the Communications Center in a timely manner.

4. Patrol supervisors will be responsible for coordinating the dissemination of pertinent operational and administrative information to affected line officers during roll call briefings, or on an individual basis when needed. This responsibility includes, but is not limited to, the following:

   (a) Provide updated information regarding daily patrol activity, with particular attention given to unusual situations, potential and actual police hazards, changes in the status of wanted persons, stolen vehicles, major investigations, and information regarding relevant community-based initiatives;

   (b) Notification of changes in schedules and zone assignments;

   (c) Notification of training schedules or special assignments;

   (d) Notification of new directives or changes in existing directives;

   (e) Inspection and evaluation of the officers' equipment, vehicle, and readiness to perform patrol duties.

5. Supervisors may authorize reasonable deviation from the general procedures listed above as required to ensure the prompt and effective handling of on-going police field operations and unusual occurrences. In all cases, however, timekeeping records shall accurately reflect the hours actually worked by line officers and Sergeants during each tour of duty.

E. COORDINATION WITH OTHER COMPONENTS

1. In order to facilitate the accurate exchange of information between patrol units and other units of the Department, the following methods, at a minimum, will be utilized:

   (a) Periodic attendance by members of the Patrol Division at Criminal Investigation Division (CID) briefings;

(b) Periodic attendance by members of CID at patrol briefings;

(c) Compilation and dissemination of a daily activity log to other components and personnel of the Department;

(d) Attendance by Patrol Division supervisors at Department and Bureau level staff meetings as directed.

F. PATROL OF BUSINESS DISTRICTS & PUBLIC PROPERTIES

1. Diligent patrol of local business districts and public properties (schools, parks, city facilities, etc) is a fundamental duty of each patrol officer during night-time hours and at other times when the businesses or facilities are normally closed. The purpose of these patrols is to deter property crimes, to detect unlawful entries, thefts, arson, vandalism, and similar offenses to which such properties are particularly vulnerable, and to apprehend criminal offenders.

2. Patrols will be conducted on a random basis throughout the night-shift tour of duty, avoiding repetitive patterns that are easily predicted by criminal offenders. Night-shift patrols will normally include a first-round patrol prior to midnight, and a last round patrol prior to ending the tour of duty. Day-shift patrols will include a first-round patrol upon beginning a tour of duty. Meals, breaks, and other elective activities shall not take precedence over the conduct of first-round and last-round patrols.

3. Supervisors are responsible for ensuring that patrols are conducted in accordance with this order and may authorize directed patrols or close observation of particular properties that are considered high probability targets.

G. RESPONSE TO CALLS

1. Calls and incidents of a routine nature will require a response by only one patrol officer unless additional units are requested by the initial officer or directed to respond by supervisory personnel.

2. At a minimum, the following situations will require a response by two officers:

   (a) Assault on an officer;
   (b) Domestic disturbance in progress;
   (c) On-scene arrest for a felony or violent misdemeanor;
   (d) Resistance to an arrest;
   (e) Crime in progress (includes robbery and burglary alarms);
   (f) Fleeing suspect, attempts to elude arrest or apprehension.

3. The classifications indicated above are intended only as a guide for initial response by patrol units and should not preclude additional units from responding to situations not specifically listed as authorized by supervisory personnel.

4. Supervisors must use sound professional judgment in controlling the response of units to serious calls to ensure adequate backup, while avoiding an over-response that could escalate the situation or impair the availability of emergency police services to other areas of the city.

5. A patrol field supervisor shall respond to the following incidents for the purpose of providing supervisory direction and assistance at the scene:

    (a) All reports of deaths or found bodies;
    (b) Rape or sexual assaults;
    (c) Aggravated assault involving serious injury;
    (d) Armed robberies;
    (e) First degree burglaries (home invasions);
    (f) Crimes involving the use or threatened use of explosives;
    (g) Arson or unlawful burnings involving serious injuries or death;
    (h) Traffic fatalities;
    (i) Civil disturbances;
    (j) Other serious incidents in which patrol officers may benefit from supervisory assistance, or where response by the field supervisor is required by departmental directives.

H. INVESTIGATIONS

1. Except as otherwise provided by Department policy, patrol officers will routinely be assigned responsibility for the preliminary investigation of all reported incidents. However, this will not prohibit members of other components from initiating cases and conducting preliminary investigations as necessary.

2. Patrol officers will retain responsibility for initial and follow-up investigations of misdemeanor crimes initiated by their preliminary reports, unless otherwise directed. Preliminary and follow-up investigations will be conducted in accordance with General Order 700-01.

3. The ranking on-duty patrol supervisor is responsible for determining the need for special assistance in the investigation of serious crimes, traffic fatalities, or other incidents where capabilities, resources, or expertise exceeding that of regular on-duty patrol officers is required. Such assistance may be provided by other agency units and/or by outside law enforcement agencies, as applicable. If such a determination is made, the supervisor will authorize the notification of appropriate on-call personnel.

4. The patrol supervisor's decision to seek investigative assistance should include, but is not limited to, consideration of the following factors:

    (a) Nature and seriousness of the offense;
    (b) Anticipated scope and complexity of the investigation;
    (c) Training, resources, and expertise of the patrol officer(s) involved;
    (d) Prevailing operational demands and staffing level of the patrol squad;
    (e) Departmental directives governing the investigation of specific crimes or incidents.

5. Responsibility for conducting follow-up investigations of major felony offenses will be referred to the Criminal Investigation Division, unless the patrol supervisor is able to determine that:

    (a) Prompt clearance is highly probable, and the patrol squad has sufficient resources and expertise to work the case; OR

    (b) The crime or incident does not meet the minimum criteria established for referral to CID investigators; OR

(c) The circumstances have been discussed with a CID supervisor and it is determined that no detrimental effect on the case is likely if patrol officers continue the investigation; OR

(d) Higher command authorities direct otherwise.

I. EYEWITNESS IDENTIFICATION

1. The Kannapolis Police Department does not conduct physical lineups comprised of suspects and filler individuals.

2. Photographic lineups will be conducted in accordance with North Carolina General Statute 15A-284.52 and scheduled at the convenience of the victim/witness.

3. All photographic lineups are to be documented on Form KPD-156.

4. Any show-up viewing of a suspect by a victim/witness must be conducted in a cautious manner in order not to influence the victim/witness into making a misidentification. The following considerations must be taken into account when conducting a show-up following the procedures outlined in KPD-156a:

   (a) There must be a compelling reason to conduct a show-up rather than using a photographic lineup. Such compelling reasons will be documented in the narrative section of the original incident report in order to support the decision to conduct a show-up;
   (b) Show-ups shall only be conducted when the suspect matching the description of the perpetrator is located in close proximity in time and place to the crime;
   (c) Prior to conducting the show-up, the officer shall photograph the suspect at the time and place of the show-up to preserve a record of the appearance of the suspect at the time of the procedure.
   (d) The officer conducting the show-up shall read form KPD-156a to the victim/witness prior to their viewing of the suspect and document the results in the narrative section of the original incident report;
   (e) The show-up will be conducted so as not to prejudice or influence the victim/witness;
   (f) The show-up will be conducted as soon as possible after the crime;
   (g) The show-up should be near the scene of the crime but not <u>at</u> the scene of the crime;
   (h) The victim/witness should be transported by the agency to the suspect wherever possible;
   (i) Multiple victim/witnesses will be separated and shall complete the show-up one at a time. In the event that one victim/witness makes a identification during a show-up, the remaining victim/witness shall be reserved for a traditional photographic lineup.
   (j) In the event that a victim/witness makes an identification the officer conducting the show-up shall include a clear statement from the victim/witness at the time of the identification and in the victim/witness's own words as to the confidence level that the person identified is the perpetrator. This shall be documented in the narrative section of the original incident report;
   (k) The identity of the victim/witness should be kept confidential; and
   (l) The officer conducting the show-up shall not provide any feedback or commentary to the victim/witness.

J. RADIO PROCEDURES

1. Every uniformed officer engaged in a field assignment will have constant access to radio communications. Patrol vehicles will be equipped with a mobile radio transceiver, and each patrol officer issued a portable radio transceiver.

2. Field radio communication shall be in accordance with the applicable provisions of General Order 1200-04 (Police Communications).

3. Radio traffic will be concise and professional. Units will use a combination of radio codes and plain language as necessary to achieve clear and understandable transmissions. When communication with outside agencies is involved, plain language shall be used in lieu of radio codes and ten signals. Radio communication during a multi-agency response to disasters and other major emergencies will be in accordance with National Incident Management System (NIMS) protocols.

4. Each officer assigned to patrol duties will be identified by a unique radio call number. When air support is utilized, however, the vehicle number (displayed on the roof of all marked patrol cars) may be used as needed to positively identify marked ground units. A list of vehicle numbers and assigned officers will be accessible to communications personnel.

5. Officers will operate police radios on the primary dispatch channel unless otherwise directed by supervisory personnel or authorized by departmental directives.

6. Officers shall notify Communications by radio of their status when:

   (a) Beginning a tour of duty (except as provided in Section D1 of this Order);
   (b) Ending a tour of duty;
   (c) Arriving at or clearing from the scene of a call or incident;
   (d) Making high risk vehicle stops;
   (e) Approaching armed or suspicious persons;
   (f) Checking in and out of service;
   (g) Leaving their assigned patrol zone;
   (h) Leaving the city limits of Kannapolis;
   (i) Initiating a vehicular pursuit or foot pursuit;
   (j) Initiating an emergency response;
   (k) Transporting prisoners;

7. Officers are to keep Communications abreast of changes in the nature of a call-in order to insure officer safety and expedite the efficient handling of incidents.

K. FIELD INTERVIEWS

1. Officers are authorized to conduct investigative stops and interviews based upon reasonable suspicion of criminal activity (see General Order 800-01). An individual's actions, attitudes, demeanor, or presence in areas of recent crime problems may warrant an investigative stop. Investigative stops must be conducted in a constitutional, professional and courteous manner.

2. When an officer stops and questions a suspicious person, a Field Interview card is to be completed if possible. As soon as practical, the officer should enter this information into the departmental computer system. Information from Field Interviews will be accessible to all members through the departmental computer system for the purpose of criminal investigation and crime analysis.

L. USE OF INFORMANTS

1. Patrol officers are encouraged to cultivate and utilize informants as part of the police function. The use, management and payment of informants by patrol officers will be in accordance with General Order 700-05 (Confidential Informants) and other applicable directives.

M. IDENTIFICATION OF HAZARDS

1. Information pertaining to hazards requiring immediate attention is to be provided to Communications by officers observing same.

2. Considering the degree of the hazard, information regarding the situation is to be relayed promptly to appropriate zone officers or other personnel capable of handling the matter. When appropriate, information regarding hazards is to be furnished to other patrol teams for dissemination.

3. Additional methods to be utilized for dissemination include posting such information on bulletin boards, providing Communications with necessary information, and issuing memoranda to affected personnel.

N. PATROL VEHICLES

1. The departmental directives that establish specific procedures relating to such activities will govern the assignment, operation, and maintenance of patrol vehicles.

2. All vehicles assigned for general patrol service will be equipped with blue emergency lights, audible siren and mobile radio transceiver.

3. All patrol vehicles assigned for general patrol service will be conspicuously marked in the following manner:

   (a) Exterior, roof mounted emergency light;
   (b) Display of the Department's name, vehicle number, and City seal or logo;
   (c) Reflective materials placed on the left/right side and front/rear of the vehicle in order provide high day/night visibility and establish the official nature of the vehicle.

4. Emergency equipment to be maintained in each marked patrol vehicle includes, but is not limited to, the following:

   (a) First aid kit;
   (b) Emergency blanket;
   (c) Fire extinguisher;
   (d) Measuring device;
   (e) Flashlight;

(f) Hazardous materials response manual;
(g) Police shotgun;
(h) Crime Scene Barrier tape;
(i) Highway Flares;
(j) OC Decontamination Supplies;
(k) Personal Protective Equipment.

O. NOTIFYING NEXT-OF-KIN

1. If it becomes necessary to notify next-of-kin of persons deceased, seriously injured or seriously ill, the following procedures will be observed

   (a) Whenever possible, allow hospital personnel to make the notification;

   (b) If the hospital is not able to do so, the highest-ranking field supervisor should make such notification. Notification should be made in person whenever possible. If the next of kin lives in another jurisdiction, the law enforcement agency of jurisdiction should be requested to make the personal notification;

   (c) When available, a police chaplain or the family clergy of the next of kin should be requested to accompany the field supervisor making the notification;

   (d) If a request from another agency is made for such notification, these same procedures will apply.

P. OTHER NOTIFICATIONS

1. North Carolina law (G.S. 130A-383) requires that the local medical examiner be notified of all unnatural or suspicious deaths. The assigned investigator or Crime Scene Unit should make direct telephone contact with the local medical examiner. Details of the known circumstances of the death must be provided to the medical examiner, and the medical examiner must authorize removal of the body from the scene. The responsibility for police notification of the medical examiner should not be delegated to EMS personnel or members of another agency.

2. When situations evolve that require assistance from emergency medical services, fire service, city public works, or public utilities personnel, the officer-in-charge at the scene shall make such request through Communications. Information such as special equipment needed and nature of the problem should be provided to assisting personnel as soon as possible.

3. Should notification to the public at large be required (e.g. traffic detour, evacuation), the supervisor-in-charge at the scene will have the necessary information relayed to local news media services through radio or telephonic means. Such notification is to be provided at the earliest possible time in order to allow for a minimum of congestion or similar problems. Information pertaining to accidents may be released when necessary to assist in such circumstances.

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KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 600-04

SUBJECT: POLICE FLEET OPERATIONS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 03-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish guidelines for the routine administration, operation, and maintenance of the department's fleet of police vehicles.

POLICY

It shall be the policy of the Department to assign vehicles to certain police personnel and to establish specific guidelines and procedures to ensure the proper maintenance and use of police vehicles. All departmental vehicles are to be properly cared for and maintained so as to ensure safe operation, conformance with legal standards, suitability for law enforcement service, and a professional appearance. Police vehicles are conspicuous symbols of authority on the street and the public closely scrutinizes the actions of police drivers. This places the responsibility on each officer to set a visible example of safe, courteous driving habits and compliance with the law. Police drivers shall at all times operate their vehicle in accordance with departmental directives, and with due regard for the safety of others.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Fleet Coordinator: an officer designated by the Chief of Police as having overall administrative responsibility for management of the agency's fleet of police vehicles.

2. Marked Police Vehicle: a vehicle, which through conspicuous insignia or other prominent markings, is readily identified as a police vehicle of the City of Kannapolis. If it is identified only by a special license plate, it is considered to be unmarked.

3. Police Vehicle: any vehicle owned or leased by the City of Kannapolis for official use by the Police Department.

4. Pool Car: any police vehicle that is not assigned to a specific officer and which may be assigned for use by any on-duty officer.

5. Special Purpose Vehicle: police vehicles that are not assigned to a specific officer and which are designated for a specific primary purpose, such as the SRT Van, Equipment Trucks, and Mobile Command Center.

PROCEDURES

A. GENERAL REGULATIONS

1. Ownership and title to all police vehicles and related equipment is vested in the City of Kannapolis. Members shall be held strictly accountable for the proper care, use, and maintenance of any vehicle assigned to them for official use.

2. Police vehicles are for official law enforcement use only and shall not be used for private or non-official purposes. No provision of this order shall be construed to authorize the operation of a police vehicle at a time, in a manner, or for a purpose inconsistent with the prevailing policies of the Police Department, the City of Kannapolis, or the laws of North Carolina.

3. Only police department employees and other persons specifically authorized by the Department shall operate or be allowed to operate police vehicles. Only those passengers authorized under departmental directives may be transported in a police vehicle.

4. No member shall at any time operate a police vehicle with any alcohol or other impairing substance remaining in the blood or breath. Alcoholic beverages shall not be transported in a police vehicle except as allowed by law and departmental policy for legitimate authorized purposes.

5. During routine operation and while responding to non-emergency calls for service, operators of police vehicles shall obey all traffic laws and rules of the road applicable to non-emergency vehicles. Vehicle costs and associated operating expenses represent a significant portion of the Police Department budget. Safe driving habits and proper care of police vehicles by assigned drivers will extend the useful service life of our equipment and enable the Department to manage fleet operations in the most economical manner.

6. All persons will use occupant safety restraining devices while driving or riding as a front seat passenger in a departmental vehicle. The Department will allow certain exceptions to this requirement during routine or non-emergency operation as follows:

    (a) Persons possessing a written indication from a licensed physician that the person is unable to use the safety restraining system for medical or physical reasons;

    (b) On approach to the scene of an incident or call where the officer believes a rapid departure from the vehicle may be required, the officer may release the restraint;

    (c) Other circumstances exist in which the use of safety restraining systems may hamper the efficient conduct of police functions

7. Transportation of cargo such as bicycles, lawn equipment, and other large items should be accomplished using one of the trucks owned by the Department. Due the possibility of damage to communications equipment and other electronic systems, large items of cargo should not be transported in the trunk of a regular police sedan. Transportation of materials that protrude from the trunk or obstruct vision is prohibited. This provision does not preclude the transportation of police bicycles when properly secured to the vehicle in approved racks.

8. Unless otherwise authorized by a supervisor, no animals may be transported in a police vehicle except authorized police canines in properly designated and equipped vehicles.

9. Any member who damages a police vehicle or any of its emergency equipment shall immediately report the circumstances to his/her supervisor. Supervisors at all levels will be responsible for making competent inquiry into any reports of damage sustained to police vehicles to determine if negligence on the part of the employee contributed to the occurrence.

10. All traffic collisions involving departmental vehicles shall be investigated, reported, and reviewed in accordance with the applicable provisions of General Order 900-10 (Traffic Collision Investigation).

11. The applicable provisions of General Order 1100-02 (Emergency Operation of Police Vehicles shall govern all emergency operation of police vehicles.

12. No member may install, attach or affix any supplemental device, tags, equipment, stickers, signs, ribbons, emblems or other materials to a police vehicle or its associated equipment without the prior approval of the Fleet Coordinator or the Chief of Police.

13. Prior to ending a tour of duty, each officer will ensure that the police vehicle is refueled in accordance with this Order. Departmental keys to pool vehicles are to be turned in to the appropriate supervisor or commander for reassignment to the next driver.

14. Personal equipment which is needed in order to perform official duties may be kept in the vehicle as long as it is stored in a manner that does not damage the vehicle, pose a safety hazard, or alter its appearance, with the following exceptions:

    (a) Weapons or ammunition other than those issued by the Department;
    (b) Any device prohibited by statute, ordinance, or department policy.

15. Unless the vehicle has been assigned for the exclusive use of an officer, all items of personal equipment shall be removed from the vehicle upon ending a tour of duty. Police vehicles are to be kept locked at all times when left unattended.

B. FLEET MANAGEMENT

1. The Field Operations Bureau Commander will serve as the agency's Fleet Coordinator. This responsibility includes, but is not limited to, acting as the department's liaison to repair and service facilities, preparing budget materials, reviewing repair invoices, monitoring maintenance expenditures, assessing the need for major repairs, evaluating contracts, preparing vehicle bid specs & purchase requisitions, and overseeing equipment installations.

2. The Fleet Coordinator will assign a unique number (K-prefix) to each departmental vehicle for the purpose of ensuring accuracy in billing and other internal fleet accounting procedures. Members should ensure that the assigned vehicle number is accurately reflected on all maintenance slips, requisitions, and billing invoices.

3. The Fleet Coordinator will maintain a spare set of keys for all police vehicles. In addition, the Fleet Coordinator will ensure that command and supervisory personnel have appropriate access to the keys to pool cars. Each employee assigned a police vehicle will be given one set

of vehicle keys. That employee will be responsible for that set of keys and may have a spare set of keys made at his/her own expense.

4. The Fleet Coordinator will be responsible for maintaining records on police vehicles to include mileage, assignment, maintenance costs, inspection records, and similar documentation necessary to efficient and effective fleet management and planning.

C. ASSIGNMENT OF POLICE VEHICLES

1. The individual assignment of police vehicles to law enforcement officers provides an array of benefits to the community, the department, and the officer. These benefits include increased police visibility and crime deterrence, an enhanced sense of community security, greater availability of vehicles during emergencies or unusual occurrences, less time spent during shift change, decreased long term maintenance costs, better care of assigned vehicles, reduced transfer of equipment, improved morale of officers, and reductions in response time for recalls to active duty.

2. The allocation and assignment of police vehicles will be determined by the Chief of Police subject to the availability of resources, the nature of the duty assignment of the officer, the prevailing operational needs of the Department, and City policies. Police vehicles will not be individually assigned to any officer in a recruit or field training status.

3. The individual assignment of a police vehicle is a privilege and not an automatic fringe benefit or employment right. This privilege shall be subject to restriction, suspension, or revocation by the Chief of Police or his designee at any time.

4. Bureau Commanders will be responsible for the routine assignment of police vehicles allocated to their operational command and shall be responsible for ensuring that such vehicles are properly used, maintained, and inspected in accordance with this General Order. Upon initial assignment, the responsible Bureau Commander or his designee, along with the assigned officer, will evaluate and document the condition of the vehicle. This documentation will be forwarded to the Fleet Coordinator.

5. Sworn officers who are individually assigned a police vehicle and meet the requirements of City of Kannapolis Personnel Policy and Procedure 800.035 (Vehicle Use Procedures) may choose to participate in the City's voluntary take home vehicle program.

6. Supervisors and commanders shall be authorized to limit take-home privileges or effect the temporary reassignment of police vehicles as necessary to achieve a police purpose. If vehicles are temporarily reassigned, the supervisor or commander authorizing the reassignment shall ensure that the vehicle and all equipment is returned to the officer in the same or better condition than when reassigned. Reassignment of a vehicle for disciplinary reasons will require the specific approval of a Bureau Commander.

7. Personnel suspended from duty for disciplinary reasons will turn in their assigned vehicle to their supervisor until they return to regular duty status.

8. When off-duty, officers with take-home privileges should park their assigned vehicle in a conspicuous location that will maximize its crime deterrent value, preferably a residential driveway or parking area. When possible, the location should be well lighted and visible to both the officer's family and neighbors. Officers shall not presume any special privileges with

a police vehicle while off-duty. Unattended vehicles of off-duty officers must be lawfully parked and remain locked.

9. Under no circumstances will any weapons, police badges/credentials, or portable radios be left in the passenger area of the vehicle while the officer is off duty. The only exception will be duty shotguns or carbines when properly secured in the locking mount installed by the Department. Mobile computers should be closed and may be left in the vehicle if the mount is locked.

10. Individually assigned police vehicles may be driven at times other than during regular scheduled duty hours only under the circumstances listed below. In all cases, an officer's operation and use of the assigned police vehicle must conform to same departmental directives applicable to on-duty officers.

    (a) To and from the Police Department or other designated reporting station for regularly scheduled duty;

    (b) To and from department authorized meetings, conferences, special assignments, and training classes. In the event that more than one officer is attending or assigned to the same function at a location outside the City, efforts should be made to carpool to the destination.

    (c) To and from court proceedings where the officer is attending in an official capacity;

    (d) To and from an authorized service facility for the purpose of maintenance, repair, or cleaning of the police vehicle;

    (e) To and from recalls to active duty by the police department for emergencies or other official reasons;

    (f) To perform authorized "police-status" off-duty employment when the availability and use of a police vehicle would operationally be in the best interests of the City of Kannapolis. Such use must be specifically approved in advance by the Chief of Police and is normally limited to circumstances where the police vehicle is needed to control traffic in the interest of public safety and/or to reduce the need for on-duty units to transport prisoners. A police vehicle may not be used for purposes of actual patrols for a private employer;

    (g) To perform other activities necessary to the performance of the member's scope of employment that have the specific approval of the Chief of Police or his designee and that are consistent with prevailing law and the policies of the City of Kannapolis.

11. Officers operating police vehicles while off-duty shall maintain proper radio communications in accordance with departmental directives.

12. Officers operating a marked police vehicle outside their regular duty assignment must be properly attired to perform police services and must have in their possession the issued police credentials and authorized firearm. If the activity or function requiring the use of police vehicle renders it impractical or unlawful to meet this requirement, private transportation must be used.

13. In the event that an off-duty officer operating a marked police vehicle encounters an incident or situation that logically requires police intervention, the officer shall stop and render appropriate assistance. No off-duty officer operating a police vehicle shall ignore any call for emergency assistance or fail to render reasonable police services. When initiating or responding to a police situation while off-duty, officers shall notify the Communications Center by proper radio procedure. Under normal circumstances, situations requiring more than brief on-scene action will be turned over to and handled by on-duty personnel.

14. Supervisors and commanders may require an officer to park their assigned vehicle at the Police Department or other authorized location during periods of extended leave.

D. VEHICLE INSPECTIONS

1. Upon beginning a tour of duty, each officer will be responsible for conducting an inspection of his or her assigned vehicle. This inspection may be temporarily delayed if immediate use of the vehicle is required in order to respond to a pending call for service but should be conducted as soon as possible thereafter. The purpose of this inspection shall be to:

    (a) Determine the vehicle's suitability for law enforcement service;

    (b) Locate any defect or damage to the police vehicle;

    (c) Locate any contraband or weapons that may have been concealed or left unsecured in the vehicle.

2. The standard for vehicle suitability for law enforcement service shall be based upon safety, condition of the emergency equipment, conformance with legal standards, and professional appearance. Should the officer determine that a police vehicle is unsuitable for service, a supervisor shall be notified accordingly.

3. Officers discovering a shortage of supplies or deficiency in equipment shall notify their immediate supervisor for repair of equipment or replenishment of supplies prior to operation of the vehicle.

4. Officers discovering contraband, unsecured weapons, or previously unreported physical damage to a police vehicle shall immediately notify their supervisor, who will in turn provide a written report via the chain of command to the appropriate Bureau Commander.

5. Officers are responsible for the care and condition of any police vehicle assigned to them for official use. The police vehicle is a professional work environment and shall be maintained as such.

6. Supervisors will visually inspect each vehicle assigned to officers under their command at least once per calendar week. The supervisor will complete Form KPD-110 (Vehicle Inspection Checklist) for each vehicle inspected. This checklist will be forwarded via the chain of command to the appropriate Bureau Commander. The inspection will include verification that the vehicle is being kept clean, that maintenance and service is being performed at the proper interval and documented on the vehicle service log, and that all associated police equipment and supplies are accounted for and in good working order.

7. Departmental vehicles will be subject to periodic and/or unannounced inspection by supervisory and command personnel to ensure continued compliance with departmental directives.

E. POLICE VEHICLE MARKING & EMERGENCY EQUIPMENT

1. Vehicles used in general field operations will be conspicuously marked with exterior mounted blue lights, reflective striping, lettering and police decals. Conspicuous marking increases safety, serves as a deterrent to potential violators, increases police visibility, and provides citizens with a sense of security.

2. Unmarked police vehicles may be authorized by the Chief of Police for specialized applications such as traffic law enforcement, supervision, directed patrols, surveillance, undercover operations, tactical, investigative or administrative purposes.

3. All police vehicles used in routine or general field service shall be equipped with a mobile radio transceiver, approved siren, and blue emergency light(s). Depending on their intended use or assignment, vehicles may also be equipped with additional emergency equipment, to include: first aid kit, emergency blanket(s), police shotgun, rechargeable flashlight, fire extinguisher, highway flares or reflectors, extrication device, and measuring device.

4. Supplementary vehicle lighting equipment may be installed on patrol vehicles, to include hazard flashers, spotlights, alley lights, and takedown lights. Emergency warning lights should be used at any time a police vehicle is parked on the roadway or location where other traffic may be endangered. Alley lights and takedown lights are to be used for their intended purpose when the police vehicle is stationary or moving at very slow speeds.

5. Officers are permitted to use the emergency warning equipment of the police vehicle as necessary to divert or control approaching traffic, to protect the public from a potential hazard, or to signal a motorist being stopped for a traffic violation. Care should be taken to ensure that the use of emergency equipment does not create or compound a traffic problem

F. USE OF POLICE VEHICLES TO BLOCK STREETS

1. Officers are authorized to use a police vehicle to block a street or highway without supervisory approval under the following conditions:

    (a) To control ingress and egress at the scene of a major crime, incident, unusual occurrence, emergency or disaster;

    (b) To protect the public from any potential hazard (e.g., sink hole, debris, traffic accident, flooded street, downed power line, etc.);

    (c) To assist in the warning, control or regulation of vehicular traffic at intersections and other locations as required.

2. If the street or highway is to be blocked for an extended period of time, the field supervisor should assign additional personnel to direct and re-route affected traffic. Normal traffic flow should be restored as soon as practical.

3. The positioning of a police vehicle to block a street or highway must be made in consideration of the speed of approaching traffic, visibility, and other existing conditions. When used to block a street, the vehicle's emergency warning lights and hazard-warning flashers should be activated.

4. The use of a police vehicle as part of a roadblock or forcible stopping maneuver to apprehend a fleeing motorist requires supervisory approval and shall be conducted in accordance with the provisions of General Order 1100-02 (Emergency Operation of Police Vehicles).

5. The use of a police vehicle as part of a traffic checkpoint requires supervisory approval and shall be conducted in accordance with the provisions of General Order 900-08 (Traffic Checkpoints).

G. MAINTENANCE & REPAIR OF POLICE VEHICLES

1. All maintenance and repairs to police vehicles will be accomplished in accordance with the City of Kannapolis vehicle maintenance contract and the provisions of this General Order. No modification, repair, enhancement, alteration or other work may be performed on any police vehicle by any employee, person, or business except as authorized under City contract, or as otherwise approved by the Fleet Coordinator or Chief of Police.

2. In the event of damage or breakdown that renders the police vehicle unsuitable for police service, the officer to whom the vehicle is assigned will ensure that proper action is taken to submit the vehicle for repair.

3. Any body work or single repair estimated to exceed $500 must be approved in advance by the responsible Bureau Commander or Chief of Police.

4. Routine preventative maintenance and services, including oil change, lubrication, tire replacement, brake service, etc, is the responsibility of the officer to whom the vehicle is assigned. Whenever a vehicle is due for preventive maintenance or requires repair service, the following procedures will be followed.

    (a) The operator will complete a Radio & Mechanical Report (KPD-111) describing the nature of the problem or work required.

    (b) The operator shall schedule service on his/her day(s) off if at all possible. A pool vehicle may be used when necessary;

    (c) The operator shall be responsible for coordinating delivery and pick-up of the vehicle from the garage;

    (d) When delivering the vehicle to the garage, the operator must give the KPD-111 form and vehicle keys to the garage supervisor;

    (e) Once the service has been completed, the operator shall arrange for pick-up of the vehicle in a timely manner;

    (f) The operator shall report any problems with the service or repair to the department's Fleet Coordinator.

5. If the vehicle is to be left overnight at a repair or service facility, all firearms shall be removed from the vehicle. Radio equipment and other electronic equipment should be turned off, cellular telephones electronically locked (or removed and secured if portable), and any sensitive or confidential materials secured against unauthorized access.

6. When picking up a vehicle from a service facility, the officer may be required to sign a billing invoice. A copy of this invoice, along with the original Radio & Mechanical Report, will be returned to the officer. Both documents must be submitted via the chain of command to the Fleet Coordinator. Insofar as practical, the officer should verify that the requested repair or work has been completed satisfactorily

7. A vehicle service log (form KPD-125) will be maintained in each assigned vehicle to document all maintenance and repairs performed on that vehicle. It will be the responsibility of the assigned officer to maintain the service log in an accurate and timely manner. This log will be subject to inspection at any time by supervisory personnel.

8. Officers must accept full responsibility for the proper maintenance and care of their assigned vehicle. Police vehicles are to be kept clean, both inside and out, at all times, weather permitting. Officers will ensure that the vehicle is washed and waxed periodically in accordance with the guidelines specified in this General Order.

9. Tires are a very critical part of the police vehicle. Improper tire inspection and maintenance can result in excessive operating costs. More importantly, the officer operating a vehicle with excessively worn, damaged, or improperly inflated tires is endangering his own safety and that of other motorists. For these reasons, special emphasis is placed on the purchase and service of tires. The following guidelines will be observed:

    (a) Police vehicles will be equipped with tires specifically designed for police use and approved by the Department. These tires are acquired from a service facility approved by the Department. Tires will be requisitioned on the appropriate form as part of an open purchase order and receiving reports/invoices submitted accordingly.

    (b) Tires for special purpose vehicles having special load or operating requirements must be approved by the Fleet Coordinator or Chief of Police;

    (c) Accurate tire pressure is critical and shall be properly maintained on all police vehicles in accordance with the manufacturer's recommendation.

    (d) Police vehicles are not to be operated with tires that do not meet the standards for safety set forth in NCGS 20-122.1.

    (e) Tires that are out of round, damaged, severely worn, or otherwise unsuitable for police service shall be replaced by the authorized service facility.

    (f) The use of plugs or patches to repair punctures in police tires is strictly prohibited;

    (g) Each vehicle is equipped with a full-size spare tire, jack, and other tools necessary for replacement of a flat tire. Personnel operating police vehicles are responsible for changing flat tires.

H. REFUELING OF POLICE VEHICLES

1. Police vehicles will normally be refueled at the City refueling station (Public Works Operations Center). An electronic key has been issued and assigned to each individual vehicle in the Department's fleet for this purpose. The gas key is to remain in the vehicle to which it is assigned. The following general procedure will be observed.

    (a) Turn off the vehicle motor.

    (b) NO SMOKING at pumps.

    (c) Lift the nozzle and turn the lever to reset the pump. Allow the pump to fully reset BEFORE activating the nozzle;

    (d) Insert the electronic key and follow the prompts to enter the vehicle odometer reading, confidential User ID number, and to select the proper pump.

    (e) Once refueling is complete and the pump turned off, the system will print a gas ticket. This ticket should be signed by the vehicle operator and placed in the deposit box provided.

2. A gasoline credit card has been issued and assigned to each vehicle in the Department's fleet for use when traveling out of town or when the City's refueling station is not available. The credit card is to remain in the vehicle to which it is assigned. The following general guidelines are to be observed when using the assigned credit card:

    (a) The member should ensure that the credit card to be used <u>corresponds</u> to the vehicle number being refueled;

    (b) Unless otherwise authorized by the Department, only regular grade unleaded gasoline will be introduced into the fuel tank of a police vehicle;

    (c) Members are to verify the accuracy of the information on the receipt provided by the vendor and shall affix their signature as required. The receipt must be promptly forwarded via the chain of command to the appropriate Bureau Commander for use in billing verification.

3. Gasoline keys and gasoline credit cards may not be used to refuel a privately owned or non-departmental vehicle without the prior approval of the Fleet Coordinator or Chief of Police. The Chief of Police may authorize the use of special credit cards and/or procedures for refueling undercover vehicles.

4. The Fleet Coordinator will be responsible for maintaining liaison with the PWOC Supervisor regarding police use of the refueling station.

I. VEHICLE CLEANING

1. Police vehicles shall be cleaned periodically as required to maintain a professional appearance and ensure safe operation. Commercial carwashes may be obtained as required at a facility designated and approved by the Fleet Coordinator for this purpose. All car washes will be documented on the vehicle service log. It is the responsibility of the police driver to ensure

that the carwash attendant is aware of any exterior mounted equipment that may be damaged by the carwash process, so that appropriate adjustments or other protective measures can be accomplished. Any firearms or confidential materials carried in the vehicle are to be secured against unauthorized access.

2. Any vehicle delivered to a commercial wash facility for biohazard decontamination must be properly tagged using a biohazard label on the exterior window, and the attendant properly informed of the biohazard condition so that appropriate personal protective equipment may be worn during the cleaning process.

3. Police vehicles that cannot be washed at the primary carwash facility due to their size, special equipment, or undercover assignment will be washed at an alternate facility designated by the Fleet Coordinator.

4. Receipts for carwashes of departmental vehicles are to reflect the vehicle number and signature of the receiving officer, and promptly forwarded via the chain of command to the appropriate Bureau Commander for submission to the City offices.

5. To preserve and protect the exterior paint, police vehicles should be waxed at least once per calendar year. Electric or air powered buffers may not be used, as serious paint damage can result. Where feasible and appropriate, Bureau Commanders may coordinate the use of community service workers to assist with vehicle waxes.

6. Supervisors are to monitor the overall use of the commercial wash facilities by their subordinate personnel to ensure that departmental vehicles are not subjected to excessive or unnecessary washing.

J. POLICE DRIVER STANDARDS

1. Consistent with reasonable and accepted standards of professional conduct, members are expected to observe safe driving practices and comply with applicable traffic laws in the operation of their personal vehicles as well as departmental vehicles. Most police employees are widely known in the communities they serve, and as such should display lawful and courteous driving habits both on-duty and off-duty.

2. No member may drive or operate a department owned vehicle unless such member holds a valid driver's license issued by the North Carolina Division of Motor Vehicles for the class of vehicle to be operated. A member whose duties may reasonably require them to operate a departmental vehicle shall maintain a valid driver's license as required by this section. Failure to maintain a valid license shall be considered as failure to meet the requirements of the position.

3. Any member whose driver's license is suspended, revoked, or canceled for any reason shall immediately report the circumstances in writing via the chain of command to the Chief of Police.

4. Bureau Commanders will be responsible for conducting a periodic check of the driver’s license status of their subordinate personnel whose duties require the operation of a departmental vehicle.

K. POOL CARS AND SPECIAL PURPOSE VEHICLES

1. Pool cars will remain on station at Police Headquarters or other approved location. Officers assigned to use pool cars will be responsible for the appearance, maintenance and upkeep of the vehicle during the period so assigned.

2. Special purpose vehicles will remain on station at Police Headquarters or other approved location. The Commander of the Bureau or Division to which the vehicle has been allocated for use will be responsible for authorizing the use of these vehicles, as well as their condition, maintenance and repair.

3. Seized or forfeited vehicles used for undercover or special investigative purposes will be considered pool vehicles allocated to the Criminal Investigation Division. The CID Commander will be responsible for authorizing the use of these vehicles, as well as their condition, maintenance and repair.

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KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 600-05

SUBJECT: TRANSPORTING CIVILIANS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 01-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to define the circumstances in which private citizens may be transported in Police Department vehicles.

POLICY

The Kannapolis Police Department recognizes that the transportation of private citizens in police vehicles is sometimes necessary in the performance of law enforcement duties and service to the community. It shall be the policy of the Department to allow the reasonable and necessary transportation of civilian passengers in police vehicles in accordance with the provisions of this General Order.

PROCEDURES

A. ROUTINE TRANSPORTATION

1. Private citizens may be transported in police vehicles without supervisory approval in the following circumstances:

    (a) When the person has been arrested, detained, involuntarily committed, or is otherwise in lawful police custody; OR

    (b) When transportation of the person is necessary to the effective performance of a police function; OR

    (c) When the person has been involved in an emergency situation or is faced with an unforeseen and unavoidable circumstance (e.g. vehicle breakdown, traffic accident, abandonment), and there is no reasonable expectation that alternative forms of transportation will be available; OR

    (d) When the officer believes that the person is a victim of domestic violence, and transportation by the police is needed in order to obtain safe shelter, food, clothing, medication, legal aid, or other necessary assistance.

2. Supervisors may authorize the transportation of private citizens under other circumstances when, in their discretion, transportation of the person is necessary to the effective performance of duty and is otherwise consistent with the police mission and the provisions of this Order.

3. When transporting persons of the opposite sex, the officer shall inform the Communications Center by radio of the beginning location and odometer reading, car number, destination and ending odometer reading. Provided, however that this section shall not apply to the transportation of pre-authorized persons participating in the citizen-observer program, student-interns, police explorers, or civilian police employees.

B. EMERGENCY MEDICAL TRANSPORTATION

1. The preferred course of action in the event of a medical emergency is for the officer to summon an ambulance to the victim's location. EMS personnel are properly trained and equipped to administer advanced life support measures both at the scene and during transport to the medical facility. The officer should administer first aid as practical and control traffic so as to provide easy access for EMS personnel.

2. Officers may use a police vehicle to provide emergency transportation for citizens with life-threatening injuries or medical conditions *ONLY* when EMS personnel have been requested, but there are no ambulances available to respond. In such cases, the emergency operation of a police vehicle is authorized for this purpose. Officers transporting a civilian for emergency medical reasons pursuant to this section shall notify the Communications Center and request that the hospital emergency room be advised of the nature of the medical emergency and the officer's estimated time of arrival.

C. CITIZEN-OBSERVER PROGRAM

1. The Department has established a citizen-observer program that allows private citizens to accompany an on-duty officer in a police vehicle for a limited period of time to directly observe line activities. Authorization to participate in this program may be granted by the Chief of Police when, in his discretion, such participation will further a legitimate interest of the Kannapolis Police Department or the City of Kannapolis.

2. Participation as a citizen observer with an on-duty law enforcement officer involves the inherent risk of death or serious physical injury. Persons desiring to participate must be fully informed of the dangers involved and voluntarily agree to accept these risks.

3. Officers who are on a probationary status following initial employment will not be allowed to escort citizen-observers.

4. Persons desiring to participate as an observer will be required to complete and execute a Citizen Observer Request (Form KPD-164) prior to their participation. The Citizen-Observer Request is a three-part form and may be obtained from the Field Operations Bureau Commander or the Chief of Police. Persons under the age of 18 must have their parent or guardian co-sign the forms.

5. Requests to participate as a citizen-observer will be evaluated on an individual basis by the Chief of Police. Upon approval, scheduling will be coordinated by the appropriate Bureau Commander, who will provide notice to the citizen and the affected line supervisors accordingly. No person may participate as a citizen-observer until written authorization has been received from the Chief of Police. Unless specifically authorized by the Chief of Police, citizens requesting to participate in the Citizen-Observer Program will be restricted to one approved request every six months.

6. The escorting officer is responsible for providing reasonable protection and supervision to the citizen-observer. This requirement shall not be construed as limiting or restricting the officer from performing necessary law enforcement actions, including the emergency operation of the police vehicle. In all such activities, however, the personal safety of the citizen-observer and the police officer(s) shall be the foremost consideration.

7. Should an unanticipated emergency develop, and it becomes necessary to immediately terminate the citizen observer's participation, or if at any time the citizen-observer requests to end their participation, the escorting officer shall transport the citizen to the Police Department, their residence, or other safe location for discharge.

8. The following rules will apply to <u>all</u> persons participating as citizen-observers:

   (a) Citizen-observers may not possess or carry a weapon of any kind and may not represent themselves, expressly or implied, as a law enforcement officer;

   (b) Citizen-observers may not physically participate in any arrest or perform any law enforcement function unless emergency assistance is requested by a police officer;

   (c) Citizen-observers will not be allowed to drive a police vehicle, handle evidence, enter private premises without obtaining proper consent, or operate any police equipment;

   (d) Citizen-observers are required to comply with all lawful instructions given to them by the escorting officer(s) in order to protect their mutual safety;

   (e) Citizen-observers will not be allowed to take photographs or make any video or audio recording without the prior written consent of the Chief of Police.

D. TRANSPORTATION OF PERSONS IN PRE-AUTHORIZED PROGRAMS

1. The Kannapolis Police Department periodically participates in certain programs that provide private citizens with an opportunity to participate in departmental activities. These programs may include, but are not limited to:

   (a) Criminal Justice student interns;
   (b) Police explorers;
   (c) Government or civic leadership programs;
   (d) Citizen academies.

2. In order to participate in these special programs, participants will be required to execute the same forms used for Citizen Observer Requests (KPD-164). The rules and procedures normally applicable to citizen-observers will apply to all persons participating in pre-authorized programs.

3. Once authorized, no further approval is required for the person to accompany on-duty officers in police vehicles for the duration of the period of participation with the Department, provided that such participation is coordinated with the affected supervisors.

E. TRANSPORTATION OF EMERGENCY SERVICE WORKERS

1. Supervisors may authorize the transportation of emergency service workers in the event of disasters, civil emergencies, or severe weather conditions provided that:

    (a) The person performs a critical emergency service function (e.g., police, fire, medical, rescue), and transportation of the person is essential to ensure the continuity of emergency services to the public; AND

    (b) The existing conditions preclude the use of privately furnished transportation or for-hire transport services (i.e. taxicab), and alternative methods of suitable transportation are not reasonably available to the person; AND

    (c) Transportation of the person does not extend beyond the territorial jurisdiction of the Police Department (one mile beyond the city limits); AND

    (d) Transportation of the person will not impair the ability of the police department to meet its own emergency service demands, or unreasonably endanger police personnel or vehicles.

INDEX AS:

Citizen Observer Program
Emergency Medical Transportation
Police Explorers (Transporting)
Student Interns (Transporting)
Transporting Civilians

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 600-06

SUBJECT: BODY ARMOR
DISTRIBUTION All Personnel
EFFECTIVE DATE: 03-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental policy on the use and care of concealable body armor and tactical body armor.

POLICY

The Police Department makes every attempt to provide equipment designed to enhance officer safety. In the course of their professional duties, police officers are exposed to a risk of assault by firearms, particularly handguns (including their own). One of the most effective safeguards available against such threats is the use of body armor. While body armor provides a significant level of protection, it is not an absolute protection against all threat levels and is not a substitute for following sound officer safety tactics and practices. It is the policy of the Kannapolis Police Department to enhance the physical safety of officers through the use of body armor in conjunction with established safety procedures.

DEFINITIONS

The following definitions are for the limited purposes of this General Order and may not apply in all other cases:

1. Concealable Body Armor: bullet resistant material designed for daily wear under the uniform shirt or outer clothing, and which has been issued or approved for use by the Department.

2. Tactical Body Armor: body armor offering a higher level of threat protection and which is issued to members of special operations units for use in high risk or tactical operations

PROCEDURES

A. ISSUANCE OF BODY ARMOR

1. Every sworn officer of the Department is issued concealable body armor that complies with standards established by the National Institute of Justice (NIJ). All issued body armor shall conform to the level of threat protection required to defeat the issued handgun ammunition fired from the duty weapon.

2. Concealable body armor and carriers that are worn or damaged through normal wear or use shall be replaced or repaired by the agency. It is the responsibility of the officer to report any damage or wear of the ballistic panels or carrier to the appropriate supervisor.

3. Any unit of body armor that has been fired upon, punctured, stabbed, cut, or otherwise structurally damaged from a threat shall be immediately removed from service and replaced.

B. PRIVATELY OWNED BODY ARMOR

1. An officer may elect to purchase and wear privately owned concealable body armor provided that the armor meets or exceeds the rated threat level and specifications of the issued body armor and has been inspected and approved for use by the Department.

2. Replacement and/or repair of privately owned concealable body armor will be the personal responsibility of the purchasing officer.

3. An officer who elects to use privately owned concealable body armor must comply with the requirements of this General Order as if the armor was issued by the Department.

C. WEARING OF BODY ARMOR

1. Police officers are strongly encouraged to wear the issued body armor at all times when working in a law enforcement capacity, either on or off duty.

2. Whenever feasible, uniformed on-duty police officers working in field assignments are to wear their issued body armor. Except as specified in paragraph 4 below, the routine wearing of concealable body armor while on duty is not required under the following conditions:

   (a) When the wearing of body armor is contraindicated due to medical reasons, wear intolerance, or other significant factors; OR

   (b) When the officer is working in an authorized covert capacity that may be compromised by the wearing of body armor; OR

   (c) When the officer is working an authorized special assignment (court, training, etc) where the wearing of body armor is not appropriate or necessary; OR

   (d) When the officer determines that the ambient air temperature and/or level of humidity during a scheduled tour of duty poses an elevated risk of heat related injury.

3. Officers who elect not to routinely wear body armor under one of the exemptions defined above must carefully weigh the risks and ensure that their issued armor is readily accessible while on duty (normally in the officer's assigned vehicle).

4. Every police officer, regardless of assignment or rank, SHALL wear approved concealable body armor or tactical armor when participating in live fire training exercises, organized raids, pre-planned warrant executions involving dynamic or forcible entry to private premises, civil disturbances, tactical operations, and other high risk operations as directed by the controlling supervisor.

D. TACTICAL BODY ARMOR

1. Tactical body armor is issued to members of the Special Response Team in order to provide them with higher levels of threat protection during high-risk tactical operations. Officers assigned to the SRT are required to wear tactical body armor during all field deployments and during any training exercises involving the use of firearms, distraction devices, less lethal projectile munitions, breaching rounds, or explosives.

2. The SRT Coordinator and Team Leader shall be responsible for determining the tactical body armor requirements of the Department and for ensuring that assigned personnel are properly trained in its use and maintenance.

3. Any unit of tactical body armor that has been fired upon, punctured, stabbed, cut, or otherwise structurally damaged from a threat shall be immediately removed from service and replaced.

E. INSPECTIONS OF BODY ARMOR

1. On at least an annual basis, supervisors at all levels are responsible for conducting a visual inspection of the body armor issued to their immediate subordinate personnel. The inspection shall include an assessment of fit, cleanliness, and signs of damage, abuse, or need for repair or replacement.

2. The SRT Coordinator and SRT Team Leader shall be jointly responsible for conducting regular periodic inspections of tactical body armor issued to SRT personnel.

F. MAINTENANCE & DISPOSAL OF BODY ARMOR

1. Each officer is responsible for the proper care and maintenance of body armor in accordance with the manufacturer's instructions. This includes regular inspection of the armor for signs of damage and general cleanliness.

2. Any loss of theft of departmental body armor shall immediately be reported in writing to the appropriate supervisor.

3. Dirt and human perspiration may erode ballistic panels and form odor-causing bacteria. Each officer shall be responsible for properly cleaning the issued body armor in accordance with the manufacturer's instructions to ensure that it remains clean and odor free. Special aerosol sprays are available from the Department that will help neutralize offensive odors created by perspiration absorbed into the panels.

4. Surplus body armor shall be disposed of in a manner that does not render it available to the general public. If suitable alternatives are not available for recycling or donation to other agencies for legitimate purposes, surplus armor shall be destroyed. Disposal of departmental body armor must be approved in advance by the Chief of Police and City Manager.

G. TRAINING & EVALUATION

1. The Field Operations Commander will be responsible for maintaining the following:

(a) Information on technical advances in the body armor industry or changes in NIJ specifications that may indicate a need to upgrade or replace body armor.

(b) Documentation verifying that the issued body armor conforms with current NIJ specifications and is rated for the threat level posed by the ammunition used in the issued duty weapon.

(c) Procurement records, armor identification, and issuance data enabling the Department to track the age of the units and effect the programmed scheduled replacement of used body armor once the manufacturer's warranty on the ballistic panels has expired.

(d) Information and statistical data needed to evaluate occurrences where issued body armor has protected or failed to protect officers in accordance with its rated threat protection level.

2. The Training Advisory Committee will be responsible for developing training programs for periodic in-service delivery that inform officers about the benefits of wearing body armor and emphasize its proper use and maintenance.

INDEX AS:

Body Armor
Tactical Body Armor
Bullet Resistant Vests

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: **600-07**
SUBJECT: UNIFORMS & ISSUED EQUIPMENT
DISTRIBUTION All Personnel
EFFECTIVE DATE: 10-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental standards and guidelines governing police uniforms and issued personal equipment.

POLICY

The Kannapolis Police Department will ensure that members are provided with adequate uniforms and issued equipment as required to perform their assigned duties and maintain a professional appearance. Uniforms and issued personal equipment will be utilized only for their intended purpose in accordance with departmental directives and the provisions of this General Order.

PROCEDURES

A. ADMINISTRATION

1. The Chief of Police shall be responsible for determining current uniform and personal issued equipment needs, establishing uniform and equipment specifications and regulations, and for acquiring uniform and equipment in accordance with City purchasing policies.

2. Bureau Commanders will be designated as having oversight responsibility for the routine acquisition, maintenance, and issuance of uniforms and personal duty equipment for members within their command. This responsibility includes coordinating the annual budget request for uniforms and personal equipment items, the supervision of expenditures, and the submission of inventory control records associated with such assets.

3. Members shall be responsible for ensuring that their uniform and issued equipment is properly maintained and complies with departmental standards. Members shall promptly notify their supervisor if they discover that any item of their uniform or issued equipment is not operating properly or fails to meet departmental standards.

4. Supervisors at all levels will be responsible for periodically inspecting the uniforms, equipment and personal appearance of personnel under their command to ensure continued compliance with departmental standards.

B. GENERAL PROVISIONS

1. The ownership and title to all uniforms and equipment issued to members of the police department is vested in the City of Kannapolis and the Kannapolis Police Department.

Members shall be held strictly accountable for the proper care, use, condition and maintenance of all articles of uniforms and equipment issued to them.

2. It shall be the duty of each employee, upon the demand of a supervisor, to produce any article(s) or item(s) of issued uniforms, equipment, or any other item worn or carried while on duty or in uniform which affects the member's appearance or performance of duty, for the purpose of inspection, inventory, or evaluation.

3. When promoted, demoted, or reclassified, members must surrender and turn over to their respective Bureau Commander any and all items of uniforms and/or issued equipment which do not reflect their present rank or classification.

4. When a member of the Department resigns, retires, is discharged, or in any other way vacates his office, the employee shall immediately surrender to the Department all issued items of uniforms and equipment. In the case of the death of an employee, the Chief of Police or his designee shall be responsible for the recovery of Department owned property.

5. No member of the Department shall wear any portion of the official uniform or carry a concealed weapon pursuant to police authority during a period of disciplinary suspension. Upon notification of being suspended, the member shall immediately surrender the police badge, ID card, and any issued firearm to the supervisor notifying him of the suspension.

6. Any member who loses, misplaces, or damages any uniform part or item of issued equipment shall immediately report the circumstances of such loss or damage to his supervisor in writing, and may be held financially responsible for the cost of replacement or repair when such loss or damage is due to the member's personal negligence.

7. Supervisors at all levels will be responsible for making adequate inquiry into any reports of lost, stolen, damaged, or malfunctioning equipment to determine if negligence on the part of the employee contributed to the loss or damage.

8. No member may conceal, transfer, convert to personal use, or otherwise dispose of any departmental uniforms or equipment with the intent of depriving the City or the Department of the use of such item. Members are further prohibited from using departmental uniforms or equipment for any reason other than in the lawful performance of official duties or while engaged in approved off duty police-status employment.

C. UNIFORM REGULATIONS

1. Except as otherwise authorized by the Chief of Police or departmental directives, all members, other than those approved to wear plain clothes by the nature of their assignment, shall wear the complete uniform of the day when on duty and when making public appearances on behalf of the Department.

2. The uniform of the day shall be the Class B uniform as defined in this policy. The decision of long or short sleeves will be left to the discretion of the individual officer. Prevailing weather and temperatures should be taken into consideration in determining the appropriate sleeve length. The uniform of the day may be altered by order of a Bureau Commander or the Chief of Police as required for training or special events. Reasonable deviation from the standing uniform of the day requirement may be temporarily permitted by supervisory personnel for unseasonable weather changes or other unusual circumstances.

3. Unless otherwise directed, the classes of uniforms specified for wear by the Police Department shall be as follows:

   (a) Class A: Dress Uniform or Ceremonial Uniform
   (b) Class B: Standard Duty Uniform (Short or Long Sleeve)
   (c) Class C: Utility & Special Purpose Uniforms

4. Members shall keep their uniforms clean, neat, and properly sized. All metallic accessories and insignia worn with the uniform shall be properly displayed and kept clean and polished. Shoes and leather gear shall be kept clean and polished.

5. No member of the Department shall sell, exchange, lend or give away any part of the prescribed uniform or issued equipment, nor shall the uniform and equipment or any part thereof be worn in any private appearance, exhibition, or parade unless specifically authorized by the Department.

6. Members shall not wear the departmental uniform while off-duty except as reasonably required during commute to and from work, as required for departmental training, court appearances or other assignments, or while actively engaged in approved police-status off-duty employment. Members are expressly prohibited from wearing the departmental uniform when off duty for the purpose of influencing or gaining any advantage whatsoever, directly or indirectly, in the transaction of personal business.

7. Uniforms shall be properly disposed of when worn out or damaged beyond repair. Proper disposal means that all emblems, shoulder patches and other insignia must be removed prior to disposal. Worn out or damaged uniform parts that are no longer fit for duty wear shall be cut up or otherwise rendered unusable before being discarded in waste containers.

8. All uniform or equipment replacement due to normal wear and tear will be handled through the member's supervisor, who will inspect the item to be turned in or replaced and authorize the officer to exchange or destroy the item as needed. The member will deliver the item to the Property Control officer for replacement on a one-for-one exchange basis. The Property Control Officer will ensure that all surplus or damaged property is disposed of in accordance with the policies of the City of Kannapolis and the Police Department.

D. UNIFORM SPECIFICATIONS

NOTE: Except where clear distinctions in applicability are apparent or specified, non-sworn members shall fully comply with the general uniform and equipment regulations established in this General Order.

1. Trousers: Trousers worn by uniformed members shall be the official issued trouser only. All trousers will be of proper fit and of a hemmed length that allows the cuff to touch the top of the shoe at the laces when in a standing position. Trousers will be kept clean and neatly pressed and should not show visible signs of wear.

2. Shirts: Shirts worn by uniformed members shall be the official issued shirt only. The long sleeve shirt will be worn with a uniform tie and shall be fully buttoned. Officers working an evening or overnight shift may elect to wear the long sleeve shirt without a tie and the topmost button open. Short sleeve shirts shall be worn unbuttoned at the collar. Nothing shall be

carried in shirt a pocket that creates an excessive bulge. Crew neck undershirts that are navy blue, or black in color and which compliment the uniform appearance may be worn with the short sleeve shirt.

3. Neckwear: Uniformed officers shall wear the department issued clip-on tie when wearing the long sleeve uniform shirt when working dayshift, attending court, making presentations, and other designated events or duty assignments. Mock turtlenecks or "dickies" are not authorized.

4. Footwear: Uniformed members shall wear department issued or approved footwear. All footwear shall be kept clean, shined and in good repair. Socks shall be black or navy blue in color. Black or navy blue socks with white soles may be worn provided that no white is visible when wearing the footwear. Female members may wear hose in lieu of socks.

5. Uniform Jackets and Coats: Uniformed members may wear the department issued light jacket or heavy coat when seasonally appropriate. Jackets and coats must be properly sized and display the required emblems and insignia. Buttons will be silver in color for all ranks.

6. Command Jackets: Uniformed officers holding the rank of Lieutenant or higher are authorized to wear the issued Command (Ike) Jacket. Rank shall be designated by parallel rows of 1/2 inch silver braid spaced 1/4 inch apart around the lower portion of each sleeve. The rank of Lieutenant is designed by two braids, Captain and Deputy Chief by three braids, and Chief of Police by four braids. When the Command Jacket is worn, a long sleeve white uniform shirt and tie shall be worn underneath.

7. Cover: The issued uniform cover (cap) shall be properly sized and worn squarely on the head with the front edge of the visor approximately 1-1/2 inches above the bridge of the nose, and no frontal hair showing underneath the brim. The cover must be kept clean and protected against distortion or damage. No insignia other than the department issued cap badge may be displayed on the uniform cap. The band and visor will correspond to the members rank as follows:

   Silver Metallic Band & Plain Visor - Officers, Sergeants & Lieutenants
   Silver Braid Band & Embellished Visor – Captains, Deputy Chief & Chief of Police

   When in uniform, regardless of duty status, the uniform cap shall be worn when performing official functions, except when members are not in direct contact with the public, during meal/break periods, while at the Police Department, when removal is required for courtesy, custom, or court appearances, or at other times when the wearing of the uniform cap would interfere with the efficient performance of duty or be impractical under the existing circumstances.

8. Raingear: Uniform raincoats and protective rain covers will be department issued only. Reversible raincoats and rain covers should be worn with the most visible side outward when directing traffic or engaged in any activity on foot which may subject the officer to potential danger from approaching traffic.

9. Gloves: Duty gloves are not issued by the department but may be worn by uniformed members as seasonally appropriate. When worn, gloves must be full fingered and solid black in color, except as authorized for ceremonial events. Mittens, fingerless gloves, gloves with fancy detail, and weighted gloves are prohibited. Gloves may not be of a design or bulk that interferes with the proper use of the duty weapon or other issued equipment.

10. Sweaters: Uniformed officers have the option of wearing the department issued military style sweater as an outer garment when seasonally appropriate. Officers must display the issued badge and nameplate in the proper position on the sweater. Non-sworn members may wear the issued civilian uniform sweater.

11. Ceremonial Uniforms: officers assigned to the Honor Guard or who are participating in ceremonial functions are authorized to wear uniform apparel approved for this purpose by the Chief of Police, including but not limited to, mourning bands, trouser stripes, gloves, ascots, and shoulder cords.

E. INSIGNIA SPECIFICATIONS

1. Police Shoulder Emblems: Police shoulder emblems shall be worn centered on the shoulder of both upper sleeves of uniform shirts and outer garments (except rainwear), positioned upright with the top edge approximately one inch below the shoulder seam. Police shoulder emblems will be displayed on the uniforms of sworn officers only.

2. Collar Rank Insignia: Metallic collar rank insignia will be worn by ranking officers and shall be positioned parallel to the front leading edge of each shirt collar, 2 inches from the outside corner and edge. Rank insignia shall be collar sized (approximately 3/4 inches high) and shall properly denote the member's level of rank. Collar rank insignia will be silver in color for the ranks of Sergeant and Lieutenant. The ranks of Captain and above will be optional silver or gold.

3. KPD Collar Insignia: Although not furnished by the Department, non-ranking officers are authorized to display metallic collar insignia on uniform shirts denoting the letters "K.P.D." Such insignia shall be silver in color and may not be of a size larger than 3/8 inches in height and 1-1/4 inches in length. Positioning and color shall be the same as for collar rank insignia.

4. Epaulet Rank Insignia: Officers holding the rank of Lieutenant or higher may display their rank insignia on the shoulder epaulet of the uniform jacket or sweater when worn. The insignia shall be positioned centered perpendicular to the front leading edge of the epaulet, approximately 3/4 inches from the shoulder seam. Epaulet rank insignia shall be shoulder sized (approximately 1-inch high) and shall be of metallic construction. Epaulet insignia color shall be the same as collar insignia.

5. Police Badge: Uniformed officers shall wear the Department issued badge consistent with their rank and position. The badge will be positioned upright above the left pocket, properly fastened in the badge tab. Badges shall be worn on the outermost garment, except in the case of raingear. Badges should be kept clean and polished using a soft silicone cloth or other non-abrasive, non-corrosive cleaner. Use of harsh or abrasive cleaners will remove the protective coating and permanently damage the finish. Badges for non-ranking officers will be silver in color with black lettering. Badges for all ranking officers will be silver in color with gold panels and black lettering.

6. Cap Badge: Uniformed officers shall wear the Department issued cap badge consistent with their rank and position. Cap badges will be positioned upright in the front center of the uniform cover, properly fastened in the provided badge eyelet. Cap badges should be kept clean and polished in the same manner as the shirt badge. Cap badge color will correspond to the shirt badge.

7. Nameplate: Members shall wear the Department issued nameplate at all times when in uniform. The nameplate will be worn centered upright just above the top edge of the right pocket flap, or affixed in the nameplate eyelets of the garment, if present. The nameplate is to be worn on the outermost garment, except for raingear. Supplemental attachments to the nameplate, such as those designating years of service, and which matches the nameplate may be worn at the option of the member. Nameplates will be silver with black lettering for all ranks.

8. Pens: Writing instruments may be worn in the pen slot provided in the uniform shirt pocket and should be of a color and design that compliments the professional appearance of the uniform. Any pen or pencil not conforming to this standard will not be displayed in a visible position when carried by uniformed personnel.

9. Tie Insignia: When the uniform tie is worn, officers shall wear a tie bar or tie-tac at a point on the tie parallel to the bottom edge of the shirt pocket flap when the flap is closed. No tie bar or tie-tac may be worn which depicts or symbolizes any emblem, slogan, insignia, or logo that is inconsistent with the member's official position or detracts from a professional appearance.

10. Departmental Awards: Departmental awards and commendation bars may be displayed on the departmental uniform in accordance with General Order 500-03.

11. Chevrons: Chevrons denote the rank of Sergeant and will be displayed on both upper sleeves of uniform shirts and outerwear (except raingear) of officers holding that rank. Chevrons consist of three silver stripes on a dark navy blue or black background and are to be positioned point up, centered just below the police shoulder patch.

12. Hash Marks: Eligible sworn officers are authorized to wear hash marks on the long sleeve navy blue uniform shirt only. Lieutenants and higher ranks are additionally permitted to display hash marks on the Command Jacket. Each hash mark will denote five (5) years of continuous service to the Kannapolis Police Department. Hash marks are to be sewn on the lower left sleeve of the uniform shirt, centered with the shoulder patch and beginning 1-1/2 inches above the cuff. Hash marks for all ranks will be silver stripe(s) on dark navy or black background. Hash marks on Command Jackets will be positioned on the lower left sleeve, centered with the shoulder patch and beginning 2 inch above the highest row of sleeve braid.

13. Other Insignia: Civic pins, fraternity pins, and other non-official patches, emblems and insignia shall not be worn with the uniform. Members who are awarded honors or insignia related to the performance of duty by other law enforcement agencies or outside organizations may be authorized to display such insignia on the departmental uniform at the discretion of the Chief of Police.

F. LEATHER GEAR SPECIFICATIONS

1. Gun Belt: The gun belt for uniformed officers will be the department issued 2-1/4-inch wide Sam Browne or Sally Browne style belt. Belt hardware will be chrome for all ranks. Gun belts should be properly sized and worn securely fastened, as all other belt-carried leather gear and equipment will be attached. The gun belt must be worn in conjunction with an under belt and belt keepers or worn through the belt loops of the uniform trouser. The use of an under belt is preferred because it allows easy positioning and rapid removal of belt carried equipment. This is especially helpful in the event of a medical emergency or other situation requiring the rapid removal of the gun belt and equipment. The under belt, if worn, must be black in color and

sufficiently rigid to properly support the gun belt. The snaps and hardware on all leather gear affixed to the gun belt will be silver in color.

2. Belt Keepers: The gun belt shall be securely attached to the under belt with department issued belt keepers. Two keepers shall be worn on the front, and two in the rear. One front keeper shall be used on each side of the main buckle. The rear keepers shall be positioned at the corner of the rear trousers pocket towards the center seam. All belt keepers will encircle both the gun belt and the under belt, with the outer flap of the keeper facing downward and both snaps secured. Additional keepers may be utilized, depending on the officer's size and equipment carried.

3. Holster: Uniformed officers shall wear the department issued duty holster on the strong hand side. Holsters shall be worn securely mounted on the gun belt, with the safety snap secured. The Chief of Police must approve the use of any other holster.

4. Handcuff Carrier: Uniformed officers shall wear the department issued handcuff carrier positioned on the gun belt so that it is readily accessible using either hand.

5. Glove Pouch: Uniformed officers will be issued a glove pouch for the purpose of storing protective latex gloves. Officers may wear the department issued glove pouch on the gun belt positioned so as to be easily accessible. In accordance with departmental policy, protective gloves shall be used when handling or touching contaminated items or surfaces.

6. Baton Holder: Uniformed officers authorized to carry a baton may wear the department issued baton holder positioned on the gun belt in a manner that provides ease of access to the officer.

7. Portable Radio Holder: The portable radio holder will be worn on the opposite side from the holster and over the trouser side seam. The radio holder must be of a type and design intended for use with the particular model of portable radio to be carried. Remote speaker microphones, when utilized, shall be secured to the shoulder epaulet of the uniform shirt or outer garment (except rainwear), with the microphone positioned upright and facing forward.

8. Flashlight Carrier: Uniformed officers may wear the department issued flashlight carrier on the gun belt.

9. Magazine Holder: Uniformed officers shall wear the department issued magazine holder positioned on the gun belt so that it is readily accessible using either hand.

10. OC Aerosol Spray Holder: Uniformed officers authorized to carry OC aerosol shall wear the department issued OC aerosol holder on the duty belt. Plain-clothes officers may carry OC aerosol in alternative devices as authorized by the agency.

G. PROHIBITED EQUIPMENT

1. Any equipment or accessories not issued or specifically authorized for use by the Department will be considered as prohibited equipment.

H. PERSONAL ISSUED EQUIPMENT OTHER THAN LEATHERGEAR

1. Depending on the member's current duty assignment and responsibilities, one or more of the items of personal equipment listed below may be issued. Members shall strictly adhere to all

applicable General Orders and directives governing training, possession, carrying or use of any weapon or other item of personal equipment issued to them.

2. Duty Weapon: Sworn officers will be issued a duty handgun and authorized ammunition. The duty weapon must be maintained in a clean and operable condition and will be fully loaded with department issued ammunition when carried on-duty. Duty weapons may be inspected at any time by supervisory personnel to ensure continued compliance with this section. Periodic cleaning and lubrication is required to ensure reliable operation.

3. Portable Two-Way Radio: Sworn officers will be issued a portable two-way radio and corresponding charging unit. Due to the sensitive and expensive electronic components contained in portable radios, care must be taken by the officer to protect the unit against physical damage, unauthorized access, loss or theft. Except when working in an undercover capacity or when engaged in training or special assignments, sworn officers shall carry their portable radio with them at all times when on-duty or in uniform. On-duty officers are to maintain continuous radio contact with the Department unless checked out-of-service with the Communications Center.

4. Handcuffs: Sworn officers will be issued a pair of standard security handcuffs. Handcuffs are to be kept clean and operable and shall not be carried in the double lock position on the duty belt. The locking and latching mechanism should be periodically lubricated with a dry lubricant to prevent corrosion and dirt accumulation. Handcuffs should be wiped clean periodically with a silicone cloth to preserve the protective finish. Handcuffs shall be used in accordance with established departmental policy.

5. Baton: Sworn officers will be issued a collapsible baton as an intermediate level weapon. Officers must successfully complete an approved course of instruction and receive certification prior to carrying or using this intermediate level weapon.

6. Magazines: Sworn officers will be issued a spare magazine for the duty handgun. Spare magazines will be carried in the issued holder and should be fully loaded with department issued/approved ammunition.

7. Riot Helmet: Sworn officers will be issued a protective riot helmet with full-face shield. Riot helmets shall be carried in the officer's assigned vehicle and available for duty use.

8. Gas Mask: Sworn officers will be issued a full-face gas mask with filter canister designed to offer protection from CS, CN and OC agents. Gas masks shall be carried in the officer's assigned vehicle and available for duty use.

9. CBRN Personal Protective Gear: All sworn officers will be issued personnel protective equipment designed to offer at least level B protection in accordance with the Department of Homeland Security's Science and Technology Division standards for first responder CBRN equipment.

10. Body Armor: All sworn officers will be issued NIJ compliant soft body armor in accordance with established departmental policy. When not actually worn, the issued body armor shall be carried in the officer's assigned vehicle and available for duty use.

11. Shotgun: A police shotgun may be issued by the Department to individual officers or assigned to specific vehicles. Departmental shotguns will be carried in police vehicles with the magazine

fully loaded, the chamber EMPTY, and the safety engaged. Shotguns will be secured in an approved gun lock mounted in the passenger area. If the vehicle is not equipped with a standard gun lock system, the weapon will be secured in the trunk. It is the responsibility of the vehicle driver or officer to whom the weapon is assigned to ensure that the weapon is clean and in proper operating condition in accordance with this General Order. Stock mounted elastic shell holders may be attached to shotguns provided that such holders do not interfere with the normal operation of the weapon.

12. Citation Holder: Uniformed officers assigned to field operation units will be issued an aluminum citation pad holder. Permanent stickers, ink, and other non-removable materials should not be applied to the citation holder.

13. Flashlight: Sworn officers will be issued a standard flashlight in addition to those permanently mounted in departmental vehicles. Permanent markings, engravings, or other non-removable inks or material should not be applied to the flashlight. The issued flashlight must be kept in a clean and operable condition.

14. Ammunition: Each sworn officer will be issued a minimum of 50 rounds of approved duty ammunition for the service handgun. Officers who are individually issued a shotgun will be provided with a minimum of 10 rounds of approved shotgun ammunition. Only department issued or authorized ammunition may be carried or fired in departmental firearms.

15. Reflective Safety Vest: Each uniformed officer will be issued a reflective safety vest that shall be worn when manually directing traffic or engaged in other activities in or near a roadway where the officer is at risk from approaching traffic.

16. Tape Recorder: Small tape recorders may be issued to administrative personnel or members assigned to investigative components. It is the individual responsibility of the member to whom the recorder is assigned to ensure that such device is used in accordance with the law and departmental standards.

17. OC Spray: Sworn officers will be issued oleoresin capsicum (OC) aerosol spray. Uniformed officers shall carry OC aerosol in the issued holder on the duty belt. Plain-clothes officers may carry OC aerosol in alternative devices as authorized by the agency.

18. Photo Employee Identification Card: All employees will be issued an official employee identification card that shall include at a minimum their name, rank, status, and photograph.

I. SUPPLEMENTAL UNIFORMS AND EQUIPMENT

1. The Chief of Police may authorize the use or issuance of supplemental uniforms, weapons, accessories or equipment as required for the effective performance of special assignments or tasks. Such assignments may include, but is not limited to: tactical teams, investigative units, K-9 teams, and ceremonial units.

2. Members wishing to carry supplemental personal equipment or accessories in addition to that issued or provided by the Department shall first obtain approval from their respective Bureau Commander or the Chief of police. Small miscellaneous items such as templates, notepads, clipboards and similar items do not require approval under this section.

J. CLOTHING & EQUIPMENT REGULATIONS FOR PLAIN-CLOTHES OFFICERS

1. Sworn officers assigned to work full-time in plain clothes may be eligible to receive a clothing allowance in an amount at least equivalent to the average cost of clothing a uniformed officer for the same period. All clothing allowances are subject to the availability of adequate budget appropriations. A clothing allowance will not be provided to officers who are assigned to temporary or rotating assignments in plain clothes units, or to non-sworn personnel.

2. Except as otherwise authorized for training or special assignments, members assigned to work in plain clothes shall report for duty dressed in conservative business attire that is consistent with the member's official position, seasonally appropriate, and presents a professional appearance.

3. Sworn officers who are required to wear civilian clothing shall carry the following minimum items of equipment while on duty (unless working in an undercover capacity):

   (a) Police badge;
   (b) Police identification card;
   (c) Duty weapon and ammunition;
   (d) Handcuffs and key;
   (e) Portable two-way radio.

4. Plain-clothes officers may be permitted to utilize shoulder holsters and other concealment type leather gear in lieu of that normally issued to uniformed officers. All personally owned concealment holsters and leather gear used on duty must be inspected and approved for duty use by a departmental firearms instructor and appropriate Division Commander.

5. Firearms worn by plain-clothes officers may not be carried or exposed in a conspicuous manner, except within the police facility or as otherwise reasonably necessary in the performance of official duties.

6. During the performance of official duties that require their immediate recognition as a law enforcement officer, officers in plain clothes will wear an approved POLICE identification garment and/or prominently display their issued badge in plain view on the front of the outermost upper garment.

K. EXCEPTIONS TO UNIFORM & EQUIPMENT STANDARDS

1. Reasonable exceptions to the uniform and equipment standards specified in this General Order may be granted upon the authorization of a Division Commander or higher for such reasons as undercover operations, special assignments, or unusual medical conditions which require deviation from normal uniform and equipment guidelines. Exceptions granted under this provision will automatically expire upon the termination of the undercover work, special assignment or medical condition.

2. Bureau and Division Commanders will have the authority to grant temporary exceptions to the provisions of this General Order if the member is unable to comply due to circumstances beyond their control. Provided however, that exceptions may not be granted under this section for the intentional or negligent failure of a member to properly acquire, wear or display items of uniforms or equipment that are available to them through normal department procedure.

INDEX AS:

Insignia
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Uniforms

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 600-08

SUBJECT: INFECTIOUS DISEASE CONTROL
DISTRIBUTION All Personnel
EFFECTIVE DATE: 06-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The spread of infectious diseases such as Acquired Immune Deficiency Syndrome (AIDS) and Hepatitis-B is a growing health problem. Emergency service workers are frequently required to manage high-risk activities and as such are subject to occupational exposure to blood borne pathogens. The purpose of this General Order is to establish procedures that will minimize the risk of transmission and protect officers from unnecessary exposure to infectious diseases.

POLICY

Law enforcement officers routinely come into physical contact with members of the public during the performance of duty. It is predictable that, at some point, officers may have contact with a person who has an infectious disease. The transmission of viruses such as HIV and Hepatitis-B can occur through direct or indirect contact with infected blood or bodily fluids, through accidental skin punctures from contaminated needles or other sharp items, or through contact with other potentially infectious materials. As a result, universal precautions must be observed. All police personnel are to comply with the safety procedures contained in this General Order when confronted with blood or bodily fluids, items contaminated with blood or bodily fluids, or persons of identified high-risk groups.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Blood borne Pathogens: disease causing microorganisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis-B virus (HBV) and human immunodeficiency virus (HIV).

2. Contaminated: the presence of or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

3. Decontamination: the use of physical or chemical means to remove, inactivate, or destroy blood borne pathogens on a surface or item to the point where they are no longer capable of transmitting infectious particles and the surface of the item is rendered safe for handling, use or disposal.

4. Occupational Exposure Incident: a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious material that results from the performance of an employee's duties.

5. Parenteral: piercing mucous membranes or the skin through such events as needle sticks, human bites, cuts, and abrasions.

6. Source Individual: any individual, living or dead, whose blood or other potentially infectious materials may be a source of occupational exposure to an employee. Examples include, but are not limited to, trauma victims, intravenous drug users, and human remains.

7. Universal Precautions: an approach to infection control. According to the concept of universal precautions, all human blood and certain human bodily fluids are treated as if known to be infectious for HIV, HBV and other blood borne pathogens.

PROCEDURES

A. EXPOSURE DETERMINATION

1. The following job classifications have been determined as those in which assigned employees are subject to occupational exposure to blood borne pathogens:

   (a) Police Officer (including all special assignments);
   (b) Police Sergeant;
   (c) Police Lieutenant;
   (d) Police Captain;
   (e) Deputy Chief;
   (f) Chief of Police

2. Tasks and procedures or groups of closely related tasks and procedures that are performed by employees through which occupational exposure to blood or other potentially infectious materials occurs include:

   (a) Handling, processing, transport or storage of items of evidence or property contaminated with blood or other bodily fluids;

   (b) Contact with trauma victims at accident or incident scenes;

   (c) Use of force to effect the arrest or maintain custody of a person where injuries may occur to the officer or the person being arrested or taken into custody;

   (d) Administration of CPR or mouth-to-mouth resuscitation;

   (e) Search of suspected drug dealers or their premises/vehicles where contaminated needles or other drug paraphernalia may be present;

   (f) Search, processing and transportation of prisoners whose person or clothing may be contaminated with blood or other bodily fluids;

(g) Handling or evidentiary processing of human remains;

(h) Processing of accident or incident scenes where blood or bodily fluids, or surfaces contaminated with blood or bodily fluids may be present.

B. INFECTIOUS DISEASE PRECAUTIONS

1. Universal precautions shall be observed to prevent contact with blood or other potentially infectious materials. All human blood and human bodily fluids should be treated as if known to be infectious for HIV, HBV or other blood borne pathogens. Unprotected contact with blood and other bodily fluids must be avoided whenever possible.

2. The precautions and work practice controls specified in this Order are intended to minimize employee exposure to infectious diseases. Where occupational exposure remains after institution of these controls, personal protective equipment shall be used. The Department will provide personal protective equipment at no cost to employees in order to reduce the risk of disease transmission.

3. Hand washing facilities are available to all employees at the Police Department. Employees shall wash their hands and any other affected skin with soap and water, or flush mucous membranes with water, immediately or as soon as feasible following contact of such body areas with blood or other potentially infectious materials, or after the removal of gloves or other protective personal equipment.

4. Because hand-washing facilities may not always be available to an officer in the field, the Department will provide antiseptic towelettes or hand cleaner and clean paper towels for each police vehicle (except undercover vehicles). When antiseptic towelettes or hand cleaner is used, hands should still be washed with soap and running water as soon as feasible.

5. Officers shall not eat, drink, smoke, apply cosmetics or lip balm, or handle contact lenses at accident or incident scenes where blood, bodily fluids or other potentially infectious materials are present.

6. Food and drink shall not be kept in refrigerators, freezers, shelves, cabinets or on countertops or work surfaces where blood or other potentially infectious materials are present.

7. All procedures and handling of blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, spattering, and generation of droplets of these substances.

8. Officers should be aware that certain prescribed medications, such as steroids and asthma medications, suppress their immune system and make them more susceptible to infectious disease. When in doubt about the effects of a particular medicine, the officer should consult with the prescribing physician or pharmacist.

9. Pregnant officers should report to their personal physician any direct contact with blood or bodily fluids in the line of duty, as infectious viruses can cause severe problems in newborns.

C. TRAINING REQUIRED

1. The departmental training coordinator will be responsible for coordinating initial and annual in-service training pertaining to infectious disease control as required by this Order. A qualified person who is knowledgeable in the subject matter to be covered must conduct all training. All materials used shall be appropriate in content and vocabulary for police personnel.

2. Initial training will be provided to new employees who have occupational exposure at the time of initial assignment to tasks where occupational exposure may take place. In-service retraining will be provided to all employees with occupational exposure on an annual basis.

3. The departmental training program shall include the following elements:

   (a) Accessibility to a copy of 29 CFR 1910.1030 (Blood borne Pathogens Rule);

   (b) A general explanation of the epidemiology and symptoms of blood borne diseases;

   (c) An explanation of the modes of transmission of blood borne pathogens;

   (d) An explanation of the department's exposure control plan;

   (e) An explanation of the use and limitations of methods that will prevent or reduce exposure including appropriate work practices and protective personal equipment;

   (f) Information on the types, proper use, location, removal, handling, decontamination and disposal of personal protective equipment, as well as an explanation of the basis for selection of personal protective equipment;

   (g) Information on the Hepatitis-B Vaccine, including information on its efficacy, safety, method of administration, the benefits of being vaccinated, and that the vaccine and vaccination will be offered free of charge;

   (h) An explanation of the procedures to follow if an occupational exposure incident occurs, including the method of reporting the incident and the medical follow-up that will be made available;

   (i) Information on the post-exposure evaluation and follow-up that the Department is required to provide for the employee following an occupational exposure incident;

   (j) An explanation of the BIO-HAZARD signs and other warning labels used by the Department pursuant to this Order;

   (k) An opportunity for interactive questions and answers with the person conducting the training session.

4. Training records shall be maintained for a period of three (3) years from the date on which the training occurred, and shall include the following:

   (a) The dates of the training session;

   (b) The contents or a summary of the training provided;

   (c) The names and qualification of persons conducting the training;

(d) The names and job titles of all persons attending the training.

D. HEPATITIS-B VACCINATIONS

1. The Hepatitis-B vaccine and vaccination series will be made available at no cost to all employees who work in job classifications determined to have occupational exposure in accordance with 29 CFR 1910.1030 of the Occupational Safety and Heath Administration.

2. Vaccinations will be made available after the employee has received the training specified in Section C above, and within 10 working days of initial assignment unless the employee has previously received the complete hepatitis-B vaccination series, antibody testing has revealed that the employee is immune, or the vaccine is contraindicated for medical reasons.

3. Employees who have occupational exposure and who decline the HBV vaccine will be required to sign a HBV Vaccination Refusal form. However, initial refusal of the HBV vaccine does not prevent the employee from electing to receive the vaccine at a later date.

E. PROTECTIVE MATERIALS AND SUPPLIES

1. Supervisors are to ensure that adequate supplies are available for infectious disease control within their assigned worksite or respective units. Protective disposable gloves, first aid supplies, disinfecting materials, puncture resistant containers, and sealable plastic bags will be made readily available at all times.

2. Supervisors will be responsible for the inventory and dissemination of supplies for infectious disease control and will initiate re-ordering procedures before existing supplies are depleted.

3. Officers using supplies stored in police vehicles or other departmental work areas are responsible for informing their supervisor when supplies have been depleted and require replacement.

4. Infectious disease control supplies to be maintained and accessible at the Police Department and in each police vehicle (except undercover vehicles) will include:

   (a) Protective disposable gloves;
   (b) Sealable plastic bags;
   (c) Disposable hand wipes (70% isopropyl alcohol);
   (d) CPR protective mask;
   (e) Puncture resistant containers;
   (f) Disinfectant (virucidal-germicidal) solution;
   (g) Absorbent materials (sponges, paper towels, etc).

5. Officers should be aware that rings, jewelry or long fingernails might compromise the structural integrity of protective latex gloves. Officers should examine the gloves to make sure they are not torn prior to use.

6. Protective equipment shall be used when it can be reasonably anticipated that the employee may have contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin; and when handling or touching contaminated items or surfaces.

F. WARNING LABELS AND SIGNS

1. Warning labels shall be affixed to contaminated waste containers, refrigerators and freezers containing blood or other potentially infectious materials; and other packages and containers used to store, transport, or ship blood or other potentially infectious materials.

2. Warning labels will reflect the word "BIOHAZARD" and shall be fluorescent orange, with lettering and the approved biohazard symbol in black ink. Labels are to be conspicuously affixed to the outermost portion of the container.

G. CUSTODY PROCEDURES

1. Persons suspected of being included in an identified high-risk group such as intravenous drug users and prostitutes should be treated with special caution, particularly where violence or injuries have occurred.

2. Extreme caution should be used during the search of prisoners and suspected drug users or dealers to prevent accidental skin punctures by contaminated needles, especially when reaching into areas that are not readily visible.

3. After the completion of the task or search where protective disposable gloves were utilized, they should be removed with caution and placed in a sealed plastic bag. Upon returning to the station, the officer shall place the sealed bag into the contaminated waste receptacle.

4. Subjects with blood or body fluids present on their person should be transported separately from other prisoners whenever possible.

5. Officers have an obligation to inform other support personnel (paramedics, firefighters, nurses, jailers, detox personnel, etc) whenever a change or transfer in custody occurs and the subject has blood or body fluids present on his person, or has made a voluntary statement indicating that he is infected with a contagious disease.

H. DECONTAMINATION PROCEDURES

1. Decontamination procedures shall be promptly affected when a police vehicle, department issued equipment, or any work surface of the police facility has been contaminated with blood or other potentially infectious materials. Decontamination procedures are as follows:

    (a) Protective gloves will be worn during disinfection procedures;

    (b) Any excess blood or bodily fluids should be first wiped up with approved absorbent materials;

    (c) The affected area will be cleansed with a disinfectant virucidal-germicidal solution and allowed to air dry for ten (10) minutes;

    (d) All contaminated cleaning materials (protective gloves, absorbent materials, etc) shall be placed in plastic bags, sealed, and deposited in the contaminated waste receptacle.

2. If decontamination procedures will be delayed, the contaminated vehicle, item, or surface should be clearly labeled with a BIOHAZARD warning label and secured from use until decontamination can be completed.

3. Should the uniform or clothing of an officer become contaminated by blood or bodily fluids in the line of duty, the field supervisor will temporarily relieve the officer from duty as soon as feasible in order to bathe and effect a change of clothing. Contaminated clothing should be handled as little as possible with a minimum of agitation to avoid flaking off fine particles that float in the air and may be inhaled.

4. Contaminated clothing should be air dried if necessary, sealed in a paper bag, and a BIOHAZARD warning label affixed so that other persons can recognize the container as requiring compliance with universal precautions. Contaminated clothing will be delivered to a commercial cleaner for professional laundering prior to being returned to service.

I. PROCESSING, HANDLING, & STORAGE OF CONTAMINATED PROPERTY & EVIDENCE

1. Evidence and property contaminated with suspected blood or other bodily fluids should be handled with gloves. If the stain or sample is dry, it should be placed in a paper bag, properly sealed and conspicuously marked with a BIOHAZARD warning label.

2. Needles and other sharp items must be placed into a rigid protective container properly labeled and approved for this purpose. The protective container will prevent accidental punctures and will allow the sharp item to be clearly seen by persons handling the evidence.

3. Liquid evidence samples should either be collected as a liquid and stored in an approved (sealed) container or, if located on clothing or similar materials, should be air dried, packaged and labeled as described in paragraph (1) above.

4. Officers shall strictly adhere to the safety precautions established by the N.C. State Bureau of Investigation Crime Laboratory for the submission of biological and serology evidence. If any donor of body fluids is known or suspected to be a carrier of a blood borne disease such as AIDS or hepatitis, the officer should call the Serology Section for instructions <u>before</u> submitting the evidence.

5. Officers are to wash their hands thoroughly with soap and water after handling any item suspected of being contaminated with blood or other bodily fluids, even if protective gloves were worn.

6. Officers required to handle human remains or work for extended periods of time at scenes where large amounts of blood or other bodily fluids are present (e.g., crime scene personnel) should wear anti-contamination clothing such as disposable coveralls, masks, and protective gloves.

7. Contaminated evidence and property will be placed in a sealed container, clearly marked with a BIOHAZARD warning label, and stored in a specially designated area of the central evidence facility.

J. DISPOSAL OF CONTAMINATED WASTE

1. All used protective gloves, absorbent materials, and other contaminated waste materials shall be placed into sealed containers as specified in this Order and deposited into the contaminated waste receptacle.

2. The evidence/property control officer will be responsible for effecting the periodic disposal of all materials deposited in the contaminated waste receptacle. Contaminated waste will be destroyed by incineration or other OSHA approved method for the disposal of regulated waste.

K. OCCUPATIONAL EXPOSURE INCIDENTS

1. Written documentation will be prepared whenever an employee has cause to believe they have experienced an occupational exposure incident. An occupational exposure incident means a specific eye, mouth, other mucous membrane, non-intact skin, or parenteral contact with blood or other potentially infectious material that result from the performance of an employee's duties. Examples of occupational exposure incidents include:

    (a) Direct (unprotected) contact with blood or bodily fluids from another person, or with items contaminated with blood or bodily fluids from another person, when the officer has cuts, abrasions or open sores on the area of contact;

    (b) Direct mouth-to-mouth resuscitation (CPR);

    (c) The receiving of a puncture wound from a contaminated needle or a cut from a contaminated sharp item;

    (d) The receiving of a human bite which results in penetration of the officer's skin;

    (e) Direct contact of blood or other bodily fluids with the officer's eyes, mouth or mucous membranes of the nose.

2. When an occupational exposure incident occurs, the affected officer will immediately notify his supervisor and will prepare a written report detailing the circumstances of the exposure and the identity of the source individual (if known) prior to ending the tour of duty on which the exposure incident occurred. All documentation relating to the exposure incident will be forwarded via the chain of command to the Chief of Police.

3. The employee's supervisor shall ensure that the employee receives proper medical treatment and shall investigate the exposure incident to determine whether or not the officer complied with the safety precautions prescribed in this Order.

4. If the source individual is an arrestee, the officer may request that the magistrate hold the defendant for investigation and testing by Health Department officials pursuant to NCGS 15A-534.3. The magistrate will decide whether to hold a defendant for testing after hearing testimony from the officer concerning the manner and possible risk of transmission of the AIDS virus or Hepatitis B.

5. Occupational exposure incidents occurring on-the-job will be reported to the N.C. Industrial Commission in accordance with the City of Kannapolis Workers' Compensation Policy and Procedure.

L. POST-EXPOSURE EVALUATION AND FOLLOW-UP

1. In the event that an employee experiences an occupational exposure incident, the Department will make available at no cost to the exposed employee a confidential medical evaluation and follow-up by the Department's designated healthcare professional. The post-exposure evaluation and follow-up will include the following elements:

    (a) Documentation of the route(s) of exposure, and the circumstances under which the exposure incident occurred;

    (b) Identification and documentation of the source individual, unless such identification is not feasible or is prohibited by state or local law;

    (c) If consent is obtained, the source individual's blood will be tested as soon as feasible in order to determine HBV and HIV infectivity. When the source individual's consent is not required by law, the source individual's blood, if available, will be tested and the results documented;

    (d) Results of the source individual's testing, if conducted, shall be made available to the exposed employee, and the employee shall be informed of applicable laws and regulations concerning disclosure of the identity and infectious status of the source individual;

    (e) If consent is obtained, the exposed employee's blood will be collected as soon as feasible and tested for HIV and HBV;

    (f) When medically indicated, post-exposure treatment, including any necessary counseling and evaluation of reported illnesses, will be provided to the exposed employee as recommended by the U.S. Public Health Service.

2. The Chief of Police will obtain and provide the exposed employee with a copy of the evaluating healthcare professional's written opinion within fifteen (15) days of the completion of the evaluation.

M. MEDICAL RECORDKEEPING

1. The Department will establish and maintain an accurate medical record for each employee whose job classification has been determined to have occupational exposure. This record will include the following:

    (a) The name and social security number of the employee;

    (b) A copy of the employee's hepatitis B vaccination status including the dates of all the hepatitis B vaccinations and any medical records relative the employee's ability to receive the vaccinations;

    (c) A copy of the information provided to the healthcare professional by the Department relevant to an occupational exposure incident;

    (d) The department's copy of any healthcare professional's written opinion relevant to post-exposure evaluation or treatment.

2. Medical records relating to employees with occupational exposure will be maintained in a confidential file and will not be disclosed or reported without the employee's express written consent to any person except as authorized by 29 CFR 1910.20 or as otherwise required by law. Medical records maintained pursuant to this section will be retained for the duration of employment plus 30 years.

INDEX AS:

Biohazards
Blood-borne Pathogens
Decontamination
Hepatitis-B Vaccinations
Infectious Disease
Occupational Exposure Incidents
Personal Protective Equipment
Universal Precautions

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 600-09

SUBJECT: DOMESTIC VIOLENCE
DISTRIBUTION All Personnel
EFFECTIVE DATE: 06-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental policy and procedure for police response to incidents of domestic violence.

POLICY

The Kannapolis Police Department views domestic violence as a crime requiring direct police intervention and a coordinated community response. Arrest is the preferred response to crimes of domestic violence, as arrest provides immediate safety to the victim(s), takes control away from the offender, and offers the greatest potential for ending the violence. In both arrest and non-arrest situations, however, police officers shall take whatever steps are reasonably necessary to protect victims and children from harm and to provide them with emergency assistance.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Domestic Violence: the commission of one or more of the following acts upon an aggrieved party or upon a minor child residing with or in the custody of the victim by a person with whom the victim has or has had a personal relationship, but does not include acts of self defense: attempting to cause bodily injury or intentionally causing bodily injury; placing the victim or member of the victim's family or household in fear of imminent serious bodily injury; or committing any act defined in G.S. 14-27.2 through 14.27.8.

2. Personal Relationship: a relationship wherein the parties involved are current or former spouses; are persons of opposite sex who live together or have lived together; are related as parents and children, including others acting in *loco parentis* to a minor child, or as grandparents and grandchildren; have a child in common; are current or former household members; are persons of the opposite sex who are in a dating relationship or have been in a dating relationship.

3. Dating Relationship: a relationship wherein the parties are romantically involved over time and on a continuous basis. A casual acquaintance or ordinary fraternization between persons in a business or social context is not a dating relationship.

PROCEDURES

A. COMMUNICATIONS PROCEDURES

1. Both a primary and backup officer will be dispatched to calls of domestic violence unless circumstances clearly indicate that the incident is being reported "after the fact" and no one is immediately endangered.

2. In addition to information normally gathered on a call for service, an effort should be made to determine and relay to responding officers the following:

   (a) Is anyone hurt (if so, is medical help needed)?
   (b) Is the offender present (get description and name)?
   (c) Are weapons involved (if so, what kind)?
   (d) Is the offender drinking or taking drugs?
   (e) Are children present?
   (f) Have the police been to this address before?
   (g) Has a protective order been issued?

3. When necessary, telecommunicators should maintain contact with the complainant until officers have arrived in order to monitor the incident and provide support to the victim.

4. Telecommunicators should <u>not</u> cancel police response to a domestic violence complaint based solely on a follow-up call from the residence requesting such cancellation. However, responding officers are to be advised that such a request was made.

B. PROCEDURES FOR RESPONDING OFFICERS

1. When responding to domestic violence incidents, police officers will have two primary responsibilities:

   (a) Provide protection and assistance to victims and children;
   (b) Enforce the law.

2. Officers should avoid the use of sirens and emergency lights in the immediate vicinity of the scene. Remain alert for suspicious persons leaving the scene. Assess the surroundings before knocking on the door. Listen and look to obtain information about the situation inside.

3. When making the initial contact with involved parties, officers should identify themselves by name, give an explanation of police presence, and request entry into the home. Ask to speak with the complainant to determine the nature of the incident. If entry is refused, be persistent, explaining that a complaint was received and must be verified. If entry is still refused, instruct the telecommunicator to attempt to make telephone contact with the complainant. If there is probable cause to believe that immediate forced entry is necessary to protect life or prevent serious bodily injury, the officer should proceed in accordance with prevailing law and departmental policy.

4. When responding to calls involving domestic violence, the assigned police officer(s) should establish control of the situation and carry out the following measures, as applicable:

(a) De-escalate the situation by separating the parties and attempting to calm them down. Assess any injuries and summon medical support if needed.

(b) Conduct a preliminary investigation to determine if probable cause exists that a crime has occurred, and if so, who is responsible. The investigation should also attempt to determine whether one or more of the persons acted in self-defense. To ensure safety and privacy, each person should be interviewed separately.

(c) Ascertain if there are any active arrest warrants or protective orders in effect.

(d) Preserve and collect any physical evidence that may be of value in prosecuting the offender. Whenever feasible, the officer should arrange to have photographs made of any significant injuries or property damage occurring as the result of the incident.

5. If the victim or offender in a domestic violence incident is a law enforcement or criminal justice officer, the investigating officers shall summon a field supervisor to the scene.

C. ARREST PROCEDURES

1. After conducting a preliminary investigation, the responding officers should jointly review the evidence and information available to them to determine if probable cause exists to arrest the offender. The probable cause standard applied to domestic violence is <u>no different</u> from the probable cause standard applied to all other crimes

2. Consistent with applicable law and department directives, officers <u>SHALL</u> effect a custodial arrest, based on probable cause, in any of the following circumstances:

   (a) When a felony offense has been committed;
   (b) When a provision of a protective order requiring mandatory arrest has been violated;
   (c) When a crime is committed in the presence of the responding officer(s);
   (d) When a valid arrest warrant is outstanding for either party, and custodial arrest of the person is authorized under North Carolina law and department policy.

3. Except for the mandatory arrest situations specified in this General Order, officers are authorized to use their own discretion in determining the most appropriate course of action based on the circumstances of each incident.

D. ENFORCEMENT OF DOMESTIC VIOLENCE PROTECTIVE ORDERS

1. Pursuant to NCGS Chapter 50B, the court may issue protective orders to bring about an end to domestic violence and ensure the safety of the victim and any minor children. Copies of protective orders are furnished by the court to the law enforcement agency of the city or county where the victim lives. In addition, the sheriff of the county where a protective order is issued is required to promptly enter the order into the NCIC registry, including any subsequent modifications, terminations and dismissals of the order. Officers should remain aware that a valid protective order might exist, even though a copy is not on file at the Police Department.

2. <u>Enforcement of Protective Orders issued in North Carolina</u>: North Carolina law requires law enforcement agencies to enforce valid protective orders issued pursuant to Chapter 50B wherever issued in North Carolina without further order of the court. In determining the existence and validity of a protective order for the purpose of enforcement, the officer may rely

on the victim, or someone acting on the victim's behalf, to present the officer with a copy of the order; OR the officer may confirm an entry into the NCIC registry of protective orders; OR the officer may otherwise determine that a valid order exists and can ascertain the contents thereof through telephone, radio or other communication with appropriate officials.

3. Enforcement of Protective Orders Issued in Other States: North Carolina law requires law enforcement agencies to enforce valid protective orders issued by the courts of another state or Indian tribe. In determining the validity of an out-of-state order for the purpose of enforcement, the officer may rely upon a copy of the order presented to the officer and on the statement of the protected person that the order remains in effect. Registration of an out-of-state protective order with the local clerk of court is not required for enforcement.

4. NCGS 50B-4.2 provides that a person who knowingly makes a false statement to a law enforcement agency or officer that a protective order entered pursuant to Chapter 50B or by the courts of another state or Indian tribe remains in effect is guilty of a Class 2 misdemeanor.

5. NCGS 50B-4.1 provides that a law enforcement officer SHALL ARREST and take a person into custody without a warrant or other process if the officer has probable cause to believe that the person has violated a protective order excluding the person from the residence or household occupied by a victim of domestic violence, or directing the person to refrain from threatening, abusing, harassing or interfering with the victim.

   Note: Although NCGS 50B-4.1 authorizes an officer to arrest without a warrant, the statute does not prohibit an officer from securing a warrant for the arrest of a person who is subject to a warrantless arrest. A person who knowingly violates a valid 50B protective order commits a criminal offense, and a warrant for arrest can be obtained by the officer if needed.

6. The statutory requirement to arrest found in NCGS 50B-4.1does not eliminate the need for officers to adhere to constitutional rules on forcible entry into private premises.

7. An officer is required to arrest for a qualifying violation of a valid protective order even when the parties have voluntarily agreed to resume living together. The parties have no authority to unilaterally change the status of the court order or to decide for themselves that the order no longer applies to their situation. Once issued, a protective order remains in effect until it expires or is modified, vacated, rescinded or remanded by the court.

E. VICTIM ASSISTANCE

1. Many victims of domestic violence feel trapped in the relationship because they are unaware of the resources available to assist them, or because the offender may have threatened further violence if the victim attempts to leave or seek assistance. Police officers responding to domestic violence incidents are authorized by law and department policy to take whatever steps are reasonably necessary to protect victims and affected children from harm and to provide emergency assistance to them in obtaining shelter, medical care, counseling or other services.

2. Upon request and where feasible, police officers are authorized to transport victims of domestic violence to appropriate facilities such as hospitals, magistrate's office, and public or private shelters. Officers are further authorized to accompany the person to his/her residence, within the jurisdiction, in order for them to obtain food, clothing, medication and such other

personal property as is reasonably necessary to enable the person and any minor children who are presently in their care to remain elsewhere pending further proceedings.

3. In all cases, officers will remain on the scene long enough to determine if the alleged victim(s) feels he/she will be safe after the police leave, or if assistance is required in seeking shelter at another location. Officers are to provide victims of domestic violence with information about where and how to obtain available assistance and services.

4. If a request is made by a victim or victim's advocate for police assistance in removing personal belongings at some time after the initial incident has been handled, officers should carefully assess the potential for further violence and arrange to respond when the potential for confrontation is least likely. Officers must remain aware of and adhere to any legal restrictions regarding entry onto the affected premises.

F. DOCUMENTATION / REPORTING REQUIRED

1. When investigating calls of domestic violence, and probable cause exists that a crime has occurred, the officer shall complete an Incident Report in accordance with established field reporting guidelines. If probable cause exists to arrest the offender, but no arrest is made, the officer must fully document the reason(s) for deferring an arrest in the report.

2. When responding to domestic calls where the completion of an incident report is not required, officers are to determine if present conditions indicate that the circumstances should be documented for future reference. If such need is determined, officers are to submit supplemental information to central records for entry in the narrative portion of the corresponding (CAD) dispatch record.

G. SUPERVISOR RESPONSIBILIITES

1. The communications supervisor shall periodically monitor the receipt and dispatching of domestic violence calls received by the Communications Center to ensure that proper communications procedures are observed.

2. Patrol supervisors are responsible for reviewing all documentation and monitoring the overall response of patrol officers to domestic violence incidents to ensure continued compliance with the provisions of this General Order and adherence to established safety procedures.

3. A field supervisor shall respond to all domestic violence incidents where the victim or offender is a law enforcement or criminal justice officer. The supervisor will be responsible for ensuring the consistent application of this policy.

H. PROCEDURES FOR SPECIAL CIRCUMSTANCES

1. Interference with Emergency Communication: NCGS 14-286.2 makes it a criminal offense to interfere with a communications instrument or other emergency equipment with the intent to prevent an emergency communication – for example, a person rips the phone out of the wall before the other person is able to place an emergency call.

2. Voluntary Impoundment of Weapons: When a weapon may be involved in a domestic dispute, but no crime has been committed, the responding officer may suggest voluntary impoundment

of the weapon as a safety precaution. Weapons received for voluntary impoundment shall be entered into the property control system in accordance with departmental procedures.

3. Unsupervised Children: When an arrest causes a minor child to be left without responsible adult supervision, officers should contact the Department of Social Services for assistance regarding the temporary care and custody of the child.

4. Disputes involving "Emotionally Disturbed and Suicidal Persons:" Emotionally disturbed persons and persons threatening suicide will intensify the response and investigation of domestic violence. Officers are to use all applicable laws and policies in conjunction with this General Order to address these types of situations.

5. Disposition of Property When Parties are Married or Living Together: Generally, officers do not have authority to control the disposition of property or its removal from the home when the disputants are married or living together. Although certain property ("marital property") may belong jointly to husband and wife, other property may have been acquired by a person before marriage and belong exclusively to that person even though he or she is now married. In cases involving damage or removal by one spouse of the individually owned property of the other, officers should follow normal rules of criminal investigative procedure and enforcement.

6. Stalking: NCGS 14-277.3 makes it a criminal offense if a person on more than one occasion willfully follows, or is in the presence of, or otherwise harasses another person without legal purpose with the intent either to place the person in reasonable fear for their safety or the safety of their immediate family or close personal associates; OR to cause the person substantial emotional distress by placing the person in fear of death, bodily injury, or continued harassment, which in fact causes the person substantial emotional distress. When feasible, officers are encouraged to consult with the district attorney's office before charging a violation of this statute.

I. ENFORCEMENT OF CHILD CUSTODY OR VISITATION RIGHTS

1. An officer should assist a person in taking custody of a child **ONLY** if there is a valid North Carolina court order directing a law enforcement officer to take physical custody of the child. In the absence of such a court order, officers **shall not** take a child into custody unless the officer has probable cause to believe that:

   (a) The child is abused, neglected or dependent and that the child would be injured if the officer does not take him/her into custody immediately; or

   (b) The child has committed a crime that would justify the arrest of an adult under the same circumstances (delinquent juvenile); or

   (c) The child is undisciplined (for example, a truant); or

   (d) The child is an escapee from a State training school or detention facility.

2. Police officers shall not take a child from one parent (or other person) and deliver that child to someone else in an effort to enforce visitation or custody rights unless specifically ordered to assist by the court. Where a valid N.C. court order specifically orders the involvement of police in a child custody matter, the officer shall take those actions commanded by the order. All

actions by officers to enforce such a court order must be in accordance with constitutional rules and departmental policy regarding forcible entry into private premises.

INDEX AS:

Disposition of Marital Property
Domestic Violence
Child Custody / Visitation Rights
Protective Orders
Victim Assistance

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 600-10

SUBJECT: SECURITY PROCEDURES
DISTRIBUTION All Personnel
EFFECTIVE DATE: 01-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish procedures to protect the physical security of police facilities and the integrity of sensitive operations.

POLICY

As an office of local government, the Kannapolis City Hall and Police Headquarters facility must remain accessible to our citizens as required to conduct public business. At the same time, the Police Department has a legitimate interest in protecting the safety and security of its personnel and facilities, and the confidentiality of sensitive information. It shall be the policy of the Kannapolis Police Department to establish security measures deemed reasonably necessary to assure the mutual protection of these concurrent interests.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Police Public Access Area: the main lobby or reception area of the Police Headquarters, and public meeting areas when used in accordance with existing City policy.

2. Controlled Access Area: all general office, work, storage, and equipment areas within the secured perimeter of the policy facility and any other areas assigned to the police department.

3. Restricted Access Area: specific areas and offices which, by the sensitive nature of the materials contained or operations conducted therein, may be accessed only by specifically authorized police personnel.

4. CIIS: the Criminal Information and Identification Section of the North Carolina State Bureau of Investigation (previously DCI).

5. Confidential Material: shall include bank codes, lock access codes, criminal intelligence files, investigative case files, informant files, computer security codes, agency personnel files, computerized criminal history record information, covert investigation information or materials, tactical response procedures, radio surveillance frequencies, and such other materials and information as may be designated as confidential by the Department.

PROCEDURES

A. GENERAL PHYSICAL SECURITY REQUIREMENTS

1. The primary means of maintaining the physical security of police headquarters is to establish controlled access. All entrances to controlled access or restricted access areas of the building will be secured by electrically operated doors or by key restriction.

2. The Chief of Police or his designee will issue keys and/or proximity access cards to police facilities and offices to employees and other authorized persons so as to allow access commensurate with that person's level of duties and responsibilities.

3. The duplication of keys to department facilities without the prior authorization of the Chief of Police is prohibited. Departmental keys and proximity access cards remain the property of the Kannapolis Police Department and must be surrendered upon termination of employment or as otherwise directed by the Chief of Police.

4. Departmental keys and proximity access cards may not be loaned or otherwise provided to unauthorized personnel. It shall be the responsibility of each officer to exercise reasonable control over any departmental keys and cards issued to them so as to prevent loss, conversion, unauthorized duplication, or theft. Lost proximity access cards must be reported immediately so they can be removed from the system to prevent unauthorized access to the facility.

5. The doors to controlled access or restricted access areas of the facility are to remain closed and locked when not in use. It will be the responsibility of each employee to ensure that such doors are closed and secured after each use.

B. PUBLIC ACCESS AREAS

1. Public access areas are to remain unlocked and accessible by the general public as necessary to receive police related services and conduct public business.

2. Public access areas are to be used as the designated waiting area for unattended visitors and other persons not in police custody.

3. The presence of persons in the public access area may be limited by the ranking on-duty supervisor as required to avoid disruption of emergency operations or to address security related concerns.

C. CONTROLLED ACCESS AREAS

1. Except as provided below, visitors and non-employees will be allowed to enter controlled access areas ONLY when escorted and accompanied by an authorized member.

2. Authorized maintenance and custodial workers, City officials, and such other persons as may be authorized by the Chief of Police are exempt from the escort requirements in controlled access areas, unless they enter areas where computer terminals are logged onto CIIS.

D. RESTRICTED ACCESS AREAS

1. Access to restricted areas will be limited to those employees and other persons specifically designated and authorized by departmental directives or the Chief of Police.

2. Should the entry of non-employees be required to make repairs, inspect procedures and equipment, or perform other necessary functions within restricted areas, such person shall be escorted and continuously accompanied by an authorized employee.

3. Unauthorized entry or permitting unauthorized entry into a restricted area in violation of this Order will subject an employee to immediate disciplinary action.

4. The following locations shall be considered as **restricted areas** with access limited to the personnel specified below:

   (a) Communications Center: access will be limited to on-duty telecommunicators, communications supervisors, on-duty supervisory personnel and authorized IT and radio maintenance technicians;

   (b) Computer Server Room: access will be limited to Communications supervisors, designated command personnel, network administrator, and authorized IT personnel.

   (c) Radio/Telephone Equipment Rooms and Closets: access will be limited to Communications supervisors, designated command personnel, IT staff, and authorized radio and/or phone maintenance technicians;

   (d) Records Unit: when not staffed by Records personnel, access will be limited to on-duty communications personnel, and supervisory personnel as designated by the Chief of Police;

   (e) Evidence/Property Storage Rooms: access will be limited to persons as authorized in General Order 1200-02 (Property and Evidence Control);

   (f) Evidence Processing Rooms: when in use for the processing of evidence access will be limited to the Crime Scene Officer and the primary and secondary evidence control officers;

   (g) Armory: access will be restricted to designated command personnel, SRT personnel, Armorers, and the Chief of Police;

   (h) Quartermaster/Equipment Supply: access will be restricted to designated command personnel, the property control officer, and the Chief of Police.

5. The offices assigned to individual administrative or supervisory personnel shall be considered as restricted areas outside normal business hours or when otherwise unoccupied by the assigned member. The assigned member should provide for reasonable access to their unoccupied office as required to ensure the continuity of operations during any extended absence.

6. The City Manager, Chief of Police, commanders and supervisory personnel may enter any controlled or restricted area within the scope of their command and responsibilities as necessary to inspect facilities, equipment and operations, effect necessary repairs and

maintenance, and to perform such other functions as required by existing policy or the duties of their position.

E. OPERATIONAL SECURITY MEASURES

1. Employees are strictly prohibited from disclosing any confidential codes, materials, or information except as authorized by departmental directive or upon the consent of a supervisor empowered to grant such authorization.

2. Each employee shall be individually responsible for the physical security and reasonable control of confidential materials entrusted to them so as to prevent unauthorized viewing, access, duplication, conversion, loss, or theft. This security and control may be maintained by storing confidential materials in locked filing cabinets, locked desk drawers, locked briefcases, or other secure means.

3. The Support Services Bureau Commander and Systems Administrator of the agency's computer network shall ensure that adequate security controls are established and maintained regarding access to automated data and CIIS terminals.

4. Employees may be required to execute written security agreements in regard to dissemination of confidential materials as a condition of employment, and/or as required by federal, state or local regulations.

F. POLICE IDENTIFICATION CARDS

1. A police identification card will be issued to each member of the Kannapolis Police Department. The police ID card will contain identifying information to include the name, position classification, employee number, and photograph of the member, agency logo, and access level. The ID card may also serve as a proximity access card.

2. Police identification cards are for <u>official use only</u> and may not be loaned, transferred, or used by any person other than the member to whom the identification is issued. Police identification cards remain the property of the Police Department and must be surrendered immediately upon termination of employment or as otherwise directed by the Chief of Police.

3. When a police identification card is updated or replaced by a more current card, the old card must be surrendered to the Chief of Police for destruction. Any loss, theft or misuse of a police identification card must be reported in writing to the appropriate supervisor.

4. Except as authorized by the Chief of Police, no employee may possess a blank, incomplete, or altered police identification card. Unauthorized duplication, tampering, or copying of police identification cards for any unauthorized purpose is strictly prohibited.

5. Special identification cards for visitors, vendors, and other individuals may be authorized by the Chief of police. These cards shall conform to the general format of employee cards, except that the photograph requirement is waived for visitor cards.

G. POLICE VEHICLE SECURITY

1. Police vehicles are the equivalent of controlled access areas within the meaning of this Order and shall be kept locked when left unattended.

2. Except as required for authorized maintenance and repair, non-employees may not operate police vehicles.

3. The control of keys to police vehicles shall be the responsibility of the member to whom the vehicle is assigned. For vehicles that are not individually assigned, key control will be the maintained by the respective division supervisors.

4. Confidential materials should not be displayed or stored in the vehicle so as to be visible or accessible to unauthorized persons.

5. Under no circumstances may a firearm or other deadly weapon be left unsecured in the passenger area of a police vehicle.

6. The security of mobile data computers installed in police vehicles shall be in accordance with the provisions outlined in General Order 1200-08 (Mobile Data System).

H. PRISONER SECURITY INSIDE POLICE FACILITIES

1. All prisoners will be escorted into the processing and testing area of the secured police facility through the sally-port entrance. Prisoners shall not be removed from patrol vehicles until all sally-port doors are closed and secure.

2. Individuals who are taken into physical custody in the public access areas or after entering controlled access portions of the police headquarters shall be properly secured, searched and escorted to the processing and testing area as soon as practical.

3. Except as necessary to carry out booking procedures, prisoners charged with a felony or serious misdemeanor should be handcuffed at all times while inside the police facility. Handcuffs should be properly applied behind the prisoner's back and double locked. Oversize and undersize handcuffs will be made available at the Police Department for use in securing prisoners who cannot be properly restrained with regular size handcuffs.

4. If the prisoner is charged with a violent crime or serious felony, is considered an escape risk, is considered dangerous, or is resistive, assaultive, combative, or highly intoxicated, leg restraints will be applied in addition to handcuffs. In addition, the prisoner may be further immobilized by securing the handcuffs to a belly chain or leather restraining belt. This will prevent the prisoner from "stepping through" the handcuffs.

5. Prisoners considered especially violent, dangerous, or posing an elevated escape risk should be escorted by at least two officers.

6. Upon arrival at the police facility, ALL arrestees will be thoroughly searched incident to arrest. (This second search <u>shall</u> be conducted even if a field search was conducted at the time of arrest) Hand-held metal detectors provided by the Department will be used to scan prisoners for concealed weapons or other metal objects. Officers entering police headquarters with a prisoner shall observe the applicable security requirements outlined in General Order 1000-02 (Prisoner Transportation)

7. Prisoners are to remain under constant observation and supervision while in police custody. Prisoners are not to be left unattended anywhere, anytime, or for any reason.

8. At police headquarters, the designated prisoner processing area, to include the interview, breath testing, and observation rooms should be the point of contact for all officers to interview and process prisoners.

9. Officers must remain alert to the potential for an attack or escape attempt by their prisoners. Prisoners should never be seated or positioned in such a way to compromise officer safety. Officers should never walk in front of, or turn their back on, prisoners in custody.

10. After the prisoner has been thoroughly searched and scanned with a metal detector, officers should secure their duty weapon in the provided lockboxes while booking and processing the prisoner.

11. Victims, witnesses, and other private citizens should not be placed in the same room with a prisoner unless part of a closely supervised and controlled identification procedure.

12. All officers of this agency share a responsibility to ensure the security and safety of persons in police custody, and shall take all necessary and lawful measures to prevent prisoner access to potential weapons, opportunity for escape, destruction of property, and assaults on officers or others.

I. INTEGRITY OF INTERNAL SECURITY MEASURES

1. Employees shall report to the appropriate supervisor any known or suspected compromise of the security measures described in this Order. This specifically includes unauthorized access to controlled or restricted areas, loss or unauthorized duplication/use of keys, and the unauthorized access, dissemination or disclosure of confidential materials/information.

2. Supervisors at all levels are responsible for ensuring continued compliance with this Order and may conduct periodic and random inspections to ensure the integrity of existing security measures.

INDEX AS:

Controlled Access Areas
Facility Security
Operational Security
Police Identification Cards
Police Vehicle Security
Public Access Areas
Restricted Access Areas
Security Procedures

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 600-11
SUBJECT: SPECIAL RESPONSE TEAM
DISTRIBUTION All Personnel
EFFECTIVE DATE: 01-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental policy and procedure for the administration and operation of the agency's Special Response Team.

POLICY

In today's society, law enforcement agencies are often confronted with incidents that are deemed high-risk because of their increased potential for violence. In order to properly control such situations, the Department will utilize specially trained and equipped officers to resolve high risk incidents in a manner that affords minimum peril to those persons who may be directly or indirectly involved. Consistent with the police mission, the primary goals of special operations units in any high-risk situation will be the protection of human life and the apprehension of criminal offenders. In all instances, special operations will be conducted with the preservation of human life as the foremost consideration.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Command Post: a temporary field headquarters, located in a secure area, from which the Incident Commander will direct police operations.

2. High-Risk Incident: any occurrence involving an act of violence or potential act of violence in which the safety or life of a police officer or other person is endangered. Such incidents include, but are not limited to: hostage situations, barricaded persons, sniper incidents, pre-planned raids, and arrest situations involving a high level of risk.

3. Inner Perimeter: a containment area immediately surrounding the incident location that minimizes and controls the movement of a suspect within that secured area.

4. Incident Commander: the individual officer who assumes responsibility for and is in charge of all police personnel and activities at the scene of a high-risk incident, civil disturbance, special event, or unusual occurrence.

5. Negotiators: police officers that have been specially selected, trained and equipped to conduct negotiations designed to persuade hostage-takers or barricaded persons to peaceably surrender to police custody.

6. Outer Perimeter: a peripheral control area surrounding the inner perimeter which provides a safe zone for access to the inner perimeter, and which prohibits unauthorized vehicular and pedestrian traffic from entering the incident area.

7. Sniper Incident: a situation in which a person has taken refuge in a fortified location or position of cover with a firearm (or has implied that he/she has a firearm), and fires upon or threatens to fire upon any other person.

8. Special Operation: any occurrence or operation which encompasses the use of the Special Response Team (SRT), negotiation with hostage-takers or barricaded persons, response to bomb threats or bomb emergencies, coverage of special events, protection of VIPs, or similar situations which require a concentration of resources, expertise or capabilities exceeding that of conventional operational components.

9. Special Response Team (SRT): a team of police officers who have been specially selected, trained and equipped to conduct tactical operations in response to sniper incidents, barricaded persons, hostage incidents, and other high-risk situations.

PROCEDURES

A. SPECIAL RESPONSE TEAM

1. The Department will maintain a specially selected, trained and equipped team of police officers that can respond to high-risk incidents and conduct tactical operations. The purpose in developing the Special Response Team (SRT) is to enable the Department to resolve high-risk situations in the safest possible manner.

2. The SRT will consist of officers who are assigned to other full-time duties and serve as SRT members on a part-time basis. The Chief of Police will designate the number of officers assigned to the SRT, with such number being determined by the needs and resources of the Department.

3. The Commander of the Field Operations Bureau will serve as the Department's SRT Coordinator, and will exercise command and control over all activities, operations and administrative affairs of the SRT. His responsibilities include, but are not limited to:

    (a) Provide the Communications Center with a list of SRT members, contact numbers, and their current duty assignments;

    (b) Coordinate the evaluation, selection, and training of SRT members;

    (c) Coordinate the evaluation, selection, and acquisition of SRT equipment;

    (d) Ensure that SRT equipment is maintained properly by conducting monthly inspections, and make recommendations for replacement or new acquisitions;

    (e) Evaluate SRT performance and readiness levels and ensure operational capability to conduct tactical operations in accordance with this General Order.

4. A successful SRT operation is one that is safely concluded with the minimum application of force and apprehension of the offender. This is not to be construed as a reluctance to use force (including deadly force) when necessary, but to establish the operative philosophy of the SRT as that of conducting every operation with the utmost regard for human life.

B. SELECTION AND ASSIGNMENT OF SRT MEMBERS

1. To fulfill the purpose of the team concept and ensure optimum operational effectiveness, it is imperative that the Department selects the most qualified candidates for assignment to the SRT. Candidates must meet the following minimum standards:

    (a) The candidate must have completed a minimum of two years of service as a full time sworn law enforcement officer in a field assignment. For lateral entry officers, time of service with other law enforcement agencies will be considered, provided that the officer has successfully completed the initial probationary period;

    (b) The candidate must demonstrate professional maturity, restraint and self-control in stressful or dangerous situations;

    (c) The candidate must demonstrate the ability to work effectively with others and follow orders;

    (d) The candidate must have demonstrated a satisfactory work history with regard to the use of leave, citizen complaints, traffic accidents, discipline, and professional conduct;

    (e) The candidate must demonstrate excellent firearms proficiency with the duty weapons;

    (f) The candidate's performance evaluations should reflect initiative, job interest, and a demonstrated ability to do work of high quality;

    (g) The candidate must be willing and able to make a personal commitment to training and on-call status, realizing that a significant amount of personal time and effort will be required to produce an effective program;

    (h) The candidate must be in excellent physical condition.

2. Vacancies on the SRT will be posted and officers interested in applying as a candidate for this specialized assignment shall do so in accordance with General Order 200-07. Candidates should specify their current position, law enforcement experience, and any special training or abilities that are relevant to the position sought.

3. Members of the SRT will be selected from among eligible candidates by an evaluation process that will include, but is not limited to, the elements listed below. If at any time a candidate fails to satisfactorily complete an element, the candidate will be eliminated from the process.

    (a) Tactical Physical Ability Testing (TPAT);
    (b) Firearms proficiency testing and review of firearms qualification records;
    (c) Oral interview(s) by a panel of current SRT members;
    (d) Psychological screening;
    (e) Review of personnel files, medical records, and work history; and
    (f) Consultation with appropriate supervisory personnel.

4. The SRT coordinator will report the results of the evaluation process to the Chief of Police, who will make the final determination of selection.

5. Members assigned to the SRT may be relieved of such assignment, either temporarily or permanently, for inadequate performance on the SRT or in their normal duty assignment; as a

disciplinary measure; or for other reasons when deemed in the best interest of the Department.

6. SRT members may seek relief from this specialized assignment by providing a written request to the SRT Coordinator. The written request should explain the basis or reason for requesting removal from the team and desired effective date. Reinstatement to the SRT will be at the discretion of the Chief of Police based on available openings, original reason for removal and other relevant factors, keeping the best interests of the SRT and the Department as the primary consideration.

7. SRT members shall immediately inform the SRT Coordinator of any medical condition or other reason that would affect their unrestricted ability to engage in SRT training, assessments, and deployments.

8. The SRT Coordinator may designate a primary and backup logistics officer whose role is to maintain a computerized log of SRT activities during field deployments. The logistics officer is not an SRT team member within the meaning of this Order but may be required to participate in periodic training and readiness exercises that involve event logging.

9. Tactical paramedics may be authorized to serve as adjunct members of the SRT by the Chief of Police in accordance with the terms of a contractual agreement with county EMS providers. Tactical medics are not law enforcement officers or employees of the police department. They are civilian paramedics who have received specialized training and certification in tactical emergency medicine and who volunteer to serve in this capacity. The paramedic's role is one solely of medical support; therefore, the paramedics will be unarmed and positioned at the discretion of the Incident Commander as the situation dictates. Tactical medics are considered full team members and are notified in the event of SRT alerts and field deployments. Tactical paramedics are required to participate in periodic training and readiness exercises with the SRT. During deployments, tactical medics report directly to the SRT team leader.

10. Authorized SRT members will be eligible to receive and wear the departmental SRT insignia in like fashion to a Class-B Award.

C. SRT ALERTS

1. The SRT may be placed on alert status upon the order of a commander, or a supervisor acting in the capacity of a commander. An alert involves the notification of all SRT members to report to a designated staging area (normally police headquarters) and prepare for possible deployment.

2. SRT members must confirm that they have received notice of the alert and shall maintain continuous radio contact until the alert is canceled. Upon receiving notice of an alert, SRT members shall, as soon as possible, divest themselves of any other duties or activities that would prevent them from immediately responding to a deployment order.

D. SRT DEPLOYMENT

1. Deployment of the SRT to conduct pre-planned operations must be authorized in advance by the SRT coordinator or the Chief of Police.

2. In emergency circumstances requiring an immediate SRT response, the ranking on-scene supervisor may authorize the deployment of the SRT concurrently with the notification of higher-level command personnel. The following activation procedure will be observed:

(a) The authorizing supervisor will instruct the communications center to initiate the SRT activation via alpha pager using the *"group call out"* procedure. A group call out log will be completed accordingly;
(b) Communications will transmit the SRT call out to include activation type, address of incident, and reporting location.

3. During a deployment, all SRT members will be under the immediate command and control of the Team Leader, who will report directly to the Incident Commander.

4. Deployment of the SRT is <u>required</u> in any of the following high-risk situations:

   (a) Hostage situations (also requires a negotiation team);
   (b) Barricaded persons (also requires a negotiation team);
   (c) Sniper incidents;
   (d) Pre-planned operations to effect high-risk warrant service;
   (e) Use of police negotiators in armed confrontations;
   (f) Any other situation where the specialized training and expertise of the SRT is required.

5. Deployment of the SRT may be ordered by the Incident Commander in the event of disaster, civil defense emergencies, and civil disturbances in accordance with the applicable provisions of the Disaster Response Plan (General Order 1100-04).

6. No high-risk situation can be adequately handled by a single officer, or by the individual efforts of several officers acting independently. It requires a concerted effort of all members working as a team to safely accomplish the mission. Consistent with this principle, whenever a segment of the SRT is needed, the team will always be deployed as an integral unit.

E. SRT OPERATIONS

1. The Incident Commander of a situation in which the SRT is deployed shall retain overall responsibility for the incident, to include control of the command post, negotiations, and tactical operations. In the event that no command-level officer (Lieutenant or higher) is present at the scene, the Team Leader of the SRT will assume the role of Incident Commander.

2. The SRT shall be utilized to control the inner perimeter and conduct tactical operations as directed by the Incident Commander. During a response to a high-risk incident, the SRT shall be responsible for the following, as applicable:

   (a) Establish and maintain the inner perimeter so as to isolate and contain the suspect(s);
   (b) Gather and relay intelligence information to the Incident Commander;
   (c) Develop tactical plans to control and resolve the situation;
   (d) Evacuate civilians within the inner perimeter;
   (e) Assume control of the situation if negotiations are terminated, and conduct tactical operations to resolve the situation by force; and
   (f) At the conclusion of the incident, relinquish control of the inner perimeter to on-duty patrol and/or investigative officers.

3. The Incident Commander will be responsible for commanding and coordinating all police operations to develop and implement an incident resolution strategy. The Incident Commander should ensure that the various components involved in the response are kept informed of pertinent activities and intelligence information necessary to their effective performance.

4. Unless circumstances dictate otherwise, affected on-duty commanders and supervisors should be informed before special operations are undertaken in their area of responsibility. Discretion is advised in disseminating sensitive information to uninvolved components.

F. SRT WEAPONS AND EQUIPMENT

1. The Police Department will furnish specialized equipment as required to provide SRT members with proper protection and to facilitate the successful conduct of tactical operations. Such equipment may include, but is not limited to:

    (a) Portable radio transceiver and tactical headset;
    (b) Utility uniforms and footwear;
    (c) Tactical body armor and ballistic helmet;
    (d) Tactical flashlight;
    (e) Tactical gas mask;
    (f) Tactical equipment harness and utility/web gear;
    (g) Sidearm and magazines;
    (h) Other specialized weapons as dictated by the position of assignment.

2. SRT members shall have access to an array of specialized equipment, including, but not limited to: chemical munitions, breaching equipment, supplemental weapons and ammunition, distraction devices, conducted energy weapons, and surveillance equipment. Such equipment will be secured in a designated facility and/or special response vehicle for ready access by SRT members in the event of a deployment.

3. The team leader will determine the individual equipment needs of each team member in accordance with their position of assignment and team responsibilities.

4. SRT members are required to keep their individually issued SRT equipment immediately accessible while on duty unless otherwise directed by the team leader or SRT Coordinator. Individual SRT equipment will be secured in the trunk of the member's assigned police vehicle. Off-duty SRT members will keep their SRT equipment readily accessible for an immediate response from their residence or other location in the event of an SRT deployment order.

5. No SRT equipment will be utilized by untrained or unauthorized personnel. Much of this equipment is highly specialized and may have been modified or adjusted for the individual needs of the assigned team member.

6. SRT members are responsible for the continued security and care of their issued SRT equipment, and must take strict precautions to prevent unauthorized access, loss or theft.

G. SRT TRAINING & PHYSICAL ASSESSMENT

1. To ensure that the SRT has ample opportunity to practice their specialized skills and develop the ability to function effectively as a team, all SRT members will be required to engage in training and readiness exercises, to include operational simulations. This training shall consist of a minimum of 8 hours monthly.

2. Hostage negotiators and selected command level personnel will be required to engage in periodic training and readiness exercises, to include operational simulations, in conjunction with the SRT. To ensure that negotiators are fully familiar with the operation and use of their specialized equipment, they shall also conduct monthly training independent of the SRT.

3. SRT members are expected to maintain a sufficient level of physical fitness to meet the rigorous physical demands of training and actual tactical operations. This is an individual responsibility of each team member.

4. Tactical Physical Ability Testing (TPAT) of SRT members will be conducted on a quarterly basis to ensure that adequate fitness levels are being maintained. The specific elements of the TPAT will be established by the SRT Coordinator and may include, but are not limited to: assessments of strength, endurance, agility, and firearms proficiency. Testing will be administered under the supervision of a certified physical fitness instructor. Administration of the TPAT will be independent of, and in addition to, the physical ability testing required of sworn officers under General Order 400-11.

5. SRT members who are unable to participate in the TPAT due to a temporary medical condition will be placed on inactive status pending their release for unrestricted duty. Members on inactive status will not participate in training, assessments, or deployments. A review of the inactive status will be conducted at least every 30 days to determine the members anticipated period of restriction and re-evaluate their status as a team member.

6. SRT members who fail to satisfactory complete the TPAT will be allowed thirty (30) days to remediate the deficiency and successfully retest. If the member fails to successfully complete the TPAT within 30 days following the initial failure, the member will be placed on inactive status. If the member fails to successfully complete the TPAT within 60 days of the initial failure, the member's assignment to the SRT may be terminated. Only one (1) attempt at the TPAT will be allowed in any 24-hour period.

7. All SRT training and readiness exercises will be documented, and the records retained by the SRT Coordinator.

H. NEGOTIATORS

1. The role of the police negotiator is to establish communication with a suspect and, through a process of negotiation, convince the person to cease their action and surrender to police custody before further harm is done to themselves or others. Negotiators will be utilized during hostage situations, barricaded persons, and other incidents in which the use of a trained negotiator would prove beneficial. Support personnel will be provided to assist negotiators when necessary.

2. Negotiators will be deployed in teams and are considered as adjunct members of the SRT for administrative and deployment purposes. However, during deployment to a high-risk situation, negotiators will be under the direct command and control of the Incident Commander.

3. Negotiators will <u>not</u> be used in armed confrontations without SRT tactical support.

4. Negotiators will coordinate and control all communication between the suspect(s) and police personnel. The following guidelines shall be strictly adhered to:

   (a) Trained police negotiators should conduct negotiations in any barricaded subject, hostage situation or other high-risk incident. Members of a suspect's family, friends, clergy, mental health professionals, or other relevant persons may be utilized as information and intelligence resources, but may not directly participate in any negotiation without the approval of the Incident Commander;

   (b) No police personnel or other persons shall be traded as hostages;

(c) No weapons, alcohol, drugs, or transportation will be provided to the suspect(s); and

(d) Any concessions to the suspect(s) must have the prior approval of the Incident Commander.

5. Every effort will be made to prevent a hostage situation from becoming mobile. Should the situation become mobile despite police efforts, the Incident Commander will ensure that the number of pursuit/surveillance vehicles used is adequate, and that necessary security and control has been established for anticipated travel routes.

6. The Negotiation Team Leader will monitor the negotiations process and relay pertinent information to the SRT Team Leader and Incident Commander. SRT members will have the capability for direct radio communication with negotiators.

I. SELECTION OF NEGOTIATORS

1. Negotiation teams will consist of officers who are assigned to other full-time duties and serve as negotiators on a part-time basis. Officers interested in a position as a Negotiator shall make application in accordance with General Order 200-07. Negotiators will be selected from among volunteer applicants using the following minimum criteria:

   (a) The candidate must have completed a minimum of two years full time service as a sworn law enforcement officer in a field assignment;

   (b) The candidate must successfully pass a psychological screening examination, to include testing and a clinical interview by a licensed psychologist or psychiatrist (at the discretion of the Chief of Police);

   (c) The candidate must possess good verbal communication skills and problem-solving abilities;

   (d) The candidate's performance evaluations must reflect initiative, job interest, teamwork, and the desire and ability to do work of high quality;

   (e) The candidate must have demonstrated a satisfactory work history with regard to the use of leave, citizen complaints, discipline, and professional conduct;

   (f) The candidate must be willing and able to make a personal commitment to training, physical conditioning, and on-call status, realizing that a significant amount of time and effort is required to ensure an effective program and high level of readiness.

2. The SRT Coordinator will report the results of the evaluation process to the Chief of Police, who will make the final determination of selection.

3. Members assigned as negotiators may be relieved of such assignment, either temporarily or permanently, for inadequate performance as a negotiator or in their normal duty assignment; as a disciplinary measure; or for other reasons when deemed in the best interests of the Department.

4. Authorized negotiators will be eligible to receive and wear the departmental SRT insignia in like fashion to a Class-B Award.

J. GUIDELINES FOR RESPONDING TO HIGH RISK-INCIDENTS

1. Initial Responding Officer(s): Once it has been determined that a high-risk incident as defined by this Order exists or is likely, the initial responding officer(s) should avoid confrontation, if possible, and observe the following guidelines:

    (a) Contain and isolate the suspect(s);

    (b) Request supervisory assistance;

    (c) Maintain firearms discipline. Immediate action necessary to protect human life will be in accordance with prevailing law and departmental policy governing the use of force;

    (d) Depending upon the situation, responding back-up officers should be advised as to the use of emergency lights/siren and means of approach in order to prevent the situation from escalating and to protect responding units.

2. Field Supervisor: The field supervisor will respond to the scene to confirm the existence or potential of a high-risk situation and determine what immediate action is warranted as follows:

    (a) Notify higher level command personnel as required;

    (b) Establish an inner perimeter and ensure that adequate personnel are assigned to prevent the access and/or egress of suspects and other unauthorized vehicular and pedestrian traffic;

    (c) Take steps to evacuate safely all injured persons, if possible. Consideration must be given to the potential danger to rescuers;

    (d) Begin the evacuation of all civilians beyond the outer perimeter;

    (e) Ensure that needed Fire and/or EMS units respond and stand by at a safe location.

3. Incident Commander: The highest ranking officer on the scene will assume overall command and control of the incident, and shall:

    (a) Ensure that an inner and outer perimeter are established and that all civilians are evacuated beyond the outer perimeter;

    (b) Establish a field command post, located in a secure area between the inner and outer perimeter, from which all police operations will be conducted;

    (c) Order the deployment of the SRT and/or Negotiators through the Communications Center, as necessary;

    (d) Ensure notification of other necessary persons and units within and outside the Department, including higher level command officers, and other resources necessary to control the situation, to include any specialized surveillance equipment or vehicles;

    (e) Establish liaison with the SRT Leader and Negotiation Team Leader and coordinate all tactical operations and negotiations;

    (f) Designate radio talk groups to be utilized during the incident by agency personnel and any outside assisting agencies;

(g) Designate additional personnel as required to coordinate necessary support functions such as background intelligence, logistics, record keeping, communications, media liaison, outer perimeter security, and traffic control;

(h) Establish liaison with the news media and designate a media assembly point outside the outer perimeter.

4. The Team Leader of the SRT is responsible for the following:

(a) Coordinate the deployment of SRT members to secure the inner perimeter and control the movement of the suspect(s);

(b) Formulate an emergency tactical action plan for approval by the Incident Commander;

(c) Relay intelligence information gathered by SRT members to the Incident Commander and Hostage Negotiation Team Leader;

(d) Develop options/plans for tactical resolution of the situation and make recommendations to the Incident Commander for any specific tactical actions that are deemed necessary and appropriate;

(e) Direct all tactical operations conducted by the SRT as authorized by the Incident Commander;

(f) Maintain a tactical log recording critical information relative to the process.

5. The Negotiation Team Leader is responsible for the following:

(a) Establish liaison with the Incident Commander immediately upon arrival at the scene;

(b) Coordinate efforts to establish a secure, police-controlled communications link with the suspect;

(c) Designate a primary negotiator for the incident;

(d) Attempt to stabilize, de-escalate and resolve the situation through a process of strategic negotiation; make recommendations to the Incident Commander for any specific actions that are deemed necessary and appropriate;

(e) Relay pertinent intelligence information gathered by negotiators to the Incident Commander and SRT team leader;

(f) Maintain a negotiation log recording critical information relative to the process.

K. AUTHORIZATION FOR THE TACTICAL USE OF FORCE

1. SRT members are expected to maintain firearms discipline, and except for that action which an officer reasonably believes is necessary in the immediate defense of human life, authorization to resolve the incident by the tactical application of force must be granted by the Incident Commander.

2. The use of precision rifle fire by an SRT member as part of a tactical operation to resolve a high-risk incident by force will be a command decision based upon an assessment of the

3. events that have occurred or are occurring, and the risk to life posed by a failure to take immediate action. The Incident Commander will make this decision. An SRT member may employ deadly force without command approval only when emergency action is necessary in the immediate defense of human life.

4. The use of chemical agents in high-risk situations must be authorized by the Incident Commander, with due consideration given to the risk of fire and potential injury to involved persons. Fire and medical support should be pre-positioned in a stand-by location to promptly render any necessary assistance once the tactical operation has been concluded.

5. The Incident Commander will consult with the Chief of Police prior to terminating negotiations and/or authorizing tactical action by the SRT to resolve the incident by force. In all situations however, the Incident Commander will retain full authority to order emergency action by the SRT as necessary to eliminate a direct and immediate threat to human life.

6. Consistent with the purpose and mission of the SRT, the use of force by team members will be limited to that which is reasonably necessary to protect human life and effect the apprehension of the suspect(s). In all instances, SRT members shall fully comply with State law and departmental policies governing the use of force.

L. SRT TACTICS, PLANS & CAPABILITIES

1. The SRT Coordinator, in association with the SRT team leader, may develop specific tactical plans for the SRT response to high risk incidents, as well as for the utilization of specialized weapons, equipment and capabilities. Tactical plans are subject to review and approval by the Chief of Police and will be disseminated only to authorized personnel.

2. In order to protect the physical safety of SRT members and preserve the integrity of tactical operations during high-risk incidents, SRT tactics, plans and capabilities will be considered confidential. Supervisory personnel and other members of the Department will be kept informed on a “need-to-know” basis as required to carry out their assigned responsibilities.

3. Except as specifically authorized by the SRT Coordinator or the Chief of Police, members are strictly prohibited from disclosing any information related to SRT operations, plans or capabilities to any person.

M. POST-OCCURRENCE DUTIES

1. At the conclusion of each SRT deployment, a detailed after-action report will be prepared according to the guidelines for post-occurrence duties set forth in General Order 1100-05.

N. ANNUAL REVIEW

1. The operations of the SRT will be evaluated on an annual basis as part of the review and report required by General Order 1100-05.

INDEX AS:

High Risk Incidents
Negotiators
Special Response Team (SRT)
Special Weapons and Tactics

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 600-12

SUBJECT: JUVENILE OPERATIONS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 03-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental policy and procedure relating to juvenile operations.

POLICY

When dealing with juvenile offenders, officers shall use the least coercive and reasonable alternative available to them. Therefore, it shall be the policy of the Police Department to manage cases involving juveniles in a manner which ensures that any law enforcement action taken is appropriate to the situation, the needs of the juvenile, and the protection of public safety. The Police Department shall be committed to the development and perpetuation of programs designed to prevent and control juvenile delinquency.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Delinquent Juvenile: any juvenile who, while at least 6 but less than 16 years old, commits a crime or infraction under state law or under an ordinance of local government, including violation of the motor vehicle laws.

2. Dependent Juvenile: a juvenile in need of assistance or placement because he has no parent, guardian or custodian responsible for his care or supervision; or whose parent, guardian, or custodian, due to physical or mental incapacity and the absence of an appropriate alternative child care arrangement, is unable to provide for his care or supervision.

3. Diversion: any procedure that substitutes non-entry for official entry into the justice process; substitutes the suspension of criminal or juvenile proceedings for continuation; substitutes lesser supervision or referral to a non-justice agency or no supervision for conventional supervision; or substitutes any kind of non-confinement status for confinement.

4. Intake Counselor: a court counselor assigned to screen complaints alleging that a juvenile is delinquent or undisciplined, to determine whether a complaint should be filed as a petition.

5. Juvenile: a person who has not reached his or her 18th birthday and is not married, emancipated, or a member of the armed forces of the United States.

6. Non-Secure Custody: the physical placement of a juvenile in a licensed foster home, a home authorized to provide such care, a facility operated by the Department of Social Services, or any home or facility approved by the court and designated in the order.

7. Non-testimonial Identification: a court-ordered procedure that requires the presence of a person (juvenile) for the purpose of establishing questioned identity and/or participation in a criminal act by means of the examination of fingerprints, palm-prints, footprints, measurements, blood samples or other reasonable physical examination, handwriting examples, voice samples, photographs, lineups, or similar identification procedure.

8. Secure Custody: the physical placing and holding of a juvenile in an approved detention facility, pursuant to a court order.

9. Temporary Custody: the physical taking and holding of a juvenile under personal supervision, before a petition is filed and without a court order.

10. Undisciplined Juvenile:

    (a) A juvenile who, while less than 16 years of age but at least 6 years of age, is unlawfully absent from school; or is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian; or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 hours; OR

    (b) A juvenile who is 16 or 17 years old, who is regularly disobedient to and beyond the disciplinary control of the juvenile's parent, guardian, or custodian, or is regularly found in places where it is unlawful for a juvenile to be; or has run away from home for a period of more than 24 hours

PROCEDURES

A. ADMINISTRATION

1. The Department's juvenile operations function will include, at a minimum, the following activities:

    (a) Designing and implementing programs intended to prevent and control delinquent and criminal behavior by juveniles;

    (b) Follow-up processing of juvenile arrests;

    (c) Coordination and preparing court cases in which a juvenile offender is involved; and

    (d) Diverting juvenile offenders out of the juvenile justice system when deemed appropriate.

2. The Department will share with other elements of the juvenile justice system its policies and procedures relating to juvenile operations by making copies of such directives available upon request. In addition, the Department will solicit review and comment pertaining to its juvenile operations by making direct requests and through interaction of the juvenile component.

3. All agency components and personnel share the responsibility for participating in and/or supporting the agency's juvenile operations function.

B. ROLE OF THE LAW ENFORCEMENT OFFICER

1. A law enforcement officer who takes a juvenile into temporary custody should select the most appropriate course of action to the situation, the needs of the juvenile, and the protection of public safety. The officer may:

   (a) Release the juvenile, with or without first counseling the juvenile;
   (b) Release the juvenile to the juvenile's parent, guardian, or custodian;
   (c) Refer the juvenile to community resources or available diversion programs;
   (d) Seek a petition; or
   (e) Seek and petition and request a custody order.

2. When determining a course of action, officers should consider the following factors:

   (a) Nature and seriousness of the alleged offense;
   (b) Age and circumstances of the offender;
   (c) Current mental and physical health of the offender;
   (d) Offender's prior record, if any;
   (e) Availability of community-based programs;
   (f) Needs and limitations of the juvenile;
   (g) Strengths and weaknesses of the family; and
   (h) Concerns of any victims or complainants.

3. A law enforcement officer who charges a student in a primary or secondary school with a felony must notify the school principal as well as the parent. The notification, which may be oral, must occur as soon as practical and within five (5) days of the charge. If the law enforcement officer takes the individual into custody, the officer must give written notice to the individual's school principal within five (5) days of the arrest.

C. REFERRAL TO JUVENILE INTAKE COUNSELOR

1. At a minimum, juveniles less than 16 years of age committing offenses in the following categories should be referred to an Intake Counselor:

   (a) Delinquent acts that would constitute a felony if committed by an adult;
   (b) Delinquent acts involving weapons or aggravated assaults; or
   (c) Serious gang-related delinquent acts.

2. Other situations that may require referral to an Intake Counselor are:

   (a) Delinquent acts committed by juveniles on probation or by those with a case pending;
   (b) Repeated delinquent acts within a 12-month period;
   (c) Juveniles selected for a diversion program, but have refused to participate; or
   (d) Cases in which it has been determined that parental supervision is not effective.

D. TEMPORARY CUSTODY OF JUVENILES

1. Under NCGS 7B-1900, a juvenile may be taken into temporary custody by a law enforcement officer without a court order under any one of the following circumstances:

   (a) If grounds exist for the arrest of an adult in identical circumstances under N.C. General Statute 15A-401(b);

   (b) If there are reasonable grounds to believe that the juvenile is an undisciplined juvenile;

   (c) If there are reasonable grounds to believe the juvenile is an absconder from any state training school or approved detention facility; or

2. Under NCGS 7B-500, a juvenile may be taken into temporary custody by a law enforcement officer if there are reasonable grounds to believe that the juvenile is abused, neglected, or dependent and would be injured or could not be taken into custody if it were first necessary to obtain a court order.

3. A juvenile less than 16 year of age is not to be placed or transported in any police vehicle which at the same time contains an adult under arrest, unless the adult is involved in the same offense or transaction with the juvenile and then only when absolutely necessary.

4. When taking a juvenile into custody officers shall abide by the search procedures set forth in General Order 1000-02 (Prisoner Transportation and Processing).

E. COMPLIANCE WITH JUVENILE JUSTICE & DELINQUENCY PREVENTION (JJDP) ACT

1. The police department's adult processing area falls under the classification of a "secure setting" within the meaning of the federal Juvenile Justice and Delinquency Prevention (JJDP) act. As such, status offenders (under age 18) and non-offender juveniles (e.g., dependent, neglected, or in need of mental health services) shall NOT be placed in the department's processing area for any reason. Status offenses include the following:

   (a) Underage alcohol purchase/possession;
   (b) Underage purchase or accepting receipt of tobacco;
   (c) Runaway;
   (d) Curfew violations; and
   (e) Truancy.

2. Delinquent juveniles (under age 16) may be held in the juvenile observation room for a maximum of six (6) hours for processing purposes. Once the six-hour clock starts, it cannot be turned off, even if the juvenile is removed from this room for brief periods of time. Once introduced to the juvenile processing room, the clock runs continuously until the juvenile is <u>permanently</u> removed from the secured setting. In all cases, juveniles held in the observation room shall never be left unattended and their processing should be completed as quickly as possible.

3. A Secure Juvenile Holding Log will be maintained in the adult processing area. In the event an officer takes a delinquent juvenile (under age 16) into the adult processing area who has been arrested or charged with a crime other than a status offense, the officer SHALL record the relevant information about the detention on the Secure Juvenile Holding Log. The logging requirement does not apply to delinquent juveniles bound over to superior court for trial as an

adult. While in the processing area, the juvenile may NOT have sight or sound contact with adult offenders.

4. The Field Operations Bureau Commander or his designee shall be responsible for submitting the Secure Juvenile Holding Log to the Governor's Crime Commission on a quarterly basis.

F. DUTIES OF OFFICER TAKING A JUVENILE INTO TEMPORARY CUSTODY

1. An officer taking a juvenile into custody under NCGS 7B-1900 shall proceed as follows:

   (a) Notify the juvenile's parent, guardian, or custodian that the juvenile has been taken into custody and advise the parent, guardian, or custodian of the right to be present with the juvenile until a determination is made as to the need for secure or non-secure custody;

   (b) Release the juvenile to his parent, guardian or custodian if the officer decides that continued custody is unnecessary. If continued custody is unnecessary, truant juveniles may be delivered to the juvenile's school.

   (c) If the juvenile is not released, the officer should contact the Juvenile Intake Counselor, who will review the complaint and request for petition and possible court action, and if needed secured custody.

2. An officer taking a juvenile into custody under NCGS 7B-500 shall proceed as follows:

   (a) Notify the juvenile's parent, guardian, or custodian that the juvenile has been taken into custody and advise the parent, guardian, or custodian of the right to be present with the juvenile until a determination is made as to the need for secure or non-secure custody;

   (b) Release the juvenile to his parent, guardian or custodian if the officer decides that continued custody is unnecessary;

   (c) Communicate with the Department of Social Services (Child Protective Services), who will investigate the complaint for possible court action. If a decision is made to file a petition, DSS will contact the judge or other authorized person for a determination of the need for continued custody.

3. A juvenile taken into temporary custody shall not be held for more than 12 hours, or for more than 24 hours if any of the 12 hours falls on a Saturday, Sunday, or legal holiday, unless:

   (a) A petition or motion for review has been filed by any Intake Counselor or the Director of the Department of Social Services; and

   (b) A judge has entered an order for secure or non-secure custody.

G. SECURE CUSTODY ORDERS

1. The court may order secure custody of a juvenile pursuant as provided in NCGS 7B-1902. In such cases, the following procedures will apply:

(a) Upon receiving a written order for secure custody, the officer will first establish that he/she has territorial jurisdiction and authority to serve the order. If so, the officer will assume custody of the juvenile and make due return on the order. The officer shall provide a copy of the order to the juvenile's parent, guardian, or custodian;

(b) The officer will transport the juvenile to the nearest approved juvenile detention facility or other location designated on the order;

(c) Copies of the juvenile petition and custody order must accompany the juvenile to the detention facility. The officer shall ensure that these documents are turned over to the detention facility at the time of transfer of custody of the juvenile.

2. A CIIS message stating that a juvenile petition and secure custody order relating to a specified juvenile are on file in a county shall be authority to detain a juvenile in secure custody until a copy of the juvenile petition and secure custody order can be forwarded to the juvenile detention facility. A Kannapolis officer who detains a juvenile based on this authority shall obtain a printed copy of the CIIS message to accompany the juvenile to the detention facility. A copy shall also be attached to the juvenile custody report.

H. INTERSTATE COMPACT ON JUVENILES

1. The State of North Carolina participates in an Interstate Compact that provides for the return, from one state to another, of delinquent juveniles on probation or parole, delinquent juveniles who have escaped or absconded, and juveniles who have run away from home.

2. The appropriate court in the requesting state normally issues a "requisition" to the North Carolina courts for the return of the juvenile. Upon receipt of a requisition, the appropriate North Carolina court then issues a secure custody order.

3. Officers may assume custody and detain a juvenile pursuant to the Interstate Compact when the North Carolina courts have issued a secure custody order authorizing such action. In such cases, officers will proceed in accordance with the procedures outlined in Section F above.

4. If there are reasonable grounds to believe that a juvenile has run away from another state that is a party to the Interstate Compact, or that the juvenile is an undisciplined juvenile, or that the juvenile is an escapee or absconder, an officer will have the authority to assume temporary custody of the juvenile without a secure custody order. In such case, the officer must contact the appropriate juvenile intake counselor for assistance in obtaining a secure custody order. Any CIIS messages used by the officer to establish reasonable grounds for the temporary custody and detention of the juvenile must be provided by the officer to the juvenile intake counselor, and a copy attached to the juvenile custody report.

I. INTERVIEW AND INTERROGATION PROCEDURES

1. As with adults, the requirements of Miranda v. Arizona only apply to the custodial interrogation of juveniles. However, a juvenile's age and other factors may contribute to what a "reasonable child" in the suspect's position would have believed as to their freedom to terminate the encounter with law enforcement.

2. Officers engaging in non-custodial interviews with juveniles must take extra precaution to insure the non-custodial nature of the encounter. The younger the juvenile the more likely the

courts are to find the encounter custodial. Non-custodial interviews should not be conducted with juveniles under the age of 14 unless a parent or guardian is also present.

3. Officers conducting non-custodial interviews with juveniles should expressly inform the juvenile and any accompanying parent or guardian they are not in custody and are free to leave or terminate the encounter at any time.

4. The following factors may also be considered by the Courts when determining custody. Therefore, officers should consider them in deciding to complete a non-custodial interview.

   (a) The location and/or physical surroundings of the interview;

   (b) Whether a parent, guardian, or other trusted adult is present;

   (c) The number of officers or other adults involved in the interview;

   (d) Whether the juvenile volunteered to be interviewed;

   (e) The duration of the interview; and

   (f) The nature of the questioning.

5. Any juvenile taken into custody must be advised of his constitutional rights prior to any questioning by completing the juvenile rights form (KPD-107B).

6. When the juvenile is less than 16 years of age, no in-custody admission or confession resulting from interrogation may be admitted into evidence unless the confession or admission was made in the presence of the juvenile's parent, guardian, custodian, or attorney. If an attorney is not present, the parent, guardian or custodian as well as the juvenile must be advised of the juvenile's rights; however, a parent, guardian or custodian **may not** waive any right on behalf of the juvenile.

7. No more than two officers should engage in the interrogation of a juvenile at any one time. As a general guideline, the duration of the interrogation should be limited to no more than two hours at any one session. The officer(s) conducting the interrogation is to explain any relevant Departmental or juvenile justice system procedures to juveniles being interrogated, as necessary.

8. If the juvenile indicates at any stage of the questioning that he does not wish to be questioned further, the interrogating officer shall cease questioning.

J. NONTESTIMONIAL IDENTIFICATION PROCEDURES

1. Nontestimonial identification procedures shall not be conducted on any juvenile without a court order unless the juvenile has been charged as an adult or transferred to Superior Court for trial as an adult, in which case the procedures applicable to adults shall apply.

2. A nontestimonial identification order authorized by NCGS 7B-2105 may be issued by any judge of the district court or of the superior court upon request of a prosecutor.

3. A nontestimonial identification order may be issued only on affidavit or affidavits sworn to before the judge and establishing the following grounds for the order:

    (a) That there is probable cause to believe that an offense has been committed which if committed by an adult would be a felony offense; and

    (b) That there are reasonable grounds to suspect that the juvenile named or described in the affidavit committed the offense; *(NOTE: A request to obtain a blood specimen must establish "probable cause" to believe that the juvenile committed the offense*); and

    (c) That the results of specific nontestimonial identification procedures will be of material aid in determining whether the juvenile named in the affidavit committed the offense.

4. A juvenile in custody for or charged with an offense which if committed by an adult would be a felony offense may request that nontestimonial identification procedures be conducted upon him. If it appears that the results of specific nontestimonial identification procedures will be of material aid of the juvenile's defense, the judge to whom the request was directed must order the State to conduct the identification procedures.

5. The North Carolina Attorney General has ruled that chemical analysis procedures conducted pursuant to GS 20-16.2 do not require a non-testimonial identification order.

6. Records resulting from nontestimonial identification procedures shall be retained or disposed of as follows:

    (a) If a petition is not filed against a juvenile who has been the subject of non-testimonial identification procedures, all records of such evidence shall be destroyed;

    (b) If the juvenile is not adjudicated delinquent or convicted in superior court following transfer, all records resulting from a nontestimonial order shall be destroyed. Further, in the case of a juvenile who is under 13 years of age and who is adjudicated delinquent for an offense that would be less than a felony if committed by an adult, all records shall be destroyed;

    (c) If a juvenile 13 years of age or older is adjudicated delinquent for an offense that would be a felony if committed by an adult, all records resulting from a nontestimonial order may be retained in the court file. These records may be inspected by a law enforcement officer for comparison purposes in the investigation of a crime;

    (d) If the juvenile is transferred to and convicted in superior court, all records resulting from nontestimonial identification procedures shall be processed as in the case of an adult;

    (e) Any evidence seized pursuant to a nontestimonial identification order must be retained by officers until further order is entered by the court.

    (f) Destruction of nontestimonial identification records must be performed by the agency having possession of the records, and written certification must be made to the court of the destruction.

K. FINGERPRINTING & PHOTOGRAPHING DELINQUENT JUVENILES

1. NCGS 7B-2102 requires a law enforcement officer or agency to fingerprint and photograph a juvenile when all of the following circumstances exist:

    (a) The juvenile was 10 years of age or older when he or she allegedly committed a nondivertable offense as set forth in NCGS 7B-1701; and

    (b) A complaint has been prepared for filing as a petition; and

    (c) The juvenile is in the physical custody of law enforcement or of the Office of Juvenile Justice.

2. Unless fingerprints and photograph were taken under the provisions of paragraph H1 above and have not been destroyed, a law enforcement agency must also fingerprint and photograph a juvenile who has been adjudicated delinquent, if the juvenile was 10 years of age or older when he or she committed an offense that would be a felony if committed by an adult.

3. Fingerprints and photographs of juveniles taken pursuant to NCGS 7B-2102 shall be prepared in the proper format for submission to the State Bureau of Investigation (SBI) and Federal Bureau of Investigation (FBI).

4. If a juvenile's fingerprints and photograph are taken before adjudication (paragraph H1 above), they must be destroyed at the earliest of the following events:

    (a) Neither the intake counselor nor the prosecutor files a petition against the juvenile within one (1) year after the fingerprints and photograph were taken; or

    (b) The court does not find probable cause pursuant to NCGS 7B-2202; or

    (c) The juvenile is not adjudicated delinquent of any offense that would be a felony or misdemeanor if committed by an adult.

5. If the juvenile is adjudicated delinquent for a felony, the fingerprints must be transferred to the SBI and placed in the AFIS system. The fingerprints and photograph may be used for all investigative and comparison purposes but are not considered public record and may not be expunged.

6. Fingerprints and photographs of juveniles taken pursuant to NCGS 7B-2102 are NOT public records, are not open to public inspection or examination, and are not eligible for expunction under NCGS 7B-3200. Juvenile fingerprints and photographs must be maintained separately from any juvenile record, other than the electronic file maintained by the SBI.

L. ISSUING CITATIONS

1. A juvenile less than 16 years of age charged with committing a misdemeanor or infraction, the officer shall complete all applicable reports and do the following:

    (a) Both the parent and juvenile will be informed that the case is being referred to a juvenile intake counselor for review;

(b) The juvenile may be released to a parent, guardian, or a legal custodian; and

(c) The Juvenile Court Intake Counselor will be contacted and a request for a juvenile petition will be made in accordance with law.

2. A juvenile 16 years of age or older, charged with a misdemeanor or infraction, may be issued a N.C. Uniform Citation and processed as an adult.

3. An officer who charges a juvenile with a criminal offense shall notify the juvenile's parent or guardian of the charge, as soon as practicable, in person or by telephone. If the juvenile is taken into custody, the law enforcement officer or the officer's immediate supervisor shall notify a parent or guardian in writing that the juvenile is in custody within twenty-four (24) hours of the juvenile's arrest. If the parent or guardian of the juvenile cannot be found, the officer or the officer's immediate supervisor shall notify the juvenile's next-of-kin of the arrest as soon as practicable. This notification is not required if:

   (a) The juvenile is emancipated; OR

   (b) The juvenile is not taken into custody and has been charged with a motor vehicle moving violation for which three or fewer points are assessed under G.S. 20-16(c), except an offense involving impaired driving, as defined in G.S. 20-4.01 (24a); OR

   (c) The juvenile has been charged with a motor vehicle offense that is not a moving violation.

M. SCHOOL LIAISON

1. The Department will establish and maintain a school liaison program through the use of the Drug Abuse Resistance Education (D.A.R.E.) and/or School Resource Officer(s). The liaison program includes, but is not limited to, the following:

   (a) The officer(s) will act as a resource for the prevention of delinquency through visits to schools and discussions with guidance counselors and teachers;

   (b) The officer(s) will furnish guidance on drug abuse resistance and ethical issues through structured classroom sessions and provide students with individual counseling, as needed; and

   (c) The role of police in society will be explained through classroom presentations, visits to the Police Department by students, and other interaction of officers and students.

N. AGENCY RECORDS PERTAINING TO JUVENILES

1. Records pertaining to the arrest and identification of juveniles less than 16 years of age will be maintained separate from those of adults, except in proceedings that are transferred to Superior Court.

2. Records pertaining to the arrest and identification of juveniles less than 16 years of age will continue to be maintained separate from those of adults after the juvenile has reached adult age unless the agency receives an expunction order from the Courts.

3. For the purpose of Incident Based (I-BASE) Crime Reporting, the term “arrest” or “contact” as it applies to juveniles means the law enforcement handling of all persons under the age of 16 who have committed a crime and are identified (with probable cause) as the offender when the circumstances are such that if the juvenile were an adult, an arrest would have been reported. The police department will utilize Form CIIS-610 (Juvenile Contact Report) to record the handling of juveniles who commit criminal offenses.

4. Disposition and expungement of juvenile records will be in accordance with the prevailing requirements of the North Carolina Juvenile Code.

5. Agency records and files concerning juveniles less than 16 years of age shall be open only to inspection by the prosecutor, court counselors, the juvenile, or the juvenile’s parent, guardian, and custodian (or their authorized representative) as provided by law.

6. Disclosure of juvenile records in child fatality or near fatality cases shall be in accordance with the provisions of NCGS 7B-2902.

7. Expunction of records of juveniles alleged or adjudicated delinquent and undisciplined shall be in accordance with the provisions of NCGS 7B-3200.

8. The Support Services Bureau Commander shall be responsible for the collection, dissemination, and retention of juvenile records.

O. ANNUAL REVIEW

1. A review and written evaluation of all enforcement and prevention programs relating to juveniles will be conducted on an annual basis. The evaluation should consider both the quantitative and qualitative elements of each program, lending itself to decisions regarding whether a specific program should function as is, be modified, or be discontinued.

2. This review shall be forwarded to the Chief of Police for his review and approval.

INDEX AS:

Interstate Compact on Juveniles
Juvenile Custody
Juvenile Intake
Juvenile Interrogation
Juvenile Procedures
Nontestimonial Identification (Juveniles)
Secure Custody Orders
Secure Juvenile Holding Log

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 600-13

SUBJECT: SPECIAL PURPOSE VEHICLES
DISTRIBUTION All Personnel
EFFECTIVE DATE: 05-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish guidelines for the use of the Department's special purpose vehicles.

POLICY

The policy of the Department shall be to provide special purpose vehicles for use in conducting law enforcement operations under certain conditions. Special purpose vehicles require unique procedures in their operation that are above the normal operation of a motor vehicle used for patrol purposes and shall be used only in the areas listed for each vehicle. Supervisors will be accountable for the proper use of all special purpose vehicles.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Special Purpose Vehicle: a vehicle used because of considerations of weather, terrain, or the need for inconspicuous appearance, quietness, storage requirements, or special operations.

PROCEDURES

A. POLICE BICYCLES

1. Bicycles are intended to provide officers with an alternative mode of transportation when patrolling areas where the use of a regular motor vehicle may be limited or less effective. The bicycle offers a silent and often quicker approach in a smaller patrolling area. Additionally, patrolling by bicycle presents the officer in a more personal atmosphere to the community. Bicycles may also be used for special duty assignments such as parades, community festivals, etc., where there is a need for maneuvering quickly through congested areas.

2. Members assigned to or authorized to use police bicycles will be required to complete a department-approved course of instruction in police bicycle operation prior to using these vehicles for on-duty purposes.

3. Bicycles are available for periodic use by patrol officers working special assignments. Officers assigned to or using police bicycles are responsible for their proper use, maintenance and security in accordance with General Order 600-04.

4. The following should be considered in deciding to utilize bicycles for patrol activities:

    (a) Weather conditions;
    (b) Time of day;
    (c) Geographic area to be patrolled;
    (d) Traffic conditions;
    (e) Equipment available to officer;
    (f) Physical conditioning of the officer.

5. Bicycle officers making arrests should request assistance from a marked patrol unit for transporting prisoners.

6. Police bicycles left unattended in public areas should first be secured by an approved locking device. Only in emergency or dynamic situations shall the bicycle be left unattended and unsecured. In such cases, the officer shall return to the unattended bicycle as soon as possible or request assistance in securing the bicycle.

7. Specialized equipment for use conducting bicycle patrol may be issued or made available for use by officers, including but not limited to:

    (a) Helmet (required when bicycles is in use);
    (b) Headlight/Rear Light (required at night while in routine use);
    (c) Clothing clearly identifiable as a police uniform;
    (d) Portable radio transceiver with optional remote microphone;
    (e) Saddle or carrying bags;
    (f) Water bottle;
    (g) Eye protection.

B. SPECIAL RESPONSE TEAM VEHICLES

1. Special Response Team (SRT) vehicles may include heavy trucks, cargo vans, and/or special utility vehicles designed to support tactical operations during SRT deployments and training activities and will be available for use on an as-needed basis 24 hours a day. Activation of an SRT vehicle or the use of its equipment must be authorized by the SRT Coordinator, SRT Team Leader, or appropriate incident command personnel.

2. The primary purpose of the SRT vehicles is to transport team members and their associated equipment to and from deployment or training locations. SRT vehicles may also be designated for use as support vehicles during disasters, unusual occurrences, or special operations. SRT vehicles may, with appropriate command approval, be used to transport departmental training supplies or large equipment for use during special events. SRT vehicles may be equipped with:

    (a) Conspicuous markings to identify it as a police vehicle;
    (b) Blue lights and audible siren;
    (c) Mobile two-way radio;
    (d) Fire extinguisher and emergency first aid supplies;
    (e) Tactical response equipment and supplies

3. Maintenance and operation of SRT vehicles shall be the responsibility of the SRT Coordinator and Team Leader. These vehicles must be maintained in high state of operational readiness

for on-demand deployment to tactical events. SRT vehicles will not be used to conduct traffic enforcement, to replace patrol vehicles, or in the pursuit of any motor vehicle.

4. Members assigned to or authorized to drive SRT vehicles will be provided with annual instruction in specialized vehicle operation prior to using these vehicles for on-duty purposes. The instruction will focus on the maneuvering and handling of heavier or oversize vehicles, including 4-wheel drive operation if applicable, as well as driver considerations in the transport, and security of unrestrained personnel, sensitive/hazardous equipment and scenario-based training. All training documentation will be turned into the training coordinator for inclusion into the public safety files.

5. All authorized SRT members will receive annual training on the use of the specialized tactical equipment carried on the vehicle for training and operational purposes.

C. FORENSIC UNIT

1. The Forensic Unit is a full-size utility vehicle used to transport equipment and supplies necessary for the on-site processing of major crime and incident scenes for physical evidence. When using the vehicle, the following should be considered:

   (a) The type of crime;
   (b) The availability of the Crime Scene Technician;
   (c) Crime scene search expertise of the involved officer(s);
   (d) The need for specialized crime scene investigation.

2. The Forensic Unit will not be used to provide:

   (a) Traffic Enforcement;
   (b) A replacement vehicle for patrol duties;
   (c) Pursuit of fleeing vehicles; or
   (d) Transportation of prisoners.

3. The Forensic Unit will be assigned to the Crime Scene Technician, who, in accordance with General Order 600-04 (Fleet Management), will be responsible for the care, maintenance, and condition of the vehicle. The vehicle will be equipped with:

   (a) Conspicuous markings to identify it as a police department vehicle;
   (b) Blue lights and audible siren;
   (c) Mobile two-way radio;
   (d) Fire extinguisher and emergency first aid supplies;
   (e) Crime scene investigation materials, equipment, and supplies;

4. Members assigned to or authorized to drive the Forensic Unit will be required to successfully complete a department-approved course of instruction in specialized vehicle operation prior to using the vehicle for on-duty purposes. The course of instruction will focus on the maneuvering and handling of heavier or oversize vehicles, including 4-wheel drive operation if applicable, as well as driver considerations in the transport and security of sensitive/hazardous equipment.

5. All investigators who may be required to operate the Forensic Unit during field deployments to crime or incident scenes will receive specialized training on the use and maintenance of the forensic equipment carried on the vehicle.

D. CANINE TRANSPORT VEHICLES

1. K9 transport vehicles are specially equipped patrol vehicles, and will be equipped, maintained, and operated in accordance with the applicable provisions of General Order 600-15 (Canine Operations).

2. Handlers assigned to or authorized to drive a K9 vehicle will be required to successfully complete a department-approved course of instruction in specialized vehicle operation prior to using these vehicles for on-duty purposes. The course of instruction will focus on the maneuvering and handling of heavier or oversize vehicles, including 4-wheel drive operation if applicable, as well as driver considerations in the transport and security of an unrestrained animal and sensitive/hazardous equipment

E. COMMAND POST TRAILER

1. The Command Post Trailer is designed to support tactical operations during SRT deployments and other critical incidents and will be available for use on an as-needed basis 24 hours a day. In addition, the unit may be utilized at any major crime scene or pre-planned event that will be of a protracted nature. Activation of the vehicle or the use of its equipment must be authorized by the Chief of Police, Deputy Chief, or Bureau Commander.

2. The primary purpose of the vehicle is to serve as a mobile command post during unusual occurrences or special operations. In addition, a portion of the unit is designed and designated for use by the Crisis Negotiation Team Leader.

3. Maintenance and operation of the vehicle shall be the responsibility of the SRT Coordinator or his designee. The vehicle will be equipped with:

   (a) Conspicuous markings to identify it as a police department unit;
   (b) Mobile two-way radio;
   (c) Fire extinguisher and emergency first aid supplies;
   (d) Specialized equipment associated with crisis negotiation.
   (e) Specialized equipment to allow its use as a mobile command post.

4. Members assigned to or authorized to deploy the unit will be provided instruction in specialized vehicle operation prior to using the vehicle for on-duty purposes. The instruction will focus on the towing, maneuvering, and handling of an extended length trailer, proper unit setup procedures once on scene, and driver considerations in the transport and security of sensitive equipment.

F. POLICE T-3 UNITS

1. Like Police bicycles, the Police T-3 Units are intended to provide officers with an alternative mode of transportation when patrolling areas where the use of a regular motor vehicle may be limited or less effective. The T-3 vehicle provides officers with the ability to patrol a large geographic area in a short amount of time without exerting a great deal of energy. Because of the higher platform, patrolling by T-3 presents the officer in a tactically advantageous position when dealing with pedestrians. T-3 units may be used for special duty assignments such as

parades, community festivals, etc., where there is a need for maneuvering quickly through congested areas.

2. Members assigned to or authorized to use police T-3 Units will be required to complete a department-approved course of instruction based on the manufacture's recommendations prior to using these vehicles for on-duty purposes.

3. T-3 units are available for periodic use by qualified patrol officers working special assignments. Officers using T-3 units are responsible for their proper use, maintenance and security in accordance with General Order 600-04.

4. The following should be considered in deciding to utilize T-3 Units:

    a. Weather conditions;
    b. Time of day;
    c. Geographic area to be patrolled;
    d. Traffic conditions;
    e. Equipment available to officer;

5. T-3 officers making arrests should request assistance from a marked patrol unit for transporting prisoners.

6. T-3 units should not be left unattended in public areas, however if it becomes necessary to leave the unit, the operator should first lock the brake and remove the key. Only in emergency or dynamic situations shall the T-3 be left unattended.

7. Specialized equipment for use conducting T-3 patrol may be issued or made available for use by officers, including but not limited to:

    a. Helmet (required when T-3 is in use);
    b. Clothing clearly identifiable as a police uniform; and
    c. Portable radio transceiver with optional remote microphone.

G. ALL TERRAIN VEHICLES

1. All Terrain Vehicles (ATV) may be utilized to patrol off road areas that are difficult or impossible to reach with patrol vehicles and at special events where the need for a smaller more appropriate means of transportation is needed.

2. ATV units are available for periodic use by qualified personnel working special assignments. Personnel utilizing ATVs are responsible for their proper use, maintenance and security in accordance with General Order 600-04 (Police Fleet Operations).

3. Agency personnel assigned to operate a departmental ATV shall be required to successfully complete a department approved course of instruction in the use of these specialized vehicles. The course of instruction shall focus on the safe operation both on and off road, Documented refresher training will be required on a biannual basis.

4. Prior to operating an ATV, the operator must conduct an inspection and complete a pre-operational checklist. Any ATV that does not pass inspection shall not be utilized.

5. All employees trained and authorized to operate a departmental ATV will wear all required safety equipment. Specialized equipment will be made available for use by officers based on operational needs.

    a. On-Road – Public Street, Roadway, Public Vehicle Area
        i. Soft non-full face helmets (Recommended)
        ii. Eye Protection
        iii. Clothing clearly identifiable as a police uniform.
        iv. Portable radio transceiver with optional remote microphone.
        v. Vehicle safety equipment engaged (seatbelt, lights, etc.)

    b. Off-Road – Woods, Trails
        i. Full face helmet. Helmet will be black in color and shall display a police insignia.
        ii. Goggles or face shield from helmet.
        iii. Clothing clearly identifiable as a police uniform.
        iv. Portable radio transceiver with optional remote microphone.
        v. Second officer also trained and authorized for ATV use.
        vi. Vehicle safety equipment engaged (seatbelt, lights, etc.)

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Canine Transport Vehicles
Forensic Unit
Mobile Command Post
Police Bicycles
Special Purpose Vehicles
SRT Vehicles
T-3 Units

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 600-14

SUBJECT: COMMUNITY SERVICES
DISTRIBUTION All Personnel
EFFECTIVE DATE: 05-01-2001
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish guidelines for the crime prevention and community relations functions of the Police Department.

POLICY

The Kannapolis Police Department is committed to the development and perpetuation of community-based policing strategies and crime prevention programs. Toward this end, the agency shall work to establish strong working relationships with community residents, and to remain responsive to community needs. It shall be the policy of the Police Department to staff a full time Community Services Unit with responsibility for developing and implementing community-based programs designed to foster and improve police/community relations, to anticipate crime risks, and to initiate action to reduce or remove those risks. While certain programs and functions may be delegated to the Community Services Unit, all officers and components are responsible for achieving agency crime prevention and community relations goals and should assist others in this regard.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Bicycle Registration: a public service offered by the Department to the citizens of Kannapolis for the registration of ownership information and serial numbers or positive identification markings on bicycles in a police database.

2. Business Watch: a program involving business owners/managers within the City of Kannapolis, organized for the purpose of increasing crime awareness, employing methods of business crime reduction, and promoting the exchange of related information with police.

3. Community Services Unit: a component of the Staff Services Division with primary responsibility for the delivery of crime prevention and community relations programs.

4. Community Watch: a program involving groups within residential neighborhoods, organized for the purpose of increasing crime awareness, implementing crime prevention activities, and promoting the exchange of related information with police.

5. Crime Stoppers: a non-profit citizen-based program consisting of representatives of local businesses and other community organizations whose purpose is to publicize recent crimes and provide monetary rewards to those persons providing information leading to the arrest and conviction of criminal offenders.

6. D.A.R.E. Program: an educational curriculum on Drug Abuse Resistance Education presented by specially trained police officers of the Community Services Unit to selected classes in the local public school system.

7. Operation ID: a public service offered by the Department to the citizens of Kannapolis to assist and encourage the marking of property owned by individuals and businesses for subsequent identification by law enforcement officers in the event that the property is stolen.

8. School Resource Officer (SRO): a specially trained officer within the Community Services Unit that is assigned to a specific school and who works in collaboration with school officials for the purpose of creating and maintaining a safe, secure and orderly learning environment. SROs have three broad roles on campus, serving as law enforcement officers, law-related counselors, and law-related education teachers.

PROCEDURES

A. CRIME PREVENTION FUNCTION

1. The Community Services Unit shall have primary responsibility for the Department's crime prevention function and shall work in cooperation with other Department components to carry out crime prevention activities and programs. Crime prevention duties may include speaking to various groups on crime prevention methods, distributing crime prevention literature, staffing information booths, alerting victims on how best to avoid future victimization, developing crime prevention materials for use by the media, and developing or maintaining liaison with neighborhood groups.

2. Preventing crime demands an integrated, coordinated agency response. Therefore, the Community Services Unit shall maintain close ties with other agency functions that support and make possible the furtherance of the crime prevention effort, particularly patrol officers engaged in field assignments.

3. The Community Services Unit will receive copies of the monthly Crime Report and will have access to other departmental information needed to assist in the development of priorities for action on the basis of pertinent data.

4. The development and implementation of crime prevention programs shall be according to the particular needs of the community with a focus on problem solving and community policing strategies. The Police Department's crime prevention function shall provide for the following:

    (a) Targeting programs by crime type and geographic area on the basis of an analysis of local crime data;

    (b) Targeting programs to address community perceptions or misperceptions of crime;

    (c) Evaluation of the effectiveness of crime prevention programs.

5. The Community Services Unit will assist in establishing Departmental priorities for action based on the analysis of pertinent data and assessment of community needs. Crime prevention programs offered by the Department may include, but are not limited to:

    (a) Neighborhood Watch;
    (b) Business Watch;
    (c) Operation ID;
    (d) Residential & Commercial Security Surveys;
    (e) Drug Abuse Resistance Education;
    (f) School Resource Officers;
    (g) Victim/Witness Assistance;
    (h) Crime Stoppers;
    (i) Bicycle Registration.

6. In assessing crime prevention programs, the Community Services Unit should develop specific criteria necessary to measure program effectiveness and recognize ancillary benefits, constructing instruments that accurately collect information on the program, and soliciting the viewpoints of citizens on the prevalence of crime and on the effectiveness of the agency's crime prevention programs. After each evaluation, the supervisor of the Community Services Unit and Support Services Bureau Commander will review the result and determine whether each program should remain functioning as is, be modified, or be discontinued.

7. To the extent allowed by the City Council, the Police Department will provide crime prevention input into development and/or revision of zoning policies, building codes, fire codes, and residential/commercial building permits. The supervisor of the Community Services Unit will serve as the agency's primary liaison with City zoning administrators, planners, and fire officials to provide information on crime prevention through environmental design information.

B. COMMUNITY RELATIONS FUNCTION

1. A well-organized community relations function can be an effective means of eliciting public support, can serve to identify problems in the making, and may foster cooperative efforts in resolving community issues. Input from the community can also help ensure that agency policies accurately reflect the needs of the community. Community relations programs, services, and activities shall be initiated and implemented by the Department in order to:

    (a) Develop mutual respect between members of the Department and the community they serve;

    (b) Ensure community relations is an ongoing and integral part of the Department's operation;

    (c) Encourage all members of the Department to actively seek, cultivate, and maintain open communication with individuals and groups in the community for the purpose of imparting an understanding of the law enforcement process and purpose;

    (d) Establish, without reservation, that the denial of human and civil rights constitutes police misconduct and will not be tolerated; and

(e) Provide community members opportunities to meet and share views and information with members of the Department regarding police practices and activities.

2. The Supervisor of the Community Services Unit will be responsible for coordinating the development and implementation of a written Community Relations Plan, to include, at a minimum, provisions for the following:

   (a) Establishing liaison with formal community organizations and other community groups;

   (b) Developing community relations policies for the agency (as a whole);

   (c) Publicizing agency objectives, problems, and successes;

   (d) Conveying information transmitted from citizens organizations to the agency;

   (e) Improving agency practices bearing on police/community relations;

   (f) Identifying training needs through interviews with citizen representatives, consultations with those involved in internal investigations, and conferences with supervisors; and

   (g) Establishing community groups where those groups do not exist.

3. At least quarterly, the Supervisor of the Community Services Unit will prepare and submit to the Chief of Police a community relations report. This report will provide information on conditions in the community and allow the Department to react in a timely manner to alleviate concerns and avert problems. This report will be disseminated to all command-level personnel, and will include, at a minimum, the following elements:

   (a) A description of current concerns voiced by the community;

   (b) A description of potential problems that have a bearing on law enforcement activities within the community;

   (c) A statement of recommended actions that address previously identified concerns and problems; and

   (d) A statement of progress made toward addressing previously identified concerns and problems.

4. In order to ensure that information being gathered by agency personnel is incorporated into the decision-making process, information relevant to the preparation of the quarterly community relations report that is received by any agency member should be transmitted directly to the Supervisor of the Community Services Unit.

5. The Department is committed to correcting actions, practices, and attitudes that may contribute to community tensions and grievances. Current concerns voiced by the community and potential problems that have a bearing on police activities within the community will be addressed in command staff meetings. Resulting solutions will be implemented throughout the Department, with all personnel being instructed as to the need for, and the details of, those solutions.

6. A survey of citizens attitudes and opinions will be conducted by the Community Services Unit or the Department's designee every two years with respect to:

    (a) Overall agency performance;
    (b) Overall competency of agency personnel;
    (c) Officers attitudes and behavior toward citizens;
    (d) Concern of safety and security within the agency's service area as a whole;
    (e) Concern of safety and security within the area where the respondent lives; and
    (f) Recommendations and suggestions for improvements.

7. The results of this biennial survey shall be compiled, and a comprehensive written summary of the results will be provided to the Chief of Police.

8. These citizen surveys may be conducted by mail, in person, and/or by telephone. The inquiry may also be combined with questions related to victimization and other issues. Departmental administration shall evaluate information received from citizen surveys for relevance to subject matter, practical application, and function. This information may be considered in revisions of Departmental procedure.

INDEX AS:

Bicycle Registration
Business Watch
Community Relations
Community Services
Crime Prevention
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D.A.R.E.
Neighborhood Watch
Operation ID
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KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 600-15

SUBJECT: CANINE OPERATIONS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 06-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental policy and procedures for the management and use of police canines.

POLICY

The mission of the police canine team is to provide assistance in the prevention and detection of crime, the apprehension of criminal offenders, and such other duties as may be directed by the Department. All employees of the Department are expected to cooperate and assist to the maximum extent in achieving these objectives. Canine teams will be assigned to the patrol component and will be available for emergency duty at all times. All use of agency canines shall be in accordance with applicable law and departmental directives.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Canine (K9): a police dog trained and certified in one or more specialty areas such as the detection of narcotics, tracking, building/area searches, evidence detection, apprehension techniques, and handler

2. Handler: a police officer who has successfully completed the required training and certification, and who is authorized by the Department to function as a canine handler.

3. K9 Coordinator: an officer with canine experience who provides administrative oversight of the Department's canine program and serves as an advisor to the Department on matters pertaining to canine operations.

4. K9 Team: one authorized handler and assigned canine, both of which have received specialized training and are equipped to conduct canine operations.

5. Off-Lead: a condition where a canine is under the verbal and/or hand signal control of the assigned handler.

6. On-Lead: a condition where a canine is attached to and controlled by a lead in the hand(s) of a handler.

PROCEDURES

A. ORGANIZATION & ADMINISTRATION

1. Canine handlers are assigned to the Patrol Division under the command of the Field Operations Bureau Commander and supervisory officers of the patrol squad to which the handler is assigned.

2. The principal duty of a police officer assigned as a canine handler shall be to serve as a patrol officer. Canine operations will be considered a support function to field operations. Canine handlers will respond to calls for canine assistance in accordance with this Order and in compliance with priorities set from time to time by the Chief of Police.

3. The Chief of Police will designate a K9 Coordinator with oversight responsibility for the agency's canine program. Handlers are subject to the administrative supervision of the K9 Coordinator in matters pertaining to canine operations.

4. Police canines are owned by the Kannapolis Police Department, with the handler providing care and maintenance at the handler's private residence in accordance with the requirements of this General Order. The cost of food and veterinary care is paid by the Department and acquired through authorized providers.

5. Departmental canines shall not be used for purposes other than official police duties. Canines may not be used for breeding purposes or registered with any organization or association not specifically related to law enforcement without the written consent of the Chief of Police.

6. Handlers must comply with all written policy and lawful orders regarding the use of canines, but the handler is authorized to decline to perform any requested canine assignment if the request violates departmental policy, unreasonably threatens the health and safety of the canine, or is inappropriate or inconsistent with the police mission. The canine handler will review the circumstances of each situation and will have the authority to make a final determination as to whether or not the canine should be used. The canine handler is the most qualified individual to determine when and how his canine should be deployed.

B. HANDLER SELECTION

1. Service as a canine handler is a voluntary specialized assignment. Prospective handlers must meet the following minimum qualifications:

    (a) Must have completed all probationary periods and field training required by the Department, and shall have a minimum of two (2) years of patrol field experience as a full-time sworn law enforcement officer;

    (b) Receive their supervisor's recommendation regarding the applicant's maturity, judgment, work history, use of force history, and performance under stress;

    (c) Have demonstrated the ability to work effectively and productively without close supervision;

    (d) Must be familiar with the duties and responsibilities of the assignment and demonstrate a sincere interest in working with canines in law enforcement;

(e) Have the consent of household family members to become a canine handler;

(f) Maintain a residence that provides adequate yard space for the placement of a department-provided kennel, and which affords the canine suitable protection and solitude during off duty hours. In the event that the handler does not own a residence, he/she must obtain written permission from the property owner for the housing of the canine in the department provided kennel;

(g) Agree to at least five (5) years of assignment as a canine handler, excluding promotion or reassignment initiated by the Department;

(h) Ensure that any other pets at home will not interfere with the canine and its training program;

(i) Must be in good physical condition and able to perform the more strenuous assignments required of canine handlers;

(j) Agree and understand that they must devote more than assigned on-duty time to the care and training of the canine and must respond to off-duty call outs in a reasonable time.

2. Interested officers may apply for assignment as a canine handler in accordance with the applicable provisions of General Order 200-07 (Personnel Allocation & Distribution).

C. TRAINING, CERTIFICATION & EVALUATION

1. All canines and handlers shall be trained, both pre-service and in-service, in conformity with training standards approved by the North Carolina Police Dog Association (NCPDA).

2. All canines and handlers must successfully complete pre-service training and certification at a Department approved and recognized law enforcement canine training facility before performing law enforcement functions. The handler must document and maintain complete training records for the canine showing the time, type and success of all training. These documents will be maintained as permanent records in accordance with this Order.

3. In-service training shall be conducted to reinforce initial training and maintain proficiency, correct any identified problems, and to provide new or updated training. A minimum of 12 hours of in-service training hours per month will be required by the Department in addition to the daily training / exercise period.

4. In-service and daily training may be conducted while on-duty with the approval of the handler's supervisor. The K9 team may also be authorized to attend outside training courses/facilities to enhance their effectiveness and level of proficiency.

5. If a police canine team fails to certify to at least the minimum required level, the canine may be temporarily removed from active duty and placed into remedial training until the canine team can re-certify. Should a K9 team fail to re-certify after remedial training, the K9 Coordinator will make a recommendation to the Department for an appropriate disposition.

6. The Police Department's K9 program will be evaluated on an annual basis by the K9 Coordinator, and a written report provided to the Chief of Police.

D. HANDLER RESPONSIBILITIES

1. Canine handlers are responsible for carrying out all regular duties of their rank and primary assignment as patrol officers, in addition to their canine responsibilities.

2. Canine handlers are personally responsible for maintaining their canine in a clean, well-groomed, and healthy state of readiness. This responsibility shall include, but is not limited to, the following:

   (a) Frequent maintenance and cleaning of the kennel and yard area where the canine is housed. This area must be kept sanitary and in a condition that prevents offensive odors;

   (b) Provision of food, water and general diet maintenance as prescribed by the department authorized veterinarian;

   (c) Grooming of the canine on a daily basis;

   (d) Daily inspection of the canine for signs of illness, disease or injury;

   (e) Exercise of the canine on a daily basis;

   (f) Ensuring general medical attention and maintenance of health care records, to include periodic checkups and vaccinations by the department authorized veterinarian;

   (g) Maintaining assigned vehicle and canine equipment in good condition; and

   (h) Preparing and maintaining written records regarding the activity, use, medical treatment and training of their assigned canine.

3. The premises, canine, and kennel assigned to officers who serve as handlers are subject to unannounced and periodic inspection by the Department to ensure the animal is properly fed, kenneled, exercised, and healthy.

4. When the handler is unable to perform these and related duties due to illness, injury, vacation or other leave, another pre-selected canine handler may be assigned to temporarily care for the animal, or the canine may be housed in a departmentally approved kennel when the handler is unavailable. No other officer shall work the canine.

5. At no time will the handler take the canine away from home other than while on duty or call out, authorized training, or as otherwise approved by the Department.

6. Police canines shall be kept out of restaurants, businesses, and public buildings, except when required in the conduct of official police business. Reasonable precautions should be taken to prevent the dog from urinating or defecating inside a building.

7. Police canines are not permitted inside Police Headquarters unless present for a legitimate purpose under the immediate on-lead control of the handler. A kennel is provided at the Police Department to temporarily house canines while the handler conducts routine business.

8. Handlers are responsible for the protection of others from the canine and shall take reasonable precautions to ensure that their canine does not present a hazard to other employees or members of the public. They shall restrain or muzzle the canine as necessary to prevent unnecessary injury to persons.

9. Handlers will not permit anyone (including unauthorized officers) to feed, pet or hug their canine without their permission and immediate supervision. Should a citizen or officer express a desire to do so, the person should be informed that police canines are serious working dogs and specially trained to protect their handler, and that they can be dangerous if improperly approached.

10. Police canines will be primarily housed at the handler's residence in the outdoor kennel provided by the Department. The handler may, at their discretion, house the canine inside their private residence or other protected area during periods of severe or inclement weather. Handlers are cautioned, however, that canines must remain acclimated to seasonal conditions in order to perform efficiently during deployments. While at the handler's residence, the canine shall be under the handler's direct control or safely contained in the kennel.

11. At no time will a police canine be left alone with department or civilian personnel without the handler being present.

12. An ill or injured dog shall be reported to the handler's shift supervisor and K9 Coordinator. If the canine will be out of service for longer than one week, the Field Operations Bureau Commander will be notified. If the veterinarian deems the dog temporarily unfit for duty, the handler shall perform normal patrol duties on the current shift assigned.

13. Handlers will maintain accurate written records that document all canine activity, training, deployment and veterinary care. This information will also be entered into the Department's computerized tracking system. This information will be readily available to canine officers, the K9 Coordinator, and others who may need it to seek a search warrant. All canine activity reports and documentation shall be reviewed by the K9 Coordinator on a weekly basis.

14. Handlers will reflect an appropriate professional image through their level of performance, maintenance of equipment, and proper care of the assigned animal.

E. K9 VEHICLES AND EQUIPMENT

1. Canine handlers will be assigned a marked patrol vehicle specially equipped for canine operations, to include canine transport system, temperature monitor, and remote deployment system. Vehicles assigned for K9 use will be operated only by a trained handler unless the canine is not present in the vehicle.

2. Handlers will be provided with training in the use of all specialized canine equipment installed in the vehicle, and in the general use of the vehicle in support of canine operations. The handler shall ensure that all specialized equipment installed in the vehicle is properly maintained in a fully functional condition, and that the vehicle is kept clean and sanitary.

3. Patrol vehicles assigned to K9 teams will be equipped, inspected and maintained in accordance with the applicable provisions of General Order 600-04 (Fleet Management).

4. Patrol vehicles assigned to K9 teams will not be used to transport prisoners who resist arrest or are combative, agitated, or intoxicated and disruptive. In such instances, a regular patrol unit should be requested to provide transport assistance. Any prisoner transported by a K9 team shall be handcuffed with hands behind their back and secured with lap and shoulder belt in the front passenger seat, unless the K9 vehicle is equipped with a 3/4 kennel that includes a secure prisoner transport area. All prisoners transported in the K9 vehicles equipped with the 3/4 kennel will be properly restrained and seated in the secure area. Patrol vehicles assigned to K9 teams will not be used to transport persons taken into police custody for the purpose of mental evaluation or commitment.

5. If a canine unit is the initiating vehicle in a pursuit, it shall relinquish the pursuit to the first marked unit available. The use of K9 teams to respond to the scene of pursuit terminations will be at the discretion of the controlling supervisor based on the seriousness of the incident.

6. Canine handlers will be equipped with functional utility uniforms commensurate with their specialized duties and responsibilities. The utility uniform may be worn when performing regular patrol duties, however the standard departmental uniform must be worn when attending court or other judicial proceedings.

7. Canine teams will be provided with specialized equipment necessary to conduct safe and effective operations and training. The handler will be responsible for the proper care and security of issued equipment and shall notify the K9 Coordinator of any needed replacement or supplemental equipment. Issued equipment may include but is not limited to: canine first aid kit, protective armor, equipment bag, muzzle, collars, leads, harness, water containers, canine badge, and training aids.

F. DEPARTMENTAL REQUESTS FOR K9 ASSISTANCE

1. Requests for assistance by Kannapolis Police Department personnel for an on-duty canine team will be made directly from the officer requesting the unit via the Communications Center, subject to cancellation by supervisory personnel. The use of K9 teams should be considered in the following situations:

   (a) Crimes in progress;
   (b) Fleeing felony suspect;
   (c) Officer needs emergency assistance;
   (d) High risk warrant service;
   (e) Situations where a suspect is hiding, either in a building or in an open area.

2. In the event that an on-duty K9 team is not available to respond to a request for canine assistance, the on-duty field supervisor shall evaluate the circumstances surrounding the request and determine if the call out of an off-duty K9 team is warranted. If so, the supervisor may authorize such call out. An on-call schedule will be developed by the K9 Coordinator and provided to the Communications Center. The off-duty call out of a K9 team will be considered a supplemental duty assignment and governed by the applicable provisions of General Order 200-06 (Supplemental Duty).

3. At the time the request for assistance is made, the handler shall be advised of the nature and location of the incident, the type of canine assistance needed, and the name of the investigating officer in charge of the scene. The handler shall advise the Communications Center of his/her estimated time of arrival (ETA) to the scene. This information shall be relayed by the Communications Center to appropriate field units.

4. Upon arrival of the K9 team, the investigating officer in charge of the scene will brief the handler of the circumstances surrounding the incident and any dangerous conditions that exist. The handler shall be in charge of the search area in which the canine is to be deployed.

5. The canine handler will evaluate the circumstances of each situation and make a determination as to whether or not the canine should be used. The canine handler is the most qualified individual to determine when and how his canine should be deployed. When the canine handler determines that the canine should not be deployed, he/she will explain the reason(s) to the investigating officer in charge.

G. APPROVED USES OF AGENCY CANINES

1. Tracking: A canine can assist in tracking lost/missing persons and criminal suspects. The dog can track a human scent provided conditions are suitable. This tracking ability may be utilized in instances such as burglaries, armed robberies, and other serious cases deemed appropriate by the canine handler. All tracking will be conducted on-lead.

    (a) Officers should keep all persons (including other police officers) out of the area where the person sought was last sighted to prevent scent contamination. Unless the suspect is in sight, officers should not attempt to follow a suspected trail or search the area;

    (b) The supervisor at the scene will be responsible for setting up a perimeter around the area to be searched. This area should be secured to the extent possible and no one allowed to enter;

    (c) A back-up officer will be assigned to assist the canine handler if needed. In such cases, the K9 handler will provide specific instructions for the assisting officer(s).

2. Evidence/Article Search: The canine may be used to search for articles that are evidence in a criminal investigation. When this service is contemplated, every effort should be made to avoid contamination of the area with human scent caused by the presence of unnecessary people, including police officers. If the search is conducted off-lead, the handler will assure that the area is cordoned off prior to beginning the search. The handler is responsible for the safety of innocent persons in the area. Requests to search for lost articles that have no evidentiary value must be approved by the Chief of Police or his designee.

3. Building Searches: A canine can assist in searching an otherwise occupied building or enclosure for the presence of a hidden criminal suspect. When the services of a canine unit are contemplated for a building search, every effort should be made to avoid contaminating the scene the presence of unnecessary people, including police officers. Officers will only enter a building that is being searched by a canine team when either the handler has summoned assistance or it has become apparent that the handler needs assistance and is incapable of summoning that assistance. Establishing a perimeter around the building to be searched is the responsibility of the supervisor at the scene.

    (a) The building should be secured and no one allowed entry.

    (b) If practical, the building owner or tenant should be brought to the scene before a building search begins to advise officers about the operation of the ventilating and

heating systems, building entrances, potential hazards, security measures, and to verify if any authorized persons may be in the building.

(c) The search will be conducted on-lead unless there is probable cause to believe that the suspect has committed a felony offense. If the handler is uncertain whether or not an innocent person may be inside, he will keep the dog on-lead.

(d) Before a canine is released into a building off-lead, the following warning must be given three (3) times by the use of a bullhorn or PA system: "THIS IS THE KANNAPOLIS POLICE DEPARTMENT CANINE UNIT. SURRENDER IMMEDIATELY OR I WILL RELEASE MY DOG, AND IT WILL FIND YOU AND BITE YOU." The handler must ensure that the suspect has ample time to comply. *(Note: Where there is a reasonable belief that the suspect speaks a language other than English, an officer or other individual fluent in that language should be summoned to the scene if available and the exigency of the situation permits).* If no one emerges from the building within a reasonable time after the final warning, the canine may be released. This procedure may be waived if there is probable cause to believe that an armed and dangerous suspect is present and that an announcement would unreasonably jeopardize the safety of the canine.

4. Area Searches: A canine can assist in searching a limited outdoor area for the presence of a hidden criminal suspect. When the services of a canine unit are contemplated for an area search, every effort should be made to avoid contaminating the scene by the presence of unnecessary people, including police officers. Officers will only enter the area that is being searched by a canine team when either the handler has summoned assistance or it has become apparent that the handler needs assistance and is incapable of summoning that assistance. Establishing and maintaining a secure perimeter around the area to be searched is the responsibility of the supervisor at the scene.

(a) The area should be secured and no one allowed entry.

(b) If practical, the property owner or tenant should be brought to the scene before an area search begins to advise officers about any security measures or hazards, and to verify if any authorized persons may be in the area.

(c) The search will be conducted on-lead unless there is probable cause to believe that the suspect has committed a felony offense. In cases where the handler is uncertain whether or not an innocent person may be in the search area, he will keep the dog on-lead.

(d) Off-lead area searches to locate felony suspects may be conducted ONLY if the area to be searched is fully enclosed by a continuous physical boundary such as a fence, walls, or other structures.

(e) Before a canine is released into an area off-lead, the following warning must be given three (3) times by the use of a bullhorn or PA system: "THIS IS THE KANNAPOLIS POLICE DEPARTMENT CANINE UNIT. SURRENDER IMMEDIATELY OR I WILL RELEASE MY DOG AND IT WILL FIND YOU AND BITE YOU." The handler must ensure that the suspect has ample time to comply. *(Note: Where there is a reasonable belief that the suspect(s) speaks a language other than English, an officer or other individual fluent in that language should be summoned to the scene if available and the exigency of the situation permits).* If no one emerges from the area within a reasonable time after the final warning, the

canine may be released. This procedure may be waived if there is probable cause to believe that an armed or dangerous suspect is present and that an announcement would unreasonably jeopardize the safety of the canine. When the handler releases the canine to search, he will notify all perimeter units that the canine is off lead searching.

5. Controlled Substance Searches: The use of a canine for the detection of controlled substances is an invaluable tool for drug enforcement as long as the activity is conducted within legal parameters. The dog's ability to detect controlled substances is directly related to the availability of the odor, and the time and environment of the odor.

   (a) Prior to using a canine to search for drugs, the authorizing officer must make the determination that there is at least reasonable suspicion (based on articulable facts) that illicit drugs may be found;

   (b) If a person or vehicle to be searched for drugs is the subject of an investigative detention, a determination must be made that the detainment is legally proper and, if a search warrant is required, it must be constitutionally permissible. No action shall be taken which would exceed the authorized scope of the search. The canine handler will have the ultimate responsibility in deciding as to the propriety of a canine drug search and may decide at any point that such a search is no longer justified;

   (c) Canine drug searches shall be conducted on-lead with all persons removed from the area the canine will be searching. A canine search of a vehicle shall be conducted on lead and only after all occupants of the vehicle have been removed to a safe location. A request for canine search for controlled substances should be made with as much advance notice as possible;

   (d) Subject to the restrictions outlined in this policy, a canine drug search that does not intrude into an area, container, or vehicle where the suspect has a recognized right of privacy can be conducted at any time;

   (e) A canine drug search in a public place, or in a vehicle or on premises with the consent of the occupant in charge, can be conducted at any time;

   (f) A canine drug search shall NOT be conducted on the curtilage of a dwelling or inside private premises unless the occupant in charge gives consent, a search warrant has been issued, or exigent circumstances exist to support a lawful warrantless search of private premises;

   (g) A canine drug search can be conducted on the "open fields" portion of private premises, or in halls, parking lots, or common use areas of residential housing only if reasonable suspicion exists that controlled substances may be present;

   (h) Canines trained to alert by biting or scratching shall not be used to search for controlled substances on the person of a suspect. A canine trained to alert by sitting or other method that does not involve touching a suspect may be used to search for controlled substances on a person ONLY if reasonable suspicion exists to believe the person may possess a controlled substance;

   (i) A canine drug search of a container or inside a vehicle may be conducted with the consent of the possessor, or when the vehicle or container is in a public place or a

place controlled by a consenting third party. Upon a determination of reasonable suspicion that a container holds controlled substances, the container or vehicle may be detained but not opened for a period not to exceed one (1) hour absent unusual circumstances justifying an extension of time. If reasonable suspicion exists to believe the controlled substances are inside a vehicle or container, the handler is authorized to remove all containers from the vehicle to facilitate a canine search or request cooperation from occupants that they leave the vehicle during the search if feasible;

(j) A canine drug search of a vehicle stopped during issuance of a traffic citation or at an authorized roadblock shall not significantly extend the time normally needed to process a traffic violator or conduct the vehicle check at a roadblock;

6. Canine Drug Searches and Inspections in Public Schools: The use of police canines trained in narcotics detection can be a very beneficial tool to deter the possession of illegal drugs on school grounds. For the purpose of conducting activities pursuant to this policy, procedures have been established that distinguish between canine searches and canine inspections or "sniffs." Federal case law has established that a canine "sniff" is not, in itself, a search within the meaning of the fourth amendment.

(a) Searches: A canine drug search on school premises may be conducted at any time if officers possess a valid search warrant or have probable cause to search based on a recognized exception to the search warrant requirement. All such searches must be conducted in accordance with prevailing law and departmental policy, and with due regard for the safety of students, faculty and other innocent persons. To the extent feasible, canine drug searches shall be coordinated in advance with the school principle or his/her designee and the assigned School Resource Officer.

(b) Inspections: A canine inspection (i.e., "sniff") may be conducted ONLY upon the specific written request of the school principal or his/her designee. Canine inspections normally involve walking the canine around classrooms, hallways, locker rooms, parking lots, and similar areas. All requests for canine inspections will be routed to the K9 coordinator, who will evaluate the specifics of the request to ensure compliance with the provisions of this Order, and coordinate the scheduling and assignment of a K9 handler based on prevailing workload and staffing demands. The following special procedures will apply:

(1) All students will be removed from the area to be inspected. There shall be no interaction between students and the canine;

(2) Handlers will simply walk the canine around the area in an orderly fashion. At no time will the canine be given the command to "search" for drugs. All inspections will be conducted on-lead.

(3) The handler will not move, open or otherwise disturb any vehicles, lockers, book bags, desks, or other articles.

(4) If the canine alerts on an article, the principal or his/her designee will be advised by the K9 handler or SRO accordingly. The decision to search an item will be up to school authorities. Neither the handler nor any other Kannapolis Police Officer will participate in a search of the item. School

officials have the statutory authority to search any person, item or vehicle on school property based on reasonable suspicion.

(5) Any criminal charges arising from a canine inspection and subsequent search by school officials will be handled by the SRO or assigned officer, working in close coordination with school authorities.

(6) All canine inspections on school property and the results of such inspections will be fully documented by the K9 handler and a written report forwarded via the chain of command to the K9 Coordinator and Chief of Police.

7. Crowd Control: Canines shall not be used or displayed in a manner that would frighten or intimidate persons who are demonstrating, picketing or congregating in a lawful and peaceful manner. A canine can be used for crowd control if criminal rioting is occurring or imminent, and canines may be deployed as a back-up unit for public disturbance calls to protect an officer whose safety is jeopardized. Canines used in crowd control must be short leashed at all times unless the canine is used as force to prevent an imminent threat of death or serious bodily injury.

   (a) No police canine will be deployed for crowd control without the prior knowledge and authorization of the ranking on-duty field operations supervisor or higher authority;

   (b) The handler will ensure that the dog remains a reasonable distance from the nearest person in the crowd being dispersed;

   (c) The handler will not affect any arrest without the assistance of a back-up officer. Under no circumstances should the handler attempt to handle an arrestee and his dog simultaneously;

   (d) If possible, a police photographer or video operator will be present when police dogs are utilized in crowd control.

8. Seizing Fleeing Suspect & Preventing Escape: A canine shall not be used to seize or prevent the escape of a fleeing suspect unless probable cause exists to believe the suspect has committed a felony offense OR poses an imminent threat of death or serious injury to others unless apprehended without delay. The following specific regulations will apply:

   (a) If the crime was not committed in the handler's presence, the handler must ensure that probable cause exists that the suspect has committed a felony offense or poses an imminent threat of death or serious injury to others unless apprehended without delay.

   (b) Before the canine is released, every reasonable step will be taken to ensure that the person to be apprehended is actually the suspect.

   (c) When practical, and before releasing the canine, the handler will warn the suspect by announcing in a loud and clear voice, "POLICE OFFICER, STOP NOW OR I WILL RELEASE MY DOG."

(d) A canine shall not be used to seize or prevent the escape of a person the officer knows or has strong reason to believe is under 16 years of age, or is feeble, mentally or physically incapacitated, or highly intoxicated unless the crime committed is a felony threatening or inflicting serious physical harm.

(e) A canine apprehending a suspect must be commanded to disengage as soon as the suspect indicates submission or is safely under control.

9. Officer Protection: A police canine may be used to assist another officer who needs help while being overpowered by an assailant. The handler will have the responsibility to keep the dog on-lead at all times to ensure that the dog remains at a reasonable distance from persons not directly involved. The handler will not induce a dog to bite unless it is necessary to protect the officer from imminent harm. If the handler's safety is in jeopardy, the dog may be used to protect the handler.

10. Warrant Service: Canine teams may be used to assist in serving warrants if the warrant is for a felony offense involving the use or threatened use of force or violence and it is believed that the suspect may flee to avoid arrest.

11. Tactical Operations: Canine teams may be used to assist the Special Response Team in conducting tactical operations, with the authorization of the Incident Commander. No police canine will be used to perform any action for which the canine team, working in conjunction with the SRT, has not been properly trained and equipped to carry out.

H. USE OF CANINE FORCE

1. Although the use of a police canine is not regarded as deadly force, the utmost discretion must be used when releasing a canine to apprehend a fleeing suspect. Use of canine force is restricted to circumstances where substantial force is necessary and justified for public protection and officer safety.

2. In no case shall a police canine be used to forcibly seize or prevent the escape of a fleeing suspect wanted only for a misdemeanor offense or infraction, unless the officer reasonably believes that the person presents an imminent danger to others unless apprehended without delay.

3. The use of a police canine to physically seize (bite) a suspect constitutes a use of force and must be in reported in accordance with the applicable provisions of General Order 600-01 (Use of Force).

I. BITES AND INJURIES CAUSED BY POLICE CANINES

1. In all instances where a police canine bites or injures a person, or damages private property, either on or off duty, the handler and ranking officer at the scene are jointly responsible for the following:

(a) Render first aid to the injured person, including transportation to a medical facility if needed;

(b) Immediately notify the ranking on-duty patrol supervisor of the incident;

(c) Arrange to have color photographs taken of the injury or damage as soon as practical;

(d) Arrest the person bitten or injured if/when appropriate;

(e) Complete and submit all applicable written reports (e.g., incident report, use of force report, etc) to the on-duty patrol supervisor prior to the end of the shift on which the injury or damage occurred;

(f) Contact the departmental veterinarian within 24 hours (or the next regular business day) following a bite or injury to obtain a review of the canine's vaccination record and evaluate the need for examination of the canine.

2. The ranking on-duty patrol supervisor shall conduct a full investigation of the circumstances and submit a written report of the findings via the chain of command to the Chief of Police and K9 Coordinator.

J. SPECIAL PROCEDURES – INCAPACITATION OF K9 OR HANDLER

1. Incapacitation of the handler:

(a) Police canines are trained to protect their handler, even when the handler is incapacitated (injured or killed) and incapable of controlling the animal. In the event that the handler is incapacitated and it becomes necessary to remove the canine from the scene, the ranking on-duty patrol supervisor will evaluate the situation and determine the best method of restraining and removing the canine.

(b) Priority consideration will be given to requesting assistance from another canine handler and/or the departmental veterinarian in safely restraining the canine. Every possible effort to control and restrain the dog without injury will be made. However, the safety of the handler, other officers, and the public is the primary consideration in the method and timeliness of removing the canine.

(c) Any attempt to remove the canine that may result in the animal being seriously injured or destroyed will be considered only as a last resort.

2. Incapacitation of the canine:

(a) North Carolina law (GS 14-163.1) provides that it is a Class I felony to willfully cause the serious injury or death of a law enforcement animal (other than in lawful self defense). Appropriate criminal changes, based on probable cause, shall be filed against any person who commits an unlawful assault on an agency canine.

(b) The serious injury or death of a police canine will be investigated by the Department. The Criminal Investigation Division will conduct the investigation if there is any evidence or indication that the injury or death was the result of a criminal act. The K9 Coordinator will conduct an administrative investigation of any injury or death not resulting from a criminal act. A copy of the investigative report will be forwarded via the chain of command to the Chief of Police.

(c) When necessary, necropsy may be conducted by the departmental veterinarian to determine the cause of death. The postmortem report will be provided to the investigating officer for inclusion with the investigative report.

K. MUTUAL AID USE OF K9 TEAMS

1. The use of departmental K9 teams to provide mutual aid assistance outside the City of Kannapolis will generally be limited to the following types of cases:

    (a) Law enforcement officer killed, seriously injured, or feloniously assaulted in the performance of duty;

    (b) Life or death situations requiring emergency assistance;

    (c) The commission of a crime dangerous to life which requires the utilization of all available resources for immediate apprehension of the offender;

    (d) Search for endangered missing persons or lost children when the use of a canine for tracking would be of value;

    (e) Drug cases in which a drug detection canine can be used to locate illegal controlled substances;

    (f) Any other serious incident that the ranking on-duty field operations commander feels would warrant the mutual aid use of a K9 team.

2. The ranking on-duty patrol supervisor must approve all requests from outside agencies for mutual aid assistance that meet the above criteria.

3. All grants of assistance provided pursuant to a mutual aid request must conform to the legal and procedural requirements specified in General Order 100-02 (Mutual Aid).

L. VETERINARY SERVICE AND BOARDING

1. Veterinary services for police canines are provided under agreement with a veterinary facility approved by the Department. All medical arrangements shall be made directly by the handler with the veterinarian in accordance with the terms of the agreement.

2. Handlers will be responsible for ensuring that the canine adheres to an approved diet and is provided with proper medical care, including vaccinations and periodic exams in accordance with the direction of the departmental veterinarian.

3. Canines shall be boarded, when necessary, only at department approved kennels or veterinary facilities. The handler shall submit all requests for boarding to the K9 Coordinator. The boarding agent shall be instructed not to release the canine to anyone except the handler without the written authorization of the Department.

4. If the canine is ill or injured, the departmental veterinarian shall determine if the canine should work. This determination should be made as soon as possible prior to the start of a regular scheduled workday. The handler will be responsible for notifying his/her supervisor when the canine cannot be used due to illness or injury.

M. CANINE DEMONSTRATIONS

1. Canine teams may be used for public demonstrations with the approval of the Field Operations Commander, and with the concurrence of the K9 Coordinator and handler(s) that the proposed demonstration does not pose an unreasonable risk to the public or the police canine.

2. Each request for a public demonstration must be carefully evaluated to ensure that the proposed demonstration is appropriate for the facility to be used and the intended audience.

3. Canine demonstrations may not be conducted for the purpose of fund raising or selling admission to an event.

N. USE OF CONTROLLED SUBSTANCE TRAINING AIDS

1. In order to maintain the canine's proficiency in the detection of controlled substances, scent training is needed that uses drugs such as marijuana and cocaine. Toward this end, the Department has acquired a DEA license that authorizes the acquisition of certain drugs directly from the DEA laboratory if needed. The agency may also request that the judicial system turn over controlled substances to the agency pursuant to a valid court order for use of training aids.

2. If training drugs are obtained pursuant to the DEA license (i.e., "licensed drugs") those licensed drugs shall be stored in a secure area and handled separately from all contraband or evidentiary drugs. Evidentiary narcotics turned over by the courts will also be stored in the same locker however in a different container as the DEA licensed drugs. If drugs are obtained by the courts, the appropriate disposition forms have to be included in the receipt file. In no case shall any drugs designated for training purposes be combined or co-mingled with evidentiary drugs.

3. To protect the integrity of the agency and all personnel involved in or assisting with the K9 training program, the Department has established detailed procedures governing the use of all drugs to ensure the following:

   (a) Appropriate records are kept along with monthly verifications;
   (b) Access to the drugs is limited to authorized personnel only;
   (c) A procedure for obtaining and returning drugs is strictly adhered to; and
   (d) The drugs are obtained and disposed of in accordance with applicable law and federal regulations.

4. The Field Operations Commander will be responsible for maintaining the appropriate controls and accounting records for licensed drugs as required by federal law, and for ensuring agency compliance with all DEA requirements. A DEA file containing the agency license, copies of applicable code of federal regulations, forms, internal agency procedures, individual drug accounting records, and monthly audit reports will be maintained in a secure area.

5. The Field Operations Commander will conduct monthly audits of all drugs. Audit reports will be filed and maintained in a secure area within the Field Operations Commander's Office. Copies of the monthly audit report will be provided to the Chief of Police. Should a discrepancy be found, the Field Operations Commander will immediately document the discrepancy and notify the Chief of Police. Appropriate internal investigation will be made into all reported or suspected discrepancies or violations of procedure involving the use or accounting of all drugs used for training purposes.

6. When DEA licensed drugs are no longer needed or useful, the Field Operations Commander will complete DEA Form #41 detailing the type and amount of drug to be surrendered or destroyed, and then contact DEA requesting an appropriate disposition. If

the drugs to be destroyed were turned over by the judicial system, the initial evidence sheet will be completed to show the destruction by the evidence custodian.

7. The following procedures shall apply to the use of narcotics for K9 training:

    (a) The handler has sole responsibility for the proper security and use of the narcotics while in his/her possession.

    (b) Base amounts may be obtained by the DEA and secured in the secure canine locker. An evidence form will be prepared to show receiving the narcotics. Canine receipts will then be completed showing amounts issued to the handlers from this base amount.

    (c) Base amounts obtained pursuant to a valid court order will be secured in the secure canine locker. An evidence form will be prepared to show receiving the narcotics. Canine receipts will then be completed showing amounts issued to the handlers from this base amount.

    (d) The handler may check out a “base amount” of narcotics for training from the Field Operations Bureau Commander. The narcotics must be secured within the individual secured containers (Pelican case) in addition to the secured storage locker (Rat Pack) within the vehicle. This allows for a double locked container for storage. The storage locker within the vehicle must be secured at all times whether on-duty or off-duty.

    (e) Monthly verifications must take place conducted by either the Field Operations Bureau Commander or the K9 Coordinator.

    (f) At no time will the handler leave town (e.g. vacation, etc) or be unavailable for immediate recall to the Police Department when in possession of any narcotics.

    (g) Handlers shall not allow anyone to handle or display training drugs except in the course of approved K9 training.

    (h) Narcotics used as training aids will not be left unsecured or unattended at any time.

    (i) If at any time, any drugs become damaged, lost, or destroyed during training, the handler shall immediately notify the K9 Coordinator and Field Operations Commander.

8. Procedures for Checking Out and Returning Drugs Used for Training:

    (a) Only the K9 Coordinator and K9 handlers will be authorized to check out drugs for use in K9 training. To obtain drugs, regardless of original source, the handler should contact the K9 Coordinator or Field Operations Bureau Commander.

        (1) The Field Operations Bureau Commander or K9 Coordinator will open the locker containing the type of drug requested.

        (2) The drug will be weighed in the presence of the requesting handler.

(3) The Field Operations Bureau Commander or K9 Coordinator will complete the top half of the receipt form and appropriate balance sheet;

(4) The Field Operations Bureau Commander or K9 Coordinator will sign the form and obtain the signature of the handler acknowledging receipt.

(b) When training drugs are returned, the Field Operations Bureau Commander or K9 Coordinator will either receive the drugs directly from the handler or retrieve the drugs from the evidence locker.

(1) Narcotics returned during normal business hours should be submitted directly to the evidence control officer. Narcotics returned after normal business hours are to be deposited in a secure evidence locker for retrieval by the evidence control officer on the next business day.

(2) The Field Operations Bureau Commander or K9 Coordinator will weigh the drugs (in the presence of the handler if received directly) and indicate the amount and type of drug returned on the lower portion of the check out sheet.

(3) The evidence officer will have the handler sign the check-out form verifying return or will indicate which evidence locker the drugs were retrieved from.

(c) A copy of the check out and return procedures will be provided to each K9 handler and the evidence control officer, and a copy maintained internally.

(d) These procedures shall be strictly observed by all personnel involved in the handling or accounting of licensed drugs. All forms are to be maintained internally for inspection and/or audit by authorized command personnel.

O. CONDUCT IN THE PRESENCE OF POLICE CANINES

1. The following rules will apply to all personnel when in the presence of police canines:

(a) Treat the dog as you would a dog owned by a friend. Be friendly, but not familiar.

(b) Do not pet the dog without the permission and presence of the handler.

(c) Respect the handler's wishes in regard to the dog.

(d) Stay away from the dog during aggression training or bite work.

(e) Stand still if you think you are about to be bitten.

(f) Avoid aggressive or sudden movements in the presence of the dog.

(g) Do not tease or try to agitate the dog.

(h) Do not try to entice the dog to break away or disobey commands.

(i) Do not use any command you have heard the handler use.

(j) Do not feed the dog.

(k) Do not engage in violent or simulated violent behavior toward the handler.

(l) Do not point a weapon or weapon facsimile at the dog or the handler.

(m) Do not stare intensely at the dog.

(n) Do not hug the dog or lean down closely to the dog's head.

(o) Do not get into a K9 vehicle unless directed to do so by the handler.

P. RETIREMENT AND RELIEF OF POLICE CANINES

1. When a police canine can no longer be utilized for law enforcement purposes because of age, health, injury, or other reason, the canine will be retired or relieved from service. A canine may also be relieved if the handler is transferred, promoted or retires and a decision is made by the Department not to retrain the dog for another handler. The decision to retire or relieve a police canine will be made by the Chief of Police in consultation with appropriate agency personnel.

2. The final disposition of police canines will be at the discretion of the City of Kannapolis based on input received from the Chief of Police, K9 Coordinator, assigned handler, department veterinarian, and other appropriate sources. When feasible and authorized by the City, the retired canine will be declared surplus property and offered to the last handler or other competent person. Any person taking possession of a retired police canine must first execute a written waiver releasing the City of Kannapolis from liability.

Q. TIMEKEEPING AND COMPENSATION ISSUES

1. K9 handlers will be credited with one (1) regular hour worked per day (including scheduled days off) for the time required to perform daily grooming and exercise/training of the assigned animal. This time will be credited in addition to the actual on-duty hours worked by the handler.

2. Patrol supervisors may, when feasible, adjust the on-duty work hours of K9 handlers under their command for the purpose of in-service K9 training or daily exercise/grooming in order to reduce the accrual of overtime. Overtime pay, if any, due to the handler will be calculated at the end of each work period in accordance with prevailing City payroll procedures.

3. The time required to complete authorized K9 training (other than daily exercise/training) will be verified by the K9 Coordinator and reported to the handler's immediate supervisor.

INDEX AS:

Canine (K9) Operations
K9 Coordinator
K9 Inspections
K9 Teams
K9 Searches
Mutual aid (K9)
Use of Canine Force

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER:	**600-16**
SUBJECT:	UNMANNED AERIAL SYSTEM (UAS) OPERATIONS
DISTRIBUTION	All Personnel
EFFECTIVE DATE:	05-11-2020
LAST REVISION DATE:	08-26-2020
BY ORDER OF:	Terry L. Spry, Chief of Police

PURPOSE

The purpose of this policy is to establish guidelines for the use of an unmanned aerial system (UAS) and for the storage, retrieval and dissemination of images and data captured by the UAS.

POLICY

It shall be the policy of the Kannapolis Police Department that duly trained and authorized agency personnel may deploy Unmanned Aerial Systems (UAS) to enhance the department's mission of protecting lives and property when other means and resources are not available or are less effective. Any use of a UAS will be in strict accordance with constitutional and privacy rights and Federal Aviation Administration (FAA) regulations.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Unmanned Aerial System (UAS): A system comprised of a ground-based controller(s), UAV, communication links, and human intervention.

2. Unmanned Aerial Vehicle (UAV): An unmanned aerial vehicle, commonly known as a drone, is an aircraft without a human pilot aboard. UAVs are a component of an unmanned aircraft system.

3. FAA: Federal Aviation Administration: A department within the federal government that oversees airspace within the United States.

4. NC DOT Aviation Division: A division within state government that oversees aviation system within the State of North Carolina.

5. AGL: Above Ground Level, the distance between an object (such as a UAV) and the ground surface in feet.

6. Part 107: An FAA endorsement allowing commercial or governmental use of UAS technology focusing on following a strict set of guidelines and procedures.

7. FLIR: Forward Looking Infrared Camera, a specialized camera payload on some UAVs that allow the UAS operator to see heat signatures.

8. Civil Twilight: a period of time 30 minutes prior to sunrise and 30 minutes from sunset.

9. RPC: Remote Pilot in Command, the person responsible for all flight activities during any given flight.

PROCEDURES

A. PRIVACY

1. The use of the UAS involves privacy considerations. Operators and observers shall not intentionally record or transmit images of any location where a person would have a reasonable expectation of privacy (e.g., residence, yard, enclosure). Operators and observers shall take reasonable precautions to avoid inadvertently recording or transmitting images of areas where there is a reasonable expectation of privacy. Reasonable precautions can include, for example, deactivating or turning imaging devices away from such areas or persons during UAS operations.

2. UAVs shall not be used to intentionally look into structures (through windows, skylights or other means) unless a search warrant authorizes the use of UAS technology.

3. If an unintentional recording of an area deemed to have an expectation of privacy occurs, then those recordings shall be destroyed in accordance with the retention policy of such images.

4. Using a UAV to search for missing persons, wanted persons who have fled law enforcement, and other exigent circumstances shall be an exclusion to reasonable expectation of privacy provided the use of the UAS does not reach beyond the scope of the mission.

5. No UAV shall be used to secretly record images of persons or property for personal means.

6. FLIR technology shall not be used to look through structures or at structures emitting high levels of heat, unless a search warrant specifically authorizes such use on a case by case basis.

B. PROGRAM COODINATOR

1. The Chief of Police will appoint a designee who will be responsible for the management of the UAS program at the department level. The designee will be responsible for the following responsibilities:

(a) Ensure that policies and procedures conform to current laws, regulations and best practices;

(b) Ensuring that all authorized operators and required observers have completed all required FAA and office-approved training in the operation, applicable laws, policies and procedures regarding use of the UAS;

(c) Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents. Deployment of a UAS shall require a request from the ranking on-duty supervisor;

(d) Developing an operational protocol governing the deployment and operation of a UAS including, but not limited to, safety oversight, use of visual observers, establishment of lost link procedures and secure communication with air traffic control facilities;

(e) Developing a protocol for fully documenting all missions;

(f) Developing a UAS inspection, maintenance and record-keeping protocol to ensure continuing airworthiness of a UAS, up to and including its overhaul or life limits;

(g) Developing protocols to ensure that all data intended to be used as evidence are accessed, maintained, stored and retrieved in a manner that ensures its integrity as evidence, including strict adherence to chain of custody requirements. Electronic trails, including encryption, authenticity certificates and date and time stamping, shall be used as appropriate to preserve individual rights and to ensure the authenticity and maintenance of a secure evidentiary chain of custody;

(h) Developing protocols that ensure retention and purge periods are maintained in accordance with established records retention schedules;

(i) Facilitating law enforcement access to images and data captured by the UAS;

(j) Recommending program enhancements, particularly regarding safety and information security;

(k) Ensuring that established protocols are followed by monitoring and providing periodic reports on the program to the Chief of Police.

C. SELECTION PROCESS

1. Employees interested in becoming a UAS operator can submit a memo of interest to their direct supervisor when the Chief of Police, or his/her designee, disseminates an opening on the UAS team.

2. Supervisors shall give a recommendation as to whether the employee is able to perform UAS operations, and the recommendation shall include:

   (a) A review of performance evaluations;
   (b) Technical abilities;
   (c) A review of professional training.

3. Memos will be given to the command staff for review and recommendations.

4. Applicants shall meet the minimum requirements set forth by the FAA Part 107 endorsement and NCDOT UAS license or possess the ability to be able to complete all applicable testing and licensing by the FAA and NCDOT.

5. The Chief of Police will appoint all UAS operators. The Chief of Police will also appoint a department designee to oversee the UAS program at the department level.

6. The Department will maintain a minimum of two (2) UAS operators at any given time.

D. TRAINING

1. UAS endorsements are overseen by the Federal Aviation Administration (FAA). All UAS operators are required to have a Part 107 endorsement from the FAA before taking flight.

2. UAS operators are required to possess a certification from the North Carolina Department of Transportation prior to taking flight.

3. Certifications and Endorsements are valid for 2 years and continued training is required to maintain those certifications and endorsements.

E. USE OF UAS

1. Only authorized operators who have completed the required training shall be permitted to operate the UAS.

   (a) Part 107 endorsement;
   (b) NC DOT certification;
   (c) Authorized Department UAS operator.

2. The Department recognizes that UAS Technology is evolving and as such the uses of the technology is rapidly growing. The Department currently recognizes that UAS Technology can be used for:

   (a) Search and Rescue;
   (b) Locating persons who have fled law enforcement;

(c) Crime scene evidence collection;
(d) Traffic Crash Reconstruction;
(e) SRT missions.

3. The ranking on-duty supervisor can authorize the use of a UAS outside of normal uses, as long as it conforms to the Part 107 guidelines, state and constitutional laws, and Department policies. UAS operators have ultimate discretion in determining when it is lawful to fly. RPCs are responsible for all flight activities and are subject to FAA inspection.

4. Use of vision enhancement technology (e.g., thermal and other imaging equipment not generally available to the public) is permissible in:

   (a) Viewing areas only where there is no protectable privacy interest;
   (b) When in compliance with a search warrant or court order;
   (c) In exigent circumstances in searching for missing endangered persons;
   (d) In a search for known dangerous criminals who have fled law enforcement;
   (e) In all other instances, legal counsel should be consulted.

F. PROHIBITED USE

1. The UAS video surveillance equipment shall not be used:
   (a) To conduct random surveillance activities;
   (b) To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation;
   (c) To harass, intimidate or discriminate against any individual or group;
   (d) To conduct personal business of any type.

2. The UAV shall not be weaponized.

3. The UAV shall not be utilized outside of the Part 107 rules and regulation.

G. PART 107 REGULATIONS AND WAIVERS

1. All UAS operators shall conform to the rules and regulations of their Part 107 endorsement from the FAA and any waivers authorized by the FAA.

   (a) Cannot fly any equipment weighing 55 pounds or more;

   (b) Operators must maintain VOLS (Visual Line of Sight), the ability to see the UAV without aid from any device other than corrective lenses;

(c) Cannot fly above people that are not actively participating in the operation of the UAS;

(d) Cannot fly outside of daylight hours without applicable waivers;

(e) Must yield to manned aircraft;

(f) Cannot fly at speeds greater than 100 MPH;

(g) Limited to 400 Ft AGL;

(h) Three (3) Statue Mile visibility;

(i) Each operator cannot fly more than one UAV at any given time;

(j) Minimum of at least 500 feet clearance between UAV and lowest cloud deck;

(k) Flying into restricted airspace without prior approval from Air Traffic Control;

(l) Consuming alcohol within the last 4 hours or any remaining alcohol or other impairing substance in the body;

(m) Knows or has reason to know of any physical or mental condition that would interfere with the safe operation of a small UAS.

2. The Kannapolis Police Department will maintain records of all Part 107 certificates and waivers.

3. All RPCs must make available to the FAA, upon request, the small UAS for inspection or testing, and any associated documents/records required to be kept under the rule.

4. Report to the FAA within 10 days of any operation that results in at least serious injury, loss of consciousness, or property damage of at least $500.

5. Conduct a preflight inspection, to include specific aircraft and control station systems checks, to ensure the small UAS is in a condition for safe operation.

H. UAS DATA

1. Data collected by the UAS shall be retained as provided in the established records retention schedule.

2. Flight Logs shall be uploaded to the database no less then monthly or as needed.

INDEX AS:

Searches
Special Purpose Vehicles
Traffic Collision Investigations
Unmanned Aerial Systems (UAS) Operations

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 700-01

SUBJECT: CRIMINAL INVESTIGATIONS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 06-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental policy and procedures to ensure the effective and efficient investigation of criminal activity and related incidents.

POLICY

It shall be the policy of the Kannapolis Police Department to conduct investigations into complaints of criminal activity to the maximum extent feasible in order to resolve complaints and present offenders for prosecution as directed by other elements of the criminal justice system. The preliminary inquiry into complaints of criminal activity will generally determine how and what decisions will be made concerning the continuation or termination of an investigation. All officers assigned to perform field duties, including both uniformed and investigative units, will have a general responsibility for conducting criminal investigations in accordance with prevailing law and the provisions of this General Order.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Preliminary Investigation: the activity that begins when officers arrive at the scene of an incident and continues until such time as a postponement of the investigation or transfer or responsibility will not jeopardize the successful completion of the investigation.

2. Follow-up Investigation: an extension of a preliminary investigation in which the purpose is to gain additional information in order to close a case, arrest an offender, and/or recover stolen property.

3. Primary Investigator: the police officer that has been assigned the primary responsibility and accountability for conducting a criminal investigation.

PROCEDURES

A. ADMINISTRATION

1. The agency's criminal investigation function will be performed by both uniformed officers and officers specializing in investigations. When a case is assigned for follow up investigation, a

record will be maintained that includes, but is not limited to, the name of the officer assigned, date assigned, case number, and current status of the case.

2. Uniformed officers will normally conduct preliminary investigations of all reported incidents, except in those instances when a plainclothes officer would be more effective. Uniformed officers will be assigned responsibility for follow-up investigations of certain incidents, as set forth in General Order 600-03 (Patrol Operations).

3. The Criminal Investigation Division (CID), under the supervision of the CID Commander, will serve as the primary investigative component for the Department in conducting follow-up investigations of major cases and, when appropriate, initiating preliminary investigations.

4. A primary investigator or case coordinator will be designated for each case to ensure accountability and establish investigative continuity. When feasible, officers will be assigned to the investigation of cases on the basis of expertise. Major cases requiring specialized skill will be assigned to investigators having the requisite ability and training. This does not preclude assigned officers from obtaining assistance from others but is intended to emphasize using the best-qualified officers available.

5. Uniformed officers may be temporarily assigned to the Criminal Investigation Division when staffing levels allow. Such assignment is intended to strengthen the investigative process, enhance the career development of uniformed officers and create a pool of potential investigators.

6. Each investigation will be assigned a case status designation in order to assist with case management and control. The status designations used by the Department will be “active”, “inactive”, or “closed”, as appropriate. Supervisory personnel will control the status of criminal investigations to ensure adequate investigative effort and conformance with the provisions of this directive. Squad/Division Commanders will maintain case assignment logs to track the current status of all cases assigned for investigation to their subordinate personnel.

7. Cases will be designated as “inactive” when all investigative efforts have been suspended, but the case has not been brought to a conclusion. The criteria for suspending investigative efforts include:

    (a) Lack of further leads or solvability factors;
    (b) Insufficient degree of seriousness of the offense;
    (c) Unavailability of investigative resources.

8. The officer assigned as primary investigator of a case will be responsible for maintaining contact with the victim during an active investigation. Contacts with victims are to be documented in the investigative file.

    (a) <u>Follow-Up Contact</u>: When a case is assigned to the officer taking the original report for follow-up investigation, the officer should re-contact the victim within five (5) calendar days of the initial investigation. If the case is assigned to another officer or component for follow-up investigation, the investigator should contact the victim within forty-eight (48) hours following assignment of the case. If the officer assigned to the case is unable to make follow-up contact within the guidelines specified above, the supervisor will reassign the case. Subsequent contacts will be at the officer's discretion,

dependent upon the nature of the offense, investigative leads, and other variables unique to the particular investigation.

(b) Change of Status: When the status of a criminal investigation is changed to inactive or closed, the victim will be notified by the officer in charge of the investigation as soon as practical. This notification can be made either orally or in writing. Subsequent contact with the victim may be made at the discretion of the investigator.

9. In addition to maintaining contact with victims, the primary investigator should also attempt to make follow-up contacts with other principals such as witnesses and complainants during follow-up investigations.

10. A system of case screening based on solvability factors will be used in the determination to continue an investigation. Command and supervisory personnel will evaluate all information collected in the preliminary investigation and will consider the collective value of the solvability factors as a determinant in such decision-making.

11. The decision to conduct a follow-up investigation, the extent to which it is carried out, and the resources to be used will be determined on a case-by-case basis. The criteria used to assign cases for follow-up investigation may include:

    (a) Value of solvability factors;

    (b) Seriousness of the offense;

    (c) Experience of the primary investigator; and

    (d) Research conducted within this agency, or research conducted by other criminal justice agencies.

12. Investigative case files will be maintained by the primary investigator on all active cases:

    (a) The investigative case file will contain a copy of the preliminary offense/incident report, statements from principals, results of examinations of physical evidence, and other reports or records pertinent to the investigation;

    (b) Investigative files are to be accessible for review by the supervisor and commanders of the assigned investigator;

    (c) Investigative files will be consolidated into the central records system or CID records system (as applicable) when the case status is designated inactive or closed;

    (d) If a case is turned over to the Criminal Investigation Division after follow-up investigation has been initiated by a uniformed component, the case file established by the uniformed officer is to be forwarded to the Commander of the Criminal Investigation Division;

    (e) All investigative files that are designated as either inactive or closed shall be maintained by the agency in accordance with the City of Kannapolis Municipal Records Retention and Disposition Schedule.

B. RESPONSIBILITY OF UNIFORMED OFFICERS

1. Uniformed officers will retain responsibility for conducting preliminary and follow-up investigations of criminal offenses as specified in General Order 600-03 (Patrol Operations) and in accordance with the applicable procedures outlined herein.

C. RESPONSIBILITY OF CID PERSONNEL

1. Members of the Criminal Investigation Division will be responsible for conducting follow-up investigations of cases referred to them, conducting preliminary investigations that may be initially assigned, and providing assistance in those investigations that are being continued by uniformed officers.

2. Since investigators are not assigned to duty shifts on a 24-hour basis or on weekends, the CID Commander will provide the Communications Center and Field Operations Commander with an on-call investigator duty roster.

3. Each officer assigned to the Criminal Investigations Division will prepare and submit a daily activity report. Such report is intended to provide a daily account of activities and serve as an administrative control.

4. Members of the Criminal Investigation Division will periodically attend patrol roll-call briefings in order to exchange information, enhance working relationships, and plan for joint operations.

D. CONDUCT OF INVESTIGATIONS

1. Investigations, Generally: Officers shall fairly and impartially investigate cases assigned to them. They will conduct their investigations in the most discreet manner possible, being mindful not to unnecessarily endanger the reputation of any person under investigation. The following general guidelines will apply to all criminal investigations conducted by agency personnel.

   (a) *Information Development*: Information may be developed from an unlimited number of sources. These may include witnesses, victims, neighbors, friends, other public agencies, other law enforcement agencies, and confidential informants. All information will be gathered and disseminated in accordance with established Departmental policies and procedures.

   (b) *Interviews and Interrogations*: Interviews may be conducted with persons that have knowledge about a certain aspect of a criminal investigation. Interrogations may be used for suspects and those persons directly involved in a criminal investigation. All interviews and interrogations will be conducted in conformance with prevailing legal and constitutional requirements.

   (c) *Plea Negotiations*: Officers are not to enter into plea negotiations with a suspect. Plea negotiations should be handled by the District Attorney's office. This does not prohibit officers from presenting the District Attorney with facts pertaining to the case, including information relating to surrounding circumstances, the defendant's conduct, statements, expression of attitude, etc.

(d) *Physical Evidence*: Physical evidence should be searched for, collected, and preserved when investigating any crime scene as set forth in General Order 1200-01 (Evidence Procedures). Investigators are to ensure that physical evidence collected from a scene is used in the development of the case.

(e) *Surveillance*: Surveillance may be used in the investigation of a crime when it is necessary to observe suspects and conditions in an unobtrusive manner. Surveillance may be used to create additional information involving the crime under investigation, gather additional intelligence information or observe new crimes being committed. Surveillance operations should follow the applicable guidelines established in General Order 700-03.

(f) *Use of Investigative Resources*: Officers should use resources available both within the Department and outside the agency when investigating criminal offenses. Types of Departmental resources include specialized technical assistance and polygraph testing. Outside resources include the State Bureau of Investigation, the State Medical Examiner's Office, and other law enforcement agencies.

2. Preliminary Investigations: Officers conducting preliminary investigations are to comply with the following steps, as appropriate:

   (a) Observe all conditions, events, and remarks;
   (b) Locate and identify all witnesses;
   (c) Maintain the crime scene and protect evidence;
   (d) Interview the complainant and witnesses;
   (e) Interrogate any suspects;
   (f) Arrange for the collection of evidence;
   (g) Effect any arrest, if possible; and
   (h) Report the incident fully and accurately.

3. Follow-Up Investigations: The following procedures are provided as a guide for conducting follow-up investigations and are to be used only in the event they are found to be necessary.

   (a) Review and analyze all previous reports prepared for the preliminary investigation;
   (b) Conduct additional interviews and interrogations;
   (c) Review any pertinent Departmental records;
   (d) Seek additional information from patrol officers, informants, etc;
   (e) Review laboratory results;
   (f) Arrange for dissemination of information, as necessary;
   (g) Plan, organize, and conduct searches, as needed;
   (h) Identify and apprehend suspects;
   (i) Collect any physical evidence available;
   (j) Determine involvement of suspects in other crimes;
   (k) Check suspects criminal histories;
   (l) Prepare for court presentation; and
   (m) Assist in prosecution.

4. Investigative Checklists: The Incident Report will serve as a satisfactory checklist in most investigations. However, more complex investigations may require additional effort and inquiry. To aid in ensuring that critical areas of investigation are not overlooked, investigative checklists

should be completed on all open cases that are over 60 days old. Checklists currently used by the agency include, but are not limited to, the following:

(a) Death Investigations;
(b) Sex crimes;
(c) Robberies;
(d) Major property crimes;
(e) Motor vehicle theft;
(f) Fraud investigations.

5. Use of Polygraph: The procedures for use of a polygraph in criminal investigations will be as set forth in the applicable provisions of General Order 400-03 (Polygraph Examinations).

6. Investigative Task Forces: Task forces established to conduct investigations into criminal activity, whether formed within the Department or as part of a mutual effort with other agencies, shall be governed by the following guidelines:

(a) Identifying the purpose of the task force;
(b) Defining authority, responsibilities, written agreements, and supervision;
(c) Establishing accountability;
(d) Identifying staffing, equipment and other resources;
(e) Provide officer safety training and information too include detailed identification procedures; and
(f) Evaluating results and the feasibility of continued efforts.

7. Field Interviews: Field interviews may be conducted for investigative purposes in accordance with the same guidelines established for patrol officers in General Order 600-03 (Patrol Operations). Records of field interviews will be purged when it is determined that they no longer have a legitimate police purpose.

8. Background Investigations: Background investigations are often conducted on persons who are suspects in certain crimes or for administrative purposes in connection with the issuance of certain business licenses and permits. The following procedures will apply to both types of investigations:

(a) The investigative report will indicate the purpose of the background investigation;

(b) Multiple sources of information will be utilized in order to provide a thorough investigation. These sources may include criminal history records, DMV records, past/present employers, credit history, business associates, personal references, and informants;

(c) Information collected from such investigations will be used and managed as police information. Distribution of such information will be in accordance with all applicable laws, policies, and procedures;

(d) Information collected as a result of a criminal investigation will become part of the investigative file and will be retained in accordance with law and departmental directives. Information obtained through background checks for the issuance of non-criminal justice licenses/permits will be maintained for three (3) years.

9. Habitual or Dangerous Offenders: Investigations involving habitual or dangerous offenders should be identified and managed accordingly:
   (a) Habitual offenders are persons who have been convicted of, or pled guilty to, three (3) felony offenses in any federal or state court, as defined by NCGS 14-7.1. Dangerous offenders are persons who have multiple prior convictions for violent crimes, and/or who because of their demonstrated propensity for violent conduct pose a significant danger to the community;

   (b) Investigations involving habitual or dangerous offenders are to be reviewed with the appropriate supervisor, who will determine if such offenders should be identified in the case summary submitted to the District Attorney;

   (c) Investigating officers will ensure that the member of the District Attorney's staff that is assigned to prosecute the case is aware of the status of such offenders and may request assistance in case preparation when needed.

10. Review of Mishandled Investigations: Cases that the District Attorney declines to prosecute or causes to be dismissed as a result of alleged officer mishandling will be reviewed by the Department. Such review will be conducted jointly by the charging officer, his/her supervisor, and any other persons deemed necessary to perform a complete review of the matter.

E. COMPLIANCE WITH CONSTITUTIONAL REQUIREMENTS

1. Efforts by officers that could be construed to be coercion, intimidation, threats, or attempts to obtain involuntary confessions or admissions are strictly prohibited.

   (a) Excessive or prolonged interrogation without breaks for personal needs (i.e. meals, use of toilet facilities) are prohibited;

   (b) Deception relative to misstatements concerning the elements of the crime or punishment must be avoided;

   (c) Methods of interrogation must reflect consideration for the subject's age, mental capacity, physical health, and the level of impairment by alcohol or drugs.

2. Officers are required by state law to take any person arrested without a warrant and, for the purpose of setting bond with respect to any person arrested upon a warrant or order, before a judicial official without unnecessary delay. Delays caused by the furtherance of legitimate investigative procedures are not considered unnecessary delays.

3. Criminal suspects and arrestees are to be advised of their rights prior to custodial questioning, including the right to counsel and the right of protection against self-incrimination.

4. A person's right to consult with counsel will be honored while a suspect is under the control of a member of this Department. Officers are to assist defendants in contacting an attorney to the extent required by law. If, during the course of an interrogation a suspect requests counsel, the interrogation will cease until contact is made. Once an opportunity to contact an attorney has been afforded the suspect, the suspect must either initiate or voluntarily agree to participate in further questioning.

5. Information released to the news media and the public regarding criminal investigations will be limited to that authorized by law and departmental directives. Pretrial publicity that would tend to prejudice a defendant's right to a fair trial should be avoided.

INDEX AS:

Criminal Investigations
Follow-Up Investigations
Preliminary Investigations

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 700-02

SUBJECT: HATE CRIMES
DISTRIBUTION All Personnel
EFFECTIVE DATE: 11-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to assist employees in identifying crimes motivated by bias toward an individual's race, religion, ethnic background, or sexual orientation, and to define appropriate steps for assisting victims and apprehending suspects.

POLICY

It is the policy and constitutional duty of the Kannapolis Police Department to safeguard the state and federal rights of all individuals, irrespective of their race, religion, or ethnic background. Any acts or threats of violence, property damage, harassment, intimidation or other crimes designed to infringe upon these rights are viewed very seriously by this agency and will be given high priority. The Police Department will use every necessary resource rapidly and decisively to identify the perpetrators, arrest them, and take vigorous action to support effective prosecution in court.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Hate Crime: any unlawful action designed to frighten, harm, injure, intimidate or harass an individual in whole or in part, because of a bias motivation against the actual or perceived race, religion, ethnic background, or sexual orientation of the victim.

2. Race: a group of persons who possess common physical characteristics (e.g., color of skin, eyes and/or hair, facial features; etc.) genetically transmitted by descent and heredity that distinguish them as a distinct division of humankind (e.g., Asians, blacks, whites, etc.).

3. Ethnic Group*:* a group of persons of the same race or national origin who share common or similar traits, languages, customs and traditions (e.g., Arabs, Hispanics, etc.).

4. Religious Group*:* any persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being (e.g., Catholics, Jews, Protestants, atheists, etc.).

PROCEDURES

A. INITIAL RESPONSE

1. When an officer at the scene of an incident believes that it may have been motivated by racial, religious, or ethnic bias, the officer shall take any preliminary actions necessary, such as:

    (a) Determining whether any perpetrators are present and, if so, taking appropriate enforcement measures.

    (b) Restoring order to the crime scene and taking any necessary actions to gain control of the situation.

    (c) Identifying any injured parties and taking steps to provide medical assistance;

    (d) Identifying any witnesses or others who have knowledge of the crime;

    (e) Protecting the crime scene; and

    (f) Summoning a field supervisor to the scene.

B. SUPERVISOR RESPONSIBILITIES

1. The supervisor shall confer with the initial responding officer and ensure that all necessary preliminary actions have been taken. The supervisor shall request any additional personnel as necessary to accomplish the following:

    (a) Provide immediate assistance to the crime victim in identifying and contacting individuals or agencies that may provide support and assistance. These may include family members or close acquaintances, family clergyman or community service agencies that provide shelter, food, clothing, childcare or other related services.

    (b) Oversee the preliminary investigation to include initial interviews of the victim and any witnesses to the incident.

    (c) Ensure that all relevant facts are documented on an incident and/or arrest report and make an initial determination as to whether the incident should be classified as a hate crime. For an incident to be reported as a hate crime, sufficient objective facts must be present to lead a reasonable and prudent person to conclude that the offender's actions were motivated in whole or in part, by bias.

C. INVESTIGATING OFFICER RESPONSIBLIITES

1. Officers assigned to alleged hate crime incidents shall assume control of the follow-up investigation and shall be responsible for the following:

    (a) Assure the scene is properly protected, preserved and processed and all physical evidence of the incident is removed as soon as possible. If evidence of an inflammatory nature cannot be physically removed (e.g., painted words or signs on a wall) the owner of the property shall be contacted to remove such material as soon as possible and the officer shall follow-up to ensure that this is accomplished in a timely manner.

(b) Conduct a comprehensive interview with all victims and witnesses at the scene, or as soon as possible thereafter, and canvassing the neighborhood for additional personal sources of information;

(c) Notify other appropriate personnel in the chain of command, depending on the nature and seriousness of the offense, and its potential inflammatory and related impact on the community;

(d) Work closely with the prosecutor's office to ensure that a legally adequate case is developed for prosecution;

(e) Coordinate the investigation as necessary with local, state and regional intelligence operations. These sources can provide the investigative officer with an analysis of any patterns, organized groups and suspects potentially involved in the offense;

(f) Coordinate the investigation with the Criminal Investigation Division and/or other units of the agency and with outside agencies where appropriate;

(g) Maintain contact with the initial responding officer and keeping him apprised of the status of the case; and

(h) Make a final determination as to whether the incident should be classified as a hate crime and complete any reports necessary to comply with CIIS statistical reporting requirements for hate crimes.

2. Investigating officers shall also take the lead role in providing ongoing assistance to the crime victim by contacting the victim periodically to determine whether he is receiving adequate and appropriate assistance and providing ongoing information to the victim about the status of the criminal investigation.

3. Once a hate crime has been determined to have occurred, the investigating officer shall forward a copy of all reports and documentation to the Support Services Bureau Commander. The Support Services Bureau Commander will ensure that hate crimes are properly documented and reported to the NC State Bureau of Investigation as required by CIIS crime reporting guidelines. A copy of the Hate Crime Report shall be maintained on file in central records.

D. COMMUNITY BASED RESPONSE TO HATE CRIME INCIDENTS

1. Hate crimes are viewed in the community not only as crimes against the targeted victim, but also as a crime against the victim's racial, religious, ethnic, or sexual orientation group as a whole. Working constructively with segments of this larger audience after a major incident is essential to help reduce fears, stem possible retaliation, help prevent additional incidents and encourage any other previously victimized individuals to step forward and report those crimes. Towards this end, this agency's Field Operations commanders, or other officers so assigned, shall undertake the following measures where appropriate:

(a) Meet with neighborhood groups, residents in target communities and other identified groups to allay fears, relay this agency's concern over and response to this and related incidents, reduce the potential for counter-violence and provide safety, security and crime prevention information;

(b) Provide direct and referral assistance to the victim and his family;

(c) Conduct public meetings on hate crime threats and violence in general, and as it relates to specific incidents;

(d) Establish liaison with formal organizations and leaders.

INDEX AS:

Hate Crimes

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 700-03

SUBJECT: SURVEILLANCE OPERATIONS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 11-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish guidelines for the conduct of surveillance activities by police personnel.

POLICY

It shall be the policy of the Kannapolis Police Department that surveillance activities be conducted only for legitimate law enforcement purposes and in strict conformity with constitutional, statutory, and case law requirements.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Bugging: the aural interception by means of a device of an oral communication in which there is a reasonable expectation of privacy.

2. Surveillance: the covert watching of persons, vehicles, places, or objects. The routine observation of individuals or groups acting in a suspicious manner, or the photographing and visual monitoring of events for safety, historical, or training purposes does not constitute surveillance as defined by this directive.

3. Wiretapping: the aural interception by means of a device of an oral communication transmitted in whole or in part by means of a wire communication facility operated by a common carrier with interstate capability.

PROCEDURES

A. OBJECTIVES OF SURVEILLANCE

1. Surveillance is an extremely important investigative tool and at times is the only method of obtaining factual information during an investigation. The objectives to be achieved by surveillance are as follows:

    (a) To determine whether a violation exists or is likely to occur;
    (b) To obtain evidence of a crime;

(c) To protect undercover officers or to corroborate their testimony;
(d) To determine the reliability of informants;
(e) To determine the identities of persons;
(f) To determine methods of operation;
(g) To establish probable cause for obtaining search warrants; or
(h) To prevent the commission of a crime or to apprehend a suspect in the commission of a crime.

B. CRITERIA FOR ESTABLISHING SURVEILLANCE

1. Surveillance data will be used only for legitimate law enforcement purposes. The principal criteria for establishing surveillance are as follows:

   (a) A legitimate and reasonable cause exists to believe that an individual or organization is engaged in or has demonstrated the propensity to engage in illegal activity; OR

   (b) A legitimate and reasonable cause exists to believe that an event may provoke criminal disorder in the community.

C. OPERATIONAL PLANNING

1. Surveillance operations shall be well-planned and must be authorized by a supervisor prior to their implementation. Guidelines for planning surveillance operations include:

   (a) Analyzing all appropriate information about crimes, victims, and suspects to determine the nature and scope of personnel, equipment, and activities required to safely and effectively conduct the surveillance;

   (b) Identifying and analyzing probable offenders and their habits, associates, vehicles, methods of operation, or any other pertinent information which will affect the manner of surveillance and potential prosecution;

   (c) Maintaining the overall confidentially and cover of the surveillance officers;

   (d) Familiarizing officers involved in the operation with the neighborhood or target area;

   (e) Determining operations procedures for observation, arrest, and to ensure continuity between the planning and the conduct of the surveillance operation;

   (f) Supplying required expense funds to officers involved in the surveillance operation;

   (g) Establishing means of communication to be used by officers involved in surveillance;

   (h) Selecting equipment and vehicles required for the surveillance operation, to include weapons, communications equipment, audio/video equipment and undercover supplies;

   (i) Providing relief for officers involved in the operation so that surveillance may continue over an extended period of time; and

(j) Communicating with the prosecutor to determine the legal ramifications of unanticipated events.

D. ELECTRONIC SURVEILLANCE AND USE OF SPECIAL DEVICES

1. Electronic surveillance will be conducted in strict conformity with constitutional, statutory, and case law requirements concerning the need for authorized court orders.

2. Federal law prohibits law enforcement officers from using devices to intercept wire, oral, or electronic communications, with the following exceptions:

   (a) Wiretapping or bugging conducted by federal law enforcement officers acting pursuant to a federal court order authorizing such action;

   (b) Wiretapping or bugging conducted by a law enforcement officer acting pursuant to a valid electronic surveillance order issued pursuant to Article 16 of Chapter 15A of the North Carolina General Statutes;

   (c) Consensual monitoring where one party to the conversation consents to the aural interception;

   (d) Use of devices to record or intercept oral communications made by a person who has no reasonable expectation that his oral communications will be free from interception by some device. An example would be a person addressing a public gathering;

   (e) Use of a PIN register which mechanically records the numbers dialed on a telephone by monitoring the electrical impulses caused when a telephone is dialed. The use of a PIN register does, however, require authorization from a superior court judge;

   SPECIAL NOTE: A ruling by the 4th Circuit Court of Appeals (Brown v. Waddell, 1995) held that the use of digital clone pagers to intercept numeric transmissions is not equivalent to the use of PIN registers within the meaning of the Electronic Communications Privacy Act. Therefore, an electronic surveillance (i.e. wiretapping) court order would be required.

3. Use of Special Devices: Generally, using special devices to enhance sensory perceptions (e.g. seeing, smelling, hearing) is permissible if the use of the unaided eye, nose, or ear from the same place would have been legal. However, if the use of such devices intrudes upon a person's reasonable expectation of privacy, then such use constitutes a search under the Fourth Amendment and appropriate justification is required.

4. Officers are to seek assistance from supervisory personnel, the district attorney, or other appropriate legal counsel in determining the requirements for employing special devices to conduct surveillance, because the standards and procedures are often complex.

5. Special surveillance devices shall include, but are not limited to:

   (a) Covert still and video cameras;
   (b) Covert audio surveillance and recording equipment;
   (c) Mobile tracking devices;
   (d) Night Vision equipment;

(e) Infrared or thermal imaging equipment;
(f) Wiretapping equipment; and
(g) PIN registers.

6. The use of special surveillance devices must be approved by the Division Commander or supervisor in charge of the operation prior to its use. Special surveillance devices shall be stored in a secure location when not in use.

7. All special surveillance devices maintained by the Department shall be inventoried and inspected periodically by the Commander of the Criminal Investigation Division (CID). A Surveillance Equipment Inventory Log (Form KPD-168) will be maintained by the CID Commander Division or his designee. Officers utilizing such equipment will be required to sign all such devices in and out to establish accountability for their use and security.

8. The CID Commander will be responsible for ensuring that all surveillance devices in the possession or use of the Police Department that are designed for the primary purpose of the surreptitious interception of wire, oral, or electronic communications are authorized in writing by the North Carolina Attorney General as provided in NCGS 15A-288. All agency requests for authorization of such devices must be originated by the Chief of Police.

INDEX AS:

Electronic Surveillance
PIN Registers
Surveillance
Tracking Devices
Wiretapping

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 700-04

SUBJECT: CRIMINAL INTELLIGENCE
DISTRIBUTION All Personnel
EFFECTIVE DATE: 11-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish Departmental policy and procedures for the collection, analysis, and dissemination of criminal intelligence information. Although aspects of organized crime and vice control activities may also require the collection of information by police, this policy is intended primarily to address organized criminal conduct as it relates to subversive activities, terrorism, homeland security threats, criminal street gang activities, and civil disorders.

POLICY

It shall be the policy of the Police Department to gather, analyze and disseminate intelligence information pertaining to the identity, activities, and movements of known but unapprehended criminals, members and activities of subversive or terrorist groups, criminal street gang members, and other individuals and groups known or suspected of criminal activity posing a threat to law and order in the City of Kannapolis.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Criminal Intelligence: the systematic collection of information which, after collation, evaluation and analysis, is converted into evidence, conclusions, or assessments that form the basis for the development of law enforcement strategies, priorities, policies, or investigative tactics regarding a specific crime, suspect, or criminal organization.

2. Subversive Activity: any overt or covert activity by one or more persons to achieve goals contrary to law and detrimental to the welfare of the community. Such activities often embrace or adopt resolutions to overthrow established political governments, or serve to intimidate and harass ethnic, racial, or religious groups through the use of terrorist acts, civil disorder, or other illegal methods.

3. Terrorism: acts of violence committed against individuals and/or the public designed to intimidate, harass, and otherwise cripple or eliminate opposition or resistance to political, mercenary, or commercial goals.

4. Civil Disorder: overt acts of defiance by groups or associations of persons against established laws or rules of order, and which may result in spontaneous outbreaks of violence resulting in personal injuries and/or destruction of property.

5. Criminal Street Gang: A group or association of three or more persons who may have a common identifying sign, symbol, or name and who individually or collectively engage in, or have engaged in, criminal activity which creates an atmosphere of fear or intimidation. Criminal activity includes acts of juvenile delinquency that if committed by an adult would be a crime.

PROCEDURES

A. ADMINISTRATION

1. Intelligence activities to be performed by the Department will include collecting, analyzing, and disseminating information relating to homeland security activities, terrorism and criminal activities. Intelligence gathering operations will be conducted only with the prior approval of the CID Commander or higher authority.

2. The CID Commander is responsible for supervising and coordinating the intelligence gathering activities of the Department and will conduct periodic briefings with the Chief of Police, Bureau Commanders, and other designated personnel for the purpose of reviewing on-going intelligence gathering activities and providing updated intelligence assessments.

3. Criminal intelligence information related to both domestic and international terrorism will be forwarded without delay to the CID Commander and the Executive Leadership team of the agency. This information will be documented and relayed to the appropriate Federal, State, and local law enforcement agencies.

4. Members becoming aware of any information of an intelligence nature are to report such information in writing to the CID Commander, who will review all such intelligence and forward the information to the appropriate personnel if necessary.

5. Intelligence information will be disseminated by the CID Commander to units and personnel within the Department when necessary to increase the effectiveness of enforcement and deterrent efforts. Members provided with intelligence data are to submit a report to the CID Commander evaluating the information's value, timeliness, and any action taken or recommended.

6. The Department will maintain liaison with appropriate Federal, State, and local law enforcement agencies for the purpose of exchanging terrorism and other forms of criminal intelligence information and coordinating intelligence-gathering efforts.

7. The Department will maintain access to appropriate outside intelligence databases available through state, federal and/or other authorized providers in order to facilitate authorized criminal investigations. Employee access to and use of these databases must be in accordance with all applicable protocols and security procedures governing their use.

8. The Support Services Bureau Commander will conduct an annual review of the procedures and processes related to the collection, processing and sharing of all criminal intelligence gathered in accordance with this general order. This review shall include a comprehensive written report to the Chief of Police that includes identified problems, training needs, policy failures, and specific corrective recommendations.

B. OPERATIONS

1. Intelligence information will only be gathered as part of legitimate investigative efforts relating to the control and prevention of criminal conduct and will be used only for lawful police purposes.

2. Intelligence gathering activity will be conducted and intelligence files will be established and maintained under the following conditions:

   (a) Information may be gathered pertaining to known or suspected criminals and criminal operations in order to identify crime patterns and trends, criminal conspiracies, and criminal associates, or to develop probable cause relative to criminal acts or threats of criminal acts; and

   (b) Information may be gathered on violations of law, events, or conditions occurring in other jurisdictions that may be related to criminal activity posing a potential threat to persons or property within the City of Kannapolis.

   (c) Information may be gathered from both criminal justice and non-criminal justice related sources. All information regardless of source shall be scrutinized for accuracy and verification sought.

   (d) The CID Commander will work closely with investigative staff to analyze all information received by the agency to determine its value and relationship to criminal activity. Additional scrutiny shall be given to information received from non-criminal justice sources.

3. Intelligence gathering activities will be directed toward the following primary areas:

   (a) Subversive activity such as insurrection or rebellion against the government, illegal secret societies, or illegal conduct intended to intimidate, harass or otherwise interfere with the peaceful and lawful pursuits of other persons or groups;

   (b) Terrorism including criminal acts of violence against persons or property intended to invoke fear and motivated by extreme opposition to racial, religious, or political orientation;

   (c) Civil disorder such as acts or anticipated acts of open defiance, usually against established laws and rules or order, with a potential for violence or destruction of property.

4. Department policy prohibits the collection of intelligence information that has no legitimate operational value. Specifically, no intelligence information shall be gathered or retained solely:

   (a) For interest purposes;
   (b) On the basis of a person's religious affiliations;
   (c) On the basis of a person's political affiliations;
   (d) Because a person supports unpopular causes; or
   (e) Because of a person's ethnicity or race.

5. The Department will make available specialized equipment to support intelligence-gathering operations. Such equipment may include, but is not limited to: communications equipment, cameras and optical devices, audio/video surveillance equipment, and unmarked vehicles. The CID commander will be responsible for ensuring that access and use of surveillance and undercover equipment is in accordance with applicable Departmental policies.

6. Departmental personnel and equipment will be used only in conjunction with intelligence gathering activity authorized by this Order, and in full compliance with prevailing state and federal laws. Personnel are to refrain from the indiscriminate collection or distribution of information.

7. Intelligence gathering often involves preplanned surveillance activities. Such efforts shall be conducted in accordance with General Order 700-03 (Surveillance Operations).

8. The use of confidential informants and disbursement of special funds related to criminal intelligence operations shall be in accordance with prevailing law and departmental policies regulating such activity.

9. Employee access to and use of criminal intelligence databases must be in accordance with applicable law and directives, and the information contained therein may be used only for authorized criminal investigative purposes.

10. The CID commander, or his designee, will be responsible for compiling and disseminating a monthly criminal intelligence report. Any information relevant for inclusion in this report should be promptly forwarded to the CID commander by agency supervisors. The monthly intelligence report will be disseminated via electronic posting in a restricted folder on the agency's computer network for access by authorized personnel.

C. INTELLIGENCE RECORDS

1. Records pertaining to criminal intelligence are considered confidential and will be maintained and controlled by the CID commander in a secure file separate from the central records system. Electronic criminal intelligence files will be secured via password protection.

2. Access to intelligence files and information, including electronic files, will be limited to the following authorized personnel:

   (a) Chief of Police;
   (b) Bureau Commanders;
   (c) Division Commanders;
   (d) CID Supervisors; and
   (e) Investigators and other officers will have access to information they have personally received and submitted to the CID commander for inclusion in the intelligence files.

3. Dissemination of intelligence information to other members or units of the Department, or to members of outside law enforcement agencies, will be on a "need-to-know" and a "right-to-know" basis only.

4. Intelligence files will be reviewed periodically by the CID commander, and out-of-date records will be purged when necessary based on the following criteria:

(a) Continued usefulness of the information;
(b) Currency of the information;
(c) Reliability of the information;
(d) Availability of corroborative or related information;
(e) Availability of information source;
(f) Adequacy of the information for identification purposes;
(g) Relevancy of the information to police needs.

5. All documents and materials purged from intelligence files are to be destroyed by shredding or burning to prevent unauthorized access.

D. DUTIES & RESPONSIBILITIES

1. In order to be effective, each member of the Department must participate in the intelligence gathering function. Periodic training on this policy will be provided in both formal and informal settings. Patrol, investigative, and support units can contribute viable information that enhances the Department's ability to protect the community and maintain law and order.

2. All officers are responsible for becoming familiar with the areas of intelligence interest to the Department, collecting and submitting intelligence data in accordance with this Order, and developing and maintaining reliable sources of information.

3. Supervisory personnel are responsible for reviewing operational reports for potential intelligence information, submission of intelligence data, and monitoring of intelligence gathering activities by their personnel.

4. Command level officers will maintain liaison with the CID commander in order to receive and request needed intelligence information, and to remain current in persons, groups, and locations of intelligence interest to the Department.

INDEX AS:

Criminal Intelligence
Intelligence Gathering

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 700-05

SUBJECT: CONFIDENTIAL INFORMANTS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 09-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental guidelines for the management and control of confidential informants.

POLICY

The Kannapolis Police Department recognizes the importance of confidential informants as legitimate and necessary tools for law enforcement to solve crimes and prevent criminal acts. Each police officer must be cognizant of the role of confidential informants and the need to utilize such sources in conformance with prevailing law and established departmental guidelines. It shall be the policy of the Department to utilize confidential informants in a manner that will enable the agency to gain maximum benefits from their use, while at the same time protecting the integrity of both the Department and the officers who rely on informant information.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Confidential Informant (CI): a private citizen (not a law enforcement agency employee) who, by reason of his or her familiarity or close association with criminals, supplies information about criminals or criminal activities to a law enforcement agency, and who has entered into a working agreement with the agency that involves keeping his or her identify confidential.

2. Control Officer: any officer, regardless of component assignment, who cultivates and/or maintains the ongoing professional relationship with a confidential informant.

3. Entrapment: the conception and planning of a crime by an officer, and his procurement of its commission by a person who would not have perpetrated it except for the trickery, persuasion, or fraud of the officer.

PROCEDURES

A. RECRUITING CONFIDENTIAL INFORMANTS

1. Recruiting potential informants involves several steps to include: determining the need for a CI, locating a likely candidate, assessing the candidate's suitability as a CI, and preparing the necessary documentation that comprises the CI's Identify File.

2. Before a potential CI is approached, the recruiting officer should receive supervisory authorization. This will enable the recruiting officer to determine whether the potential CI is now working for another investigator or agency (if known) or is considered an undesirable informant.

3. Until the candidate has agreed to cooperate, required documentation on the candidate is complete, and supervisory approval obtained, the candidate should be told as little as possible about potential investigative targets, the specifics of the CI's responsibilities, or other information that might compromise investigative efforts.

4. The recruiting officer must compile sufficient information through investigation to assess the candidates motivation to cooperate (e.g. fear, leniency, money, etc.), benefits expected in return for cooperation, personal and financial situations, past reliability and credibility, criminal history or current involvement in criminal justice proceedings (under indictment, on probation or parole, etc.), and history of conformance to instructions and control by officers in any past investigations.

5. Upon approval of the CI, the supervisor will designate a primary control officer, as well as an alternate contact officer who could act as a contact with the CI in the absence of the primary control officer. It is important to remember that CIs work for the Department, not any one particular officer.

6. The CI must sign and abide by a Confidential Informant Agreement (Form KPD-122), that spells out the terms and conditions that are binding upon the CI as a result of their association with the Police Department as a confidential informant. Each provision of this Agreement must be carefully discussed with the CI to ensure their full understanding.

B. CONFIDENTIAL INFORMANT IDENTITY FILES

1. Prior to receiving authorization to utilize a CI as a paid informant, the control officer must complete or supply the following information to the informant which is to be kept and maintained by the Support Services Bureau Commander in a CI Identity File:

    (a) A properly completed and signed Informant Agreement;
    (b) Fingerprint card (or FBI/SID Number if fingerprints are on file);
    (c) Criminal History Record (Local, DCI, NCIC);
    (d) Criminal Summary Sheet;
    (e) Current full face photograph;
    (f) Any other documents verifying the true identity of the CI (such as a photocopy of a birth certificate, drivers license, etc.).

2. The Support Services Bureau Commander will assign a unique informant code number (and working alias name if used) to each CI. The assigned code number and assigned alias name shall be used in lieu of the informant's true identity on all operational forms and reports in order to preserve their anonymity. A master index shall be maintained by the Support Services Commander which cross-references the informant code number and working alias name used to the corresponding true identity of each informant.

3. Tight security of CI Identity Files is imperative. These files will be kept segregated in a locked cabinet in a secure location, and under the direct control of the Support Services Bureau Commander. The file site will be kept locked at all times when unattended.

4. The Support Services Bureau Commander will strictly limit access to CI Identity Files to authorized personnel with a legitimate need for the information. CI Identify Files shall not be removed from the immediate area except for review by supervisory personnel or the control officer and must be returned prior to the close of normal business hours. A sign-out log will be maintained to indicate the date, CI number, time in and out, and name of the person accessing the file.

5. The alteration, destruction, removal or addition of any information or materials contained in the CI Identity Files, except as authorized and conducted by the Support Services Bureau Commander to keep such file current, is strictly prohibited.

6. CI Identity Files may be periodically audited and/or inspected by the Chief of Police of his designee to ensure that they are maintained properly and that established security procedures are being followed.

C. CONFIDENTIAL INFORMANT WORKING FILES

1. The CI Working File will contain all reports and records that document the operational activities of each informant. CI Working Files are necessary to assure department integrity and accountability, maintain continuity of the investigation, document CI credibility and reliability, evaluate CI performance, support court testimony, and document probable cause on which to base arrests, search warrants, and investigative court orders.

2. The CI Working File will be referenced by the <u>informant code number</u> (and alias name if used) and will typically contain informant activity reports, payment history, assessment reports, and deactivation records. **The CI's true name should not be used on any documentation or materials included in the working file.**

3. The CID Commander will be responsible for keeping the CI Working Files updated, and for limiting access of these files to authorized personnel with a legitimate need to know.

4. The Control Officer shall assist in keeping the CI Working Files current by promptly submitting all required documentation for subsequent transactions involving the CI. Each time that an officer conducts a transaction with an informant, the officer will complete and/or submit the following information, as applicable, for inclusion in the file:

   (a) Initial Investigative Report;
   (b) Confidential Fund transaction documents;
   (c) Description of the information received or other involvement by the informant; and
   (d) An assessment of the value of such information or CI involvement to the investigation.

5. The CID Commander may authorize copies of relevant information contained in the CI Working Files to be placed in the appropriate criminal case file, as long as that information does not identify the informant.

6. The alteration, destruction, removal or addition of any information or materials contained in the CI Working Files, except as authorized by the CID Commander to keep such files current, is strictly prohibited.

7. CI working Files may be periodically audited and/or inspected by the Chief of Police or his designee to ensure that they are maintained properly and that established security procedures are being followed.

D. FINANCIAL INFORMATION FILES

1. The Support Services Bureau Commander will be responsible for maintaining financial accounting records on all expenditures of confidential funds relating to informant activities in accordance with General Order 700-06 (Confidential Funds).

E. CONTROL OF CONFIDENTIAL INFORMANT ACTIVITIES

1. Only those officers who have received specialized instruction approved by the Department in the management of confidential informants will be authorized to control CIs.

2. Control officers should not assume that a CI is equipped to do the job. Failure to provide adequate instruction to the CI can jeopardize intelligence gathering or investigative efforts, and may compromise the safety of the control officer, an undercover officer, or the informant. Informants need instruction on their objectives and the accepted methods to achieve them, compensation procedures, communication with the control officer, cover stories, security and confidentiality precautions, and legal constraints. The type and duration of instruction provided to the CI by the control officer will depend on the nature of the CI's assignment and assessment of the CI's current capabilities.

3. The control officer shall attempt to establish the credibility and reliability of the informant and the information he/she provides. The information furnished by a CI should always be considered raw data that must be verified and/or corroborated by the control officer through independent investigation. Methods to establish informant reliability include, but are not limited to:

   (a) Assessing any information previously provided;
   (b) Checking with other law enforcement agencies or officers for which the informant has reportedly provided information;
   (c) Surveillance; and
   (d) The use of controlled test situations.

4. Although officers should tell informants that the agency has high expectations of them, they should also anticipate potential problems with CIs such as deception, rip-offs, double-dealing, blackmail, etc., and should direct and monitor them accordingly.

5. CIs found to have violated criminal law in order to obtain information shall be arrested, and any promised benefits will be withheld. Because emergency circumstances may arise that require a CI to deviate from an authorized assignment, the control officer should spell out clearly what constitutes such an emergency (e.g., to prevent loss of life).

6. Officers should not let an informant participate in planning an operation, other than by providing information. The CI should never be regarded as part of the law enforcement team.

Control officers are to introduce or expose CIs to only the minimum number of agency officers, facilities, and procedures necessary for the CI to carry out their assignments.

7. CI safety must always be a priority for the officer. This involves both taking measures to protect the CI's identity, and acquiring information that can help locate the CI should he or she drop from sight.

8. Control officers are required to keep their supervisors informed of CI activities. Because they are less involved in the day-to-day direction of CI activities, supervisors are in a position to offer objective advice, assessment, and cautions.

9. Periodic contacts with CIs are required not only to obtain information, but also to arrange methods for communicating, handling emergencies, and monitoring the CI's performance. In the absence of emergencies or unusual circumstances, personal meetings with a CI are generally considered the most appropriate and productive.

10. CI contacts will normally involve at least two officers unless otherwise authorized by a command or supervisory officer. Contact by at least two officers is especially important under any of the following conditions:

    (a) The CI is a juvenile;
    (b) The CI is on probation or parole;
    (c) The CI is mentally or emotionally unstable;
    (d) The CI is a member of the opposite sex;
    (e) The CI is suspected of trying to set up the control officer; or
    (f) The CI has a reputation for perjury, bribery, or related offenses.

11. Officers are required to maintain professional and ethical relationships with CIs. Officers are not to socialize with CIs when off duty, or become romantically or personally involved with the CI, to include giving or accepting any gift, gratuity or loan, or engaging in any private business transaction. Contact with CIs shall be limited to official business only.

F. COMPENSATION OF INFORMANTS

1. The payment of informants will be based on such factors as the importance of the investigation, the type and quantity of drugs or other evidence to be seized, and the significance of the CI's contribution. The use of departmental funds to pay CIs for information, purchases of evidence, or investigative expenses shall be in strict accordance with General Order 700-06 (Confidential Funds).

2. Compensation to the CI may be other than financial, such as reduced charges, dropped charges, a lenient sentence, or a preferred correctional site. In all cases, the control officer should never make promises to a CI that cannot be kept, or that are outside the officer's authority of offer. Regarding non-financial compensation, the most an officer is authorized to promise is that certain non-binding recommendations will be made to the district attorney and/or the court.

G. ENSURING INFORMANT CONFIDENTIALTY

1. Officers are authorized to use all reasonable measures to protect the identity of a CI from unauthorized disclosure, including clandestine meetings and communications. However, CI

identities must be known to supervisory and command personnel in order to properly evaluate the information they provide and make informed decisions about establishing priorities and allocating resources among various investigators.

2. On rare occasions, due to the highly critical nature of the investigation or because of the extreme danger to the CI's life, the CI's identity must be almost totally confidential. In such cases, the Chief of Police may authorize deviations from normal department policy governing storage and access of the CI identity file. In all cases, however, the CI Identity File must be maintained so as to satisfy judicial requirements.

3. Case law has established the government's privilege not to disclose the CI's identity at trial, but this privilege is not absolute. Disclosure or non-disclosure of the CI's identity depends on the circumstances of the particular case. When the trail court determines that the CI's identity is relevant to the defense of the accused or is essential to a fair trail, the court can require disclosure. In such instances, the District Attorney must choose between producing the CI and dismissing the case. Control officers should take steps to avoid the occurrence of this dilemma by minimizing the CI's participation in events that are going to be involved in the prosecution.

H. DEACTIVATING OR TERMINATING CONFIDENTIAL INFORMANT SERVICES

1. The Department may deactivate or terminate the use of a CI for any of the following reasons:

   (a) The investigation has ended, and the CI will not be immediately redirected to another investigative target;
   (b) The CI requests deactivation;
   (c) The CI surfaces to testify;
   (d) The CI would be in imminent danger if continued as an informant;
   (e) The Department designates the CI as "undesirable."

2. An informant may be designated as "undesirable" if he or she is inept, submits false information, reveals the existence of the investigation, endangers the life of any officer, plays one agency against another, use his or her association with the agency to resolve personal problems or to further criminal objectives, or violates any provision of the informant agreement.

3. The preferred way to terminate or deactivate CI services is by personal contact. The control officer should debrief the CI for target-related information that may have been overlooked, obtain the names of persons who know of or may suspect the CI's role in the investigation. The CI should be cautioned against revealing his/her knowledge of the investigation, control/undercover officers, or the Department.

I. WORKING WITHIN LEGAL CONSTRAINTS

1. Every control officer must be aware of the kinds of legal issues that can arise from the use of confidential informants. Informants do not possess law enforcement powers. They do not have arrest powers, are not permitted to conduct searches and seizures, and may not carry a firearm or other weapon in violation of law.

2. Control officers must be very careful when using informant tips to establish probable cause for searches and seizures. The corroboration of information provided by a CI is critical, even if the CI is considered "reliable" and the information "credible" by the control officer.

3. Whenever a juvenile (a person under age 18 is not legally emancipated) is used as a CI, the control officer must obtain written consent from the juvenile's parent or legal guardian. If the juvenile is a ward of the court or has charges pending, permission of the court is also required. No juvenile under the age of 16 may be used as a CI without the prior approval of the Chief of Police.

4. If an officer wants to use a probationer as a CI, permission to do so should be obtained from the assigned probation officer. If the probationer's capacity as a CI would violate any of the probation conditions imposed by the court, the Department must petition the court to alter those conditions.

5. If an officer wants to use a parolee as a CI, permission to do so should be obtained from the parole officer. If the parolee's capacity as a CI would violate any of the parole conditions imposed by the court, the Department must petition the parole commission to alter those conditions.

6. All CI assignments must be within the bounds of legality with particular reference to statutes and case law pertaining to entrapment. Officers must be familiar with the entrapment standard used within their jurisdiction. If doubt exists as to what standard applies, the District Attorney's office should be consulted.

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Confidential Informants
Informants
Informant Files

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 700-06

SUBJECT: CONFIDENTIAL FUNDS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 10-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental policy and procedures for the disbursement, accounting and control of confidential funds.

POLICY

Confidential funds are monies authorized for law enforcement use and allocated to the purchase of information, purchase of evidence, and purchase of services or commodities in the furtherance of covert investigations and operations. Confidential funds are subject to stringent internal controls and will be used only when the particular merits of a criminal investigation or operation warrant the expenditure of such funds. All disbursements and other transactions of confidential funds shall be for authorized purposes only in accordance with prevailing law and the provisions of this General Order.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Confidential Funds: departmental monies allocated for the purchase of information, purchase of evidence, and purchase of services when necessary in the furtherance of a covert investigation or operation conducted by the Police Department.

2. Confidential Fund Administrator: a command level officer designated by the Chief of Police as having specific oversight responsibility for the internal control, monitoring, and accounting of confidential funds. The Administrator serves as the primary custodian of all confidential funds received by the Department for law enforcement use as provided in this General Order.

PROCEDURES

A. CONFIDENTIAL FUNDS ADMINISTRATION

1. Confidential funds will be controlled by an administrator designated by the Chief of Police and will be accessible to any officer of the Department for authorized disbursements as provided in this General Order.

2. The Commander of the Criminal Investigation Division is designated as the confidential fund administrator, and shall have the following responsibilities:

(a) Maintenance of the fund in accordance with applicable laws and directives;

(b) Secure storage of unassigned cash funds in an agency safe;

(c) Proper monitoring and control of disbursements and other transactions;

(d) Direction of a quarterly internal audit of the fund and report to the Chief of Police;

(e) Maintenance of files containing copies of all confidential fund transaction documents;

(f) Purging of confidential fund transaction records in accordance with city records retention policies and state law.

3. The confidential fund administrator will be responsible for the preparation and submission of a detailed monthly accounting report of all confidential fund transactions (fiscal year to date) and cash balance on hand. This Report will be submitted to the Chief of Police by the 10th day of each month for all transactions occurring during the preceding month.

4. The City Accountant or his designee shall perform an annual audit of the department's confidential funds in order to evaluate the continued integrity of the fund, and the need for any additional fiscal controls.

5. Confidential fund transaction records shall be stored in a secure location, and access shall be restricted to authorized personnel with a legitimate need for the information.

B. CONFIDENTIAL FUND TRANSACTIONS

1. Confidential funds will be carefully controlled and disbursed in amounts commensurate with the seriousness of the case, value of the information provided, and other relevant factors. Expenditures of confidential funds are restricted as follows:

   (a) Any single transaction exceeding five hundred dollars ($500.00) must be approved in advance by the confidential fund administrator;

   (b) Any single transaction exceeding one thousand dollars ($1,000.00) must be approved in advance by a Bureau Commander or Deputy Chief

   (c) Any single transaction of five thousand dollars ($5,000.00) or more must be approved in advance by the Chief of Police.

2. Officers receiving confidential funds will be held strictly accountable for the lawful and proper use of such monies. The fund administrator will visually verify the cash balance on hand as part of the monthly reporting process. Confidential funds provided to officers shall be subject to verification and/or recall by the Department at any time, and without prior notice.

3. <u>Authorized Uses</u>: The following are authorized expenditures of confidential funds:

   (a) Direct payment to confidential informants and "good-citizen" informants where there is a reasonable expectation that the information received will lead to the prevention of criminal activity, arrest, seizure, and/or verification of an existing case;

(b) Food, drink, meals, and other miscellaneous expenses are authorized only when they are directly related to a covert criminal investigation and are necessary to maintain the clandestine nature of the operation;

(c) Rental car fees, facilities, or equipment necessary to conduct a covert operation or surveillance that is directly related to an authorized criminal investigation when time constraints or operational requirements preclude the use of normal purchasing procedures;

(d) Purchase of illegal drugs, stolen property, contraband, or other criminal evidence with the expectation of additional seizure, arrest, or verification of an existing case;

(e) Emergency use of a motel or hotel to ensure the safety of an undercover officer, confidential informant or witness;

(f) Official travel for the purposes of extradition, information and evidence gathering, testifying out of county, or covert investigations, when time constraints prevent the acquisition of travel funds through normal procedures.

4. Prohibited Uses: Confidential funds shall not be used for any of the following purposes:

(a) Official travel which is preplanned or directly related to scheduled conferences, meetings, training, or schools;

(b) Personal items, alcoholic beverages, entertainment, and other expenditures which are not directly necessary to maintain the clandestine nature of an authorized undercover investigation or covert operation;

(c) Any goods or services which can be procured through normal city purchasing procedures without impairing or endangering an on-going undercover investigation or covert operation;

(d) Any expenditure or use in any manner that is prohibited by law, departmental directives, or the policies of the City of Kannapolis.

C. ACCOUNTING PROCEDURES

1. All advances, reimbursements, transfers, and disbursements of confidential funds will be properly documented on Form KPD-146 (Receipt of Confidential Funds) and Form KPD-147 (Confidential Funds Accounting Report) and submitted to the confidential fund administrator. Each form will bear a unique reference number for accounting purposes.

2. Each officer receiving or disseminating confidential funds during a calendar month will complete and submit Form KPD-148 (Monthly Report of Confidential Funds) via the appropriate chain of command to the confidential fund administrator. This report is due to the fund administrator by the 5th day of each month for all transactions occurring during the preceding month.

3. Transfer of Funds: the following procedures will be observed regarding the transfer of confidential funds from one officer to another:

(a) The officer providing the funds will complete a written receipt indicating a transfer of funds and amount of transfer. The receiving/requesting officer will sign the receipt acknowledging that he/she has received the indicated funds. Section One of Form KPD-146 (Receipt of Confidential Funds) will be completed whenever confidential funds are transferred from one officer to another;

(b) The officer providing the funds will submit all documentation of the transfer through the appropriate chain-of-command to the confidential fund administrator;

(c) Both officers will be provided a copy of the receipt as a personal record. The receiving officer will assume full responsibility for the funds at the time of transfer.

4. Purchase of Evidence: The following procedures will be observed regarding the use of confidential funds for the purchase of evidence:

(a) Section Two of Form KPD-146 (Receipt of Confidential Funds) will be completed when funds are used for the purchase of evidence;

(b) The completed receipt, accompanied by an Incident/Investigation Report and any required evidence control forms are to be submitted via the appropriate chain of command to the confidential fund administrator;

(c) The completion of a separate accounting report is not required when the transaction involves only the purchase of evidence.

5. Investigative Expenses: The following procedures will be observed when confidential funds are used for authorized investigative expenses:

(a) Section Three of Form KPD-146 (Receipt of Confidential Funds) will be completed when confidential funds are used by an officer for investigative expenses;

(b) A Confidential Funds Accounting Report (KPD-147) will be completed to explain the justification for the expenses, and original receipts for the expenditure will be attached whenever possible. If receipts are not attached, the Confidential Funds Accounting Report must include an explanation as to why such receipts could not be obtained;

(c) The Receipt of Confidential Funds along with the Confidential Funds Accounting Report is to be forwarded via the appropriate chain of command to the confidential fund administrator.

6. Purchase of Information: The following procedures will be observed for payment of funds to non-department personnel for the purchase of information:

(a) All payments of confidential funds to non-department personnel, including payments to informants, shall be witnessed by another law enforcement officer;

(b) The officer making the payment, the witnessing officer, and the individual receiving the payment will complete Section Four of form KPD-146 (Receipt of Confidential Funds) and affix all required signatures to the Receipt;

(c) A separate Confidential Funds Accounting Report shall be completed to explain and/or justify any payment made to informants or other non-department personnel;

(d) All documentation of the payment along with an Incident/Investigative Report and/or receipts, if applicable, will be forwarded via the appropriate chain of command to the confidential fund administrator.

D. USE OF CONFIDENTIAL FUNDS FOR FLASH ROLL

1. A flash roll is not a disbursement of confidential funds, but is used for the purpose of "flash" or "show". It is not intended for the purchase of evidence, services or information, but only to convey the intention to do so. Because flash roll operations usually expose larger sums to greater risks than do most transactions, greater precautions and controls are justified. The following procedures will be observed regarding the use of confidential funds for flash rolls:

   (a) The use of confidential funds for flash roll purposes must be approved in advance by the confidential fund administrator, Bureau Commander, or Chief of Police;

   (b) The officer requesting to use confidential funds for flash roll purposes must submit a request detailing exactly how the funds will be used, and the security precautions to be observed when the fund is used in the field. The requesting officer will assume total responsibility for the safekeeping of the flash roll until its return;

   (c) The transfer of confidential funds to an officer for use as a flash roll must be documented as provided in Section D of this General Order;

   (d) The serial numbers of the bills should be recorded to help the Department trace and recover lost or stolen currency, and to ensure that the flash roll is the same in all respects in case it is included as an exhibit in a legal proceeding;

   (e) The maximum authorized retention period for flash roll monies is 24 hours, or until completion of the flash roll operations, whichever occurs first. This retention period may be extended by the confidential fund administrator, Bureau Commander, or Chief of Police if investigative circumstances warrant;

   (f) If the flash roll is not used within the authorized retention period, it must be returned to the confidential fund administrator, and the appropriate transfer documentation completed.

2. The supervisor responsible for controlling the flash roll operation must ensure that adequate security precautions are taken. The following general guidelines should be observed whenever feasible:

   (a) Minimize the time between calling the suspect to set up a "show" and allowing the suspect to view the money. This procedure reduces the suspect's opportunity to plan a theft or robbery;

   (b) Transport the flash roll in a briefcase or similar container that hampers theft. Avoid displaying flash rolls on a bed, vehicle seat, table, etc.;

(c) Show the flash roll in a well-lighted area where the presence of innocent bystanders is minimal. This allows a back-up team to easily observe the transaction, gain access to the area, and block escape routes;

(d) Specify that the law enforcement officer, not a confidential informant, must conduct the flash. The flash roll should never be turned over to an informant;

(e) The suspect should not be allowed to remove flash roll funds from the viewing area;

(f) Electronically wire the officer or area when practical, and conceal an electronic tracking device with the flash roll or on the undercover vehicle if available;

(g) Provide sufficient manpower, firepower and equipment (including a chase car with adequate radio capability) during the flash roll operation;

(h) Maintain, when necessary, a direct telephone link (open line) from the viewing area to the Communication Center.

3. When the flash roll operation is completed, all funds are to be returned to the confidential fund administrator. Both the administrator and the officer must verify that the amount and serial numbers of the returned bills match those that were disbursed. A detailed written explanation is required in the event of any discrepancies, or when any flash roll funds are lost, stolen, or retained beyond the authorized retention period.

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Confidential Funds
Flash Rolls
Purchase of Contraband

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 700-07

SUBJECT: MISSING PERSONS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 03-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish responsibilities and guidelines for the investigation of missing persons.

POLICY

Missing person reports often involve persons who have voluntarily left home for personal reasons, while other reports are unfounded or quickly resolved. However, there are instances in which persons disappear for unexplained reasons and under circumstances where they may be considered at risk. The role of the initial responding officer(s) is critical in identifying the circumstances surrounding missing persons and in identifying those persons at risk. Therefore, it is the policy of this agency that all reports of missing persons will be given full consideration and attention by members of the Department, to include careful recording and investigation of factual circumstances surrounding the disappearance in accordance with this policy; and that particular care be exercised in instances involving unidentified or missing children and those who may be mentally or physically impaired or who are insufficiently prepared to care for themselves.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. AMBER Alert: a statewide system for the rapid dissemination of information regarding abducted children to aid in recovery.

2. CENTER: the North Carolina Center for Missing Persons, a central repository established within the N.C. Department of Crime Control & Public Safety for information regarding missing persons and missing children.

3. CIIS: the Criminal Identification and Information Section (formerly DCI) of the North Carolina State Bureau of Investigation.

4. LOCATER: the Lost Child Alert Technology Resource system. This system provides for the rapid electronic dissemination of missing person information (including picture if available) to outside agencies.

5. NCMEC: the National Center for Missing and Exploited Children. The NCMEC can be reached at ORI VA007019W, or by telephone at 1-800-843-5678.

PROCEDURES

A. REPORTING & CLASSIFICATION OF MISSING PERSONS

1. There is NO waiting period for reporting a missing person. Missing person reports should be taken immediately upon receiving the report, either in person or by telephone in conformance with the criteria of this policy, the age of the victim, and the seriousness of the incident.

2. A person may be declared "missing" when his/her whereabouts is unknown and unexplainable for a period of time or under circumstances regarded by knowledgeable parties as highly unusual or suspicious in consideration of the person's normal behavior patterns, plans or routines.

3. A person may be considered "missing-critical" who meets the above criteria and who, among other possible circumstances:

   (a) May be the victim of a crime;

   (b) Because of age (young or old) may be unable to properly safeguard or care for himself/herself;

   (c) Suffers from diminished mental capacity or medical conditions that are potentially life threatening if left untreated/unattended;

   (d) Is a patient of a mental institution and is considered potentially dangerous to himself/ herself or others;

   (e) Has demonstrated the potential for suicide; or

   (f) May have been involved in a boating, swimming or other sporting accident, or natural disaster.

4. Based on the outcome of initial inquiries, a decision may be made concerning the potential danger posed to the missing person and the urgency of the police response.

5. If a person is considered "missing-critical" the department's LOCATER system should be utilized. In cases involving "missing-critical" persons, the responsible supervisor will review the circumstances involved and determine the appropriate level of dissemination of the missing person alert.

B. INITIAL REPORT TAKING

1. Upon receiving a complaint of a missing person, the reporting officer will take a report utilizing the agency's Records Management System.

2. The officer must gather as much pertinent information as possible in order to properly classify a Missing Person Report and initiate a proper law enforcement response. This includes the following information:

(a) Name, age and physical description of the subject and the relationship of the reporting party to the missing person;

(b) Time and place of last known location and the identity of anyone accompanying the subject;

(c) The extent of any search conducted for the subject;

(d) Whether the subject has been missing on prior occasions and the degree to which the absence departs from established behavior patterns, habits or plans;

(e) Whether the individual has been involved recently in domestic incidents; suffered emotional trauma or life crises; demonstrated unusual, uncharacteristic or bizarre behavior; is dependent on drugs or alcohol or has a history of mental illness; and

(f) The current physical condition of the subject and whether the person is currently on prescription medication.

3. If the missing person is a child, inquiry should also determine if the child:

   (a) Is or may be with any adult who could cause him/her harm;

   (b) May have been the subject of a parental abduction; or

   (c) Has previously run away from home, has threatened to do so or has a history of explained or unexplained absences for extended periods of time.

4. All missing persons under the age of 21 must be entered into NCIC within two (2) hours of the time the officer has obtained the minimum mandatory data. Once the report is completed it will be forwarded to the Communications Center without delay for entry. Supervisors will insure that missing person report approval is not delayed and all reports are submitted to communications for entry within the two (2) hour time requirement.

5. A field supervisor shall be notified immediately upon the reporting officer's determination that the person meets the criteria for classification as "missing-critical."

6. If the missing person is a juvenile the field supervisor will notify the Communications Center to activate the "A Child is Missing Alert Program." This system may also be utilized for older individuals in the event they are suffering from diminished mental capacity or medical conditions that are potentially life threatening if left untreated/unattended.

C. PRELIMINARY INVESTIGATION

1. The preliminary investigation is intended to gather additional information and to take those steps that will aid in the search for and recovery of a missing person. This includes gathering the following types of information and materials:

   (a) Complete physical description of the person;

   (b) A recent and true photograph image of the victim; (as well as a recent and true photograph of the abductor, if known);

(c) Details of any physical or emotional problems;

(d) Identity of the last person(s) to have seen the subject as well as friends, relatives, co-workers or associates who were or may have been in contact with the subject prior to disappearance;

(e) Plans, habits, routines and personal interests of the subject including places frequented or locations of particular personal significance;

(f) Indications of missing personal belongings, particularly money, cell phones, bank cards, and other valuables; and

(g) Any suggestions that the missing person may be the victim of a crime.

2. In the case of missing children, officers shall be particularly alert to information that may suggest the potential for parental abduction or stranger abduction, as well as:

   (a) The presence of behavioral problems;

   (b) Past instances of running away;

   (c) Signs of an abusive home environment or dysfunctional family situation;

   (d) Whether the child is believed to be with adults who pose a danger; and

   (e) The name and location of the school attended by the child and any persons who may be responsible for private transportation to and from the location.

3. When possible, officers should gain permission to search a missing child's room and school locker, as appropriate.

4. Upon verification of a missing person, a report shall be completed and appropriate entries made <u>without delay</u> in state and national missing person databases in accordance with established CIIS procedures, and a copy of the report shall be transmitted to the North Carolina Center for Missing Persons (CENTER) as soon as practicable.

5. In the case of persons designated as "missing-critical," the field supervisor may direct the Communications Center to broadcast to all on-duty personnel the information necessary to identify the missing person; and may request/authorize the mobilization of additional resources as necessary to conduct an area search and assist with the investigation.

6. If the ranking on-duty field supervisor determines that local resources are not adequate for the scope or type of search required, the CENTER (1-800-522-5437) has access to statewide and national resources for coordinating missing person searches and will respond 24 hours a day.

7. The reporting officer should advise the family on how to contact the CENTER for information using the tollfree telephone number (1-800-522-KIDS). This number is in service 24-hours a day.

D. ALERTS

1. In cases involving the abduction of a child that meets the criteria specified in NCGS 143B-1021, the CENTER may initiate the North Carolina AMBER Alert System. This statewide system provides for the rapid dissemination of information about the abducted child to aid in recovery efforts.

2. In order to activate an AMBER Alert, ALL of the following conditions must apply:

   (a) The child is 17 years of age or younger;

   (b) The child is believed to have been abducted, OR to be in danger of injury or death;

   (c) The abduction is not known or suspected to be by a parent of the child, unless the child's life is suspected to be in danger of injury or death;

   (d) The child is not believed to be a runaway or voluntarily missing;

   (e) The abduction has been reported to and investigated by a law enforcement agency

3. PRIOR to notifying and requesting an AMBER Alert activation by the CENTER, the investigating officer shall:

   (a) Notify the ranking on-duty patrol commander and obtain a supervisory review of the circumstances and information to verify that the criteria for an AMBER Alert have been met (refer to decision flowchart at end of this General Order);

   (b) Obtain approval from the Chief of Police to request activation of an AMBER Alert;

   (c) Enter the case into NCIC and format an AMBER Alert through CIIS;

   (d) Establish a 24-hour attended phone number;

   (e) Continue an ongoing investigation;

   (f) Compile for dissemination using the AMBER Alert form, the identity and description of the child and the abductor (photos if available), time and location of abduction and direction of travel, and other relevant data.

   (g) If practical, using the Dynamic Message Sign (DMS) locater guide, determine the location of the nearest DMS signs.

4. To request an AMBER Alert:

   (a) Notify the CENTER by telephone at 1-800-522-5437 or (919) 733-3914;

   (b) FAX the completed AMBER Alert form to the CENTER at (919) 715-1682;

   (c) Transmit by Internet Email, or absent this capability, by FAX or personal delivery, a recent and true photographic image of the victim and, if possible, the abductor.

5. It is the responsibility of the CENTER to validate the request and to determine whether there is sufficient identifying data to justify an AMBER Alert activation. The CENTER will:

    (a) Communicate with the investigating officer or supervisor to validate the request;

    (b) Make notification to the NCDOT to activate Dynamic Message Signs, if appropriate;

    (c) Make notification to the Division of Emergency Management to activate the Emergency Alert System (EAS);

    (d) Notify commercial partnerships;

    (e) Notify contiguous state partners that an AMBER Alert is in progress, if appropriate;

    (f) Monitor the progress of the investigation and alert apparatus;

    (g) Within a reasonable time frame following cancellation of the AMBER Alert, perform a step-by-step evaluation, make recommendations for improvement, implement changes, and make appropriate notifications to participating agencies and partners.

6. If the CENTER activates an AMBER Alert, the Police Department's Communications Center shall broadcast the AMBER Alert via radio in accordance with procedures detailed in the KPD Communications Manual.

7. In cases involving individuals that suffer from dementia or other cognitive impairment that meets the criteria specified in NCGS 143B-1022, the CENTER may initiate the North Carolina SILVER Alert System. This statewide system provides for the rapid dissemination of information regarding the missing person/child who is believed to be suffering from dementia or other cognitive impairment.

8. In order to activate a SILVER Alert, ALL of the following conditions must apply:

    (a) The person is believed to be missing.

    (b) The person is believed to be suffering from dementia or Alzheimer's disease, or a disability that requires them to be protected from potential abuse or other physical harm, neglect, or exploitation.

    (c) A legal custodian of the missing person has submitted a missing person's report to the local law enforcement agency where the person went missing

    (d) Law enforcement reports the incident to the NC Center for Missing Persons.

9. PRIOR to notifying and requesting a SILVER Alert activation by the CENTER, the investigating officer shall:

(a) Notify the ranking on-duty patrol commander and obtain a supervisory review of the circumstances and information to verify that the criteria for a SILVER Alert have been met (refer to decision flowchart at end of this General Order);

(b) Obtain approval from the Chief of Police to request activation of a SILVER Alert;

(c) Enter the case into NCIC and format a SILVER Alert through CIIS;

(d) Establish a 24-hour attended phone number;

(e) Continue an ongoing investigation;

(f) Compile for dissemination using the SILVER Alert form, the identity and description of the missing person (photos if available), time and location of last seen and direction of travel, and other relevant data.

(g) If practical, using the Dynamic Message Sign (DMS) locater guide, determine the location of the nearest DMS signs.

10. To request a SILVER Alert:

    (a) Notify the CENTER by telephone at 1-800-522-5437 or (919) 733-3557;

    (b) FAX the completed SILVER Alert form to the CENTER at (919) 715-1682 or after 5 or weekends to (919) 733-8134;

    (c) Transmit by Internet Email, or absent this capability, by FAX or personal delivery, a recent and true photographic image of the victim

11. It is the responsibility of the CENTER to validate the request and to determine whether there is sufficient identifying data to justify a SILVER Alert activation. The CENTER will:

    (a) Make notification to the NCDOT to activate Dynamic Message Signs, if appropriate;

    (b) Update information on the departmental website: www.nccrimecontrol.org

    (c) Send information and available photos to the media

12. If the CENTER activates a SILVER Alert, the Police Department's Communications Center shall broadcast the SILVER Alert via radio in accordance with procedures detailed in the KPD Communications Manual.

E. CIIS/NCIC ENTRY OF MISSING PERSONS

1. Upon completing the preliminary report, the reporting officer will decide which of the categories listed below best describes the missing person for the purpose of entering them into CIIS-NCIC missing person files and will obtain the required documentation for such entry as described below. This information may be placed on or attached to a supplemental report form.

(a) **EMD (Disability)**: a person of any age who is missing and who is under proven physical/mental disability or is senile, thereby subjecting him/herself or others to personal and immediate danger.

Required Documentation: A signed written statement must be obtained from a physician or other authoritative source corroborating the missing person's physical/mental disability.

(b) **EMI (Involuntary)**: a person of any age who is missing under circumstances indicating that the disappearance was not voluntary. This category is generally used for abduction of a child by a non-custodial parent or by an individual known to the missing person and/or the reporting party who is not a natural or adoptive parent (i.e. babysitter, other relative, acquaintance) and there is not reason to believe that the missing person's physical safety is in danger.

Required Documentation: A signed written statement must be obtained from the parent, legal guardian, next of kin or other authoritative source advising that the missing person's disappearance was not voluntary.

Note: If legal custody was established at the time of the abduction, attach a copy of the separation agreement or divorce papers indicating who had legal custody. If custody was not established at the time of the abduction, attach a copy of any temporary custody order or other court document that establishes temporary legal custody of the minor child(ren).

(c) **EME (Endangered)**: a person of any age who is in the company of another person under circumstances indicating that his/her physical safety is in danger. This category is generally used for abduction by a stranger (there is a presumption that a person abducted by a stranger is endangered) or by an individual known to the missing person, reporting party or law enforcement as a dangerous individual.

Required Documentation: A signed written statement to this effect must be obtained from the parent, legal guardian, next of kin or other authoritative source indicating that the missing person is in the company of another person under circumstances indicating that his/her physical safety is in danger.

(d) **EMV (Victim)**: a person of any age who is missing following a catastrophe. A catastrophe is a sudden calamity or disaster such as a tornado, flood or earthquake. Catastrophe victim records may be entered by any agency involved in identifying victims of a disaster. No written documentation is required for entry into this category.

(e) **EMJ (Juvenile):** an un-emancipated juvenile as defined by NCGS 7A-517(20) who does not meet the entry criteria of (a) through (d) above. This category is generally used for persons who are voluntarily missing or runaway, and who have not yet reached their 18th birthday. *Required Documentation*: A signed written statement must be obtained from the parent or guardian confirming that the juvenile is missing and verifying his/her date of birth.

(f) **EMO (Other):** a person over the age of 18 reported missing under unknown circumstances and there is reasonable concern for their safety.

2. The National Child Search Assistance Act (42 U.S.C. §5779, §5780) requires law enforcement to immediately enter into NCIC every reported case involving a missing child. The intent of this law is to ensure that law enforcement disseminates as quickly as possible information vital to the recovery of a missing child. Accordingly, all persons under the age of 21 who are reported missing shall be entered into CIIS/NCIC **without delay** in accordance with prevailing Federal and State regulations. Upon entry, NCIC will send an immediate notification to the NCMEC. Information about the perpetrator (abductor) should also be entered in the CIIS/NCIC Wanted Person File if a warrant is issued, and the records should be linked.

3. An adult or emancipated juvenile who is not proven physically/mentally disabled, who voluntarily left, whose physical safety is not in danger due to other persons and is not a victim of a catastrophe will not be entered into CIIS-NCIC. However, a missing person message will be transmitted to the CENTER.

4. The reporting officer will give the required information to a Telecommunicator or certified CIIS Terminal Operator to be processed in accordance with NCGS 143B-1015 as outlined below:

   (a) Persons eligible for entry into the national missing person files shall immediately be entered into CIIS/NCIC using the appropriate message key, and the assigned NIC number for that entry recorded on the missing person report.

   (b) The Communications Center will immediately inform all on-duty officers of the missing person report via radio broadcast and MDC message.

   (c) The agency will send a statewide “Attempt to Locate” message via CIIS to other law enforcement agencies to be on the lookout for the missing person. This requirement may be met by using the appropriate routing list (SO PD SHP). “Attempt to Locate” messages shall include the following minimum information:

      (1) Name, date of birth, and description of the missing person;
      (2) Date, time and location last seen;
      (3) Name and contact number(s) of the investigating officer;
      (4) NIC number (if applicable);
      (5) OCA number (agency case number).

   (d) The statewide “Attempt to Locate” message must also be routed to the N.C. Center for Missing Persons at Terminal Identifier CMP.

5. Initial police reports are based on preliminary investigations, and the information entered into CIIS/NCIC can quickly become obsolete. The CIIS/NCIC record should be reviewed frequently by the assigned investigator and updated as needed to ensure that the most current and reliable information is shared with other law enforcement agencies.

F. FOLLOW-UP INVESTIGATION

1. Ongoing investigations of missing persons should include, but are not limited to, the following actions and activities:

   (a) Request release of dental records and any fingerprints available;

(b) Contact hospital and the medical examiner's office as appropriate for injured or deceased persons fitting the description of the missing person;

(c) Thoroughly check the location at which the missing person was last seen and conduct interviews as appropriate with persons who were with the individual or who may work in or frequent the area;

(d) Conduct interviews with any additional family, friends, work associates, schoolmates and teachers as well as school counselors, social case workers, as appropriate, to explore the potential for foul play, voluntary flight, or (in the case of juveniles) parental kidnapping or running away;

(e) Provide identification and related information to all elements of his agency, neighboring law enforcement agencies and, if parental or stranger abduction is suspected, the Federal Bureau of Investigation (FBI).

2. Requests for assistance from the local media to help locate missing persons may be made with the prior approval of the Chief of Police and the missing person's family.

3. The assigned investigator shall maintain routine on-going contact with the reporting party and/or missing person's closest relative concerning the progress of the investigation. These and other relevant individuals shall be informed that they must notify the investigator as soon as possible if contact is made with the missing person.

4. Follow-up investigative efforts and the results of such activities are to be fully documented on a supplemental report for inclusion in the investigative case file.

G. RECOVERY OF MISSING PERSONS AND CASE CLOSURE

1. If the missing person is located during the reporting officer's tour of duty, he/she will be required to complete a form CIIS-603F (Supplementary Investigation) showing the person has been located. If the person is located at a later time, then the officer who receives that information will be responsible for completing the Supplementary Investigation.
2. The Communications Center will notify all on-duty officers via radio and mobile data that the missing person has been located.

3. The located missing person shall be cleared out of CIIS/NCIC (if entered) **without delay**, and a locate message transmitted to the CENTER at Terminal Identifier CMP. If a statewide "Attempt to Locate" message was previously transmitted, a locate message shall be routed statewide using the same routing list (SO PD SHP).

4. Competent adults, having voluntarily left home for personal reasons, cannot be forced to return home. Officers locating such individuals shall:

(a) Advise them that they are the subject of a missing person investigation;

(b) Ask if they desire the reporting party or next-of-kin to be notified of their whereabouts; and

(c) Make provisions to transmit this information to the reporting party or next-of-kin if permitted by the missing person.

5. In all cases, the family or reporting party shall be informed of the well being of the located missing person. Unless criminal matters necessitate other action, desires of missing adults not to reveal their whereabouts should be honored.

6. When located, missing persons shall be questioned to establish the circumstances surrounding their disappearance and whether criminal activity was involved.

7. In cases involving juveniles, officers shall ensure that:

   (a) The juvenile receives medical attention, if necessary, in a timely manner;

   (b) Initial questioning of the youth identifies the circumstances surrounding the child's disappearance, any individuals who may be criminally responsible, and/or whether an abusive or negligent home environment was a contributory factor; and

   (c) Parents, guardians and/or the person reporting the missing youth are notified in a timely manner.

8. Where indicated, follow-up action shall include filing of an abuse and neglect report with the Department of Social Services (DSS) or other appropriate youth service agency.

H. TEMPORARY CUSTODY OF JUVENILE RUNAWAYS AGED 16 AND 17

1. Under North Carolina General Statute 7B-1900, police officers have the authority to take physical custody of 16 and 17 year old juvenile runaways without a court order, provided that the runaway is an "undisciplined juvenile" as defined in NCGS 7B-1501(27)(b) and has been absent from the home without permission for at least 24 hours. A written request to assume custody of the juvenile shall be obtained from the juvenile's parent, guardian, or custodian.

2. An officer who takes a 16 or 17-year old into custody without a court order under this section must comply with the applicable duties required by NCGS 7B-1901, as follows:

   (a) Notify the juvenile's parent, guardian, or custodian that the juvenile has been taken into temporary custody and advise the parent, guardian, or custodian of the right to be present with the juvenile until a determination is made as to the need for secure or non-secure custody.

   (b) Release the juvenile to the juvenile's parent, guardian, or custodian if the officer decides that continued custody is unnecessary.

   (c) If the juvenile is not released, the officer should contact a juvenile intake counselor for assistance in requesting an appropriate petition.

I. RECOVERY OF PERSONS REPORTED MISSING TO OUTSIDE AGENCIES

1. In the event that a Kannapolis officer locates a person who has been reported missing to an outside law enforcement agency, the officer shall complete a form CIIS-800F (Incident/Investigation Report) to document the circumstances of the recovery, specific actions taken by the officer, and CIIS transactions. A Kannapolis case number will be assigned to the

Incident/Investigation Report and used as the locating case agency (LCA) number on all CIIS transactions.

2. A CIIS-NCIC locate message will be transmitted to the reporting agency. A printout of the missing person "hit" and locate message shall be attached to the Incident/Investigation Report.

3. The locating officer shall follow all applicable procedures for the recovery of missing persons as specified in Section E of this General Order. To the extent feasible, investigative efforts should be coordinated with the reporting agency. Notification of complainant or next of kin will be the responsibility of the reporting agency.

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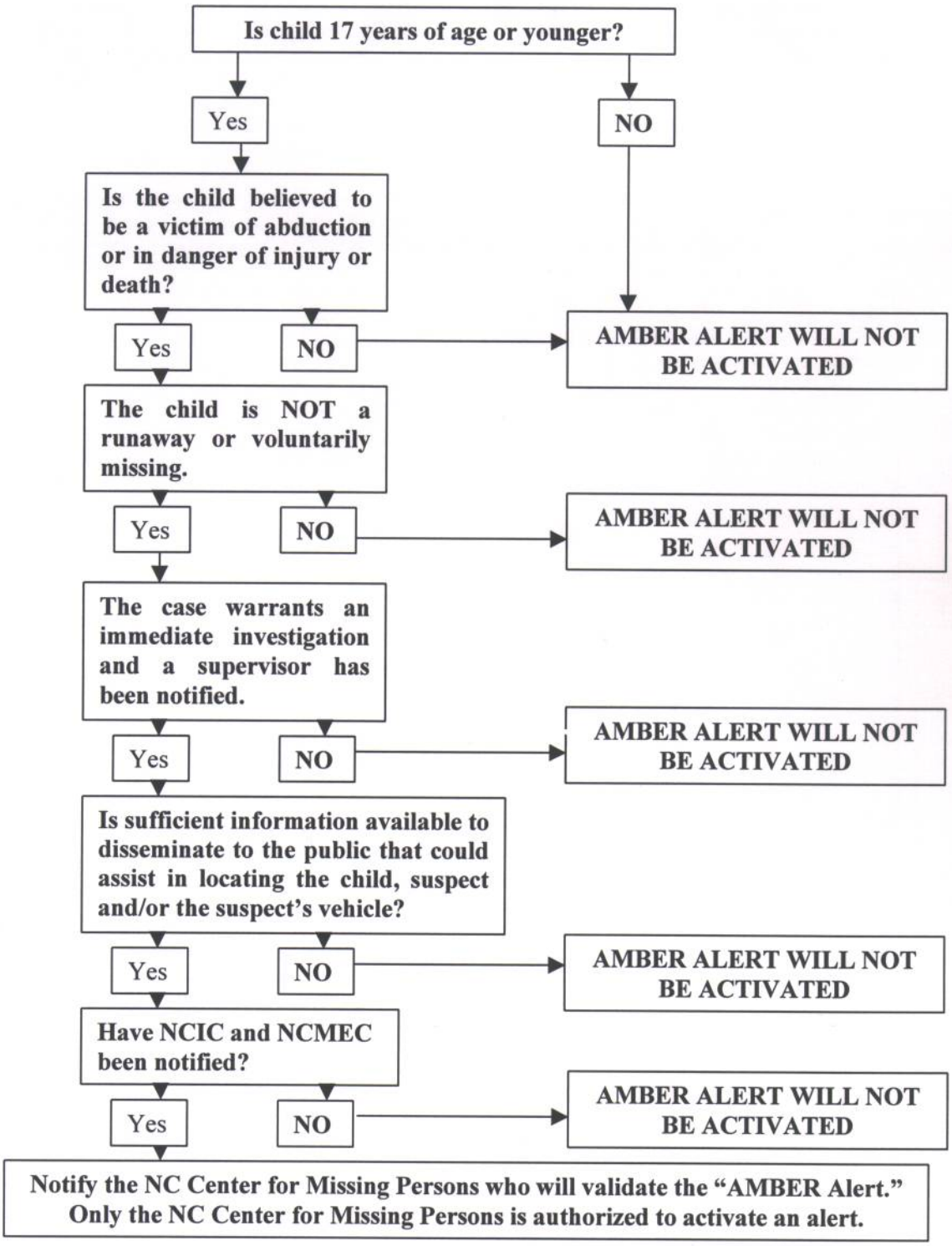
AMBER Alert
LOCATER System
Missing Persons
Runaways

DECISION FLOWCHART FOR NORTH CAROLINA "AMBER ALERT" PLAN ACTIVATION



KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: **700-08**
SUBJECT: VICE, NARCOTICS & ORGANIZED CRIME
DISTRIBUTION All Personnel
EFFECTIVE DATE: 03-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental guidelines for the investigation of activities associated with vice, narcotics and organized crime.

POLICY

The Kannapolis Police Department is committed to the suppression of unlawful activities associated with vice, narcotics and organized crime. It shall be the policy of the department to investigate and take appropriate enforcement action to control and deter such activities in accordance with law. The Vice & Narcotics Unit of the Criminal Investigation Division will have the primary responsibility to investigate crimes of this nature. However, it is the shared responsibility of all police officers to take appropriate investigative and enforcement actions to suppress these illegal activities in accordance with this General Order.

DEFINITIONS

The following definitions are for the limited purposes of this General Order and may not apply in all other cases:

1. Deconfliction: A process of determining when law enforcement personnel are conducting events in close proximity to one another at the same time. By notifying a central location of planned events or individuals prior to field activities, officers will not unknowingly target or conflict with another law enforcement entity or compromise another investigation. Event deconfliction refers to geographical conflicts that occur at the same time and in the same proximity. Target deconfliction refers to subjects, gangs, locations, telephone numbers, vehicles, and other investigative information about criminal activity.

2. Narcotics: a general term used to refer to any illegal activity involving the possession, manufacture, sale, transportation, or distribution of controlled substances; and related offenses such as money laundering and conspiracy.

3. Organized Crime: unlawful activity carried out by members of organized groups or associations engaged in or promoting theft, fencing, loan sharking, labor racketeering, or other offense for profit, or engaged in supplying illegal goods and services (prostitution, drugs, liquor, weapons, etc) or other unlawful conduct that may include intimidation or corruption.

4. Undercover Operation: a confidential criminal investigation that involves the use of a police officer(s) in a covert capacity to develop information and evidence of crimes by infiltrating an operation or associating with persons suspected of criminal activity.

5. Vice: criminal activity that is usually of concern to the entire community, and that often involves incidents of prostitution, gambling, the illegal use and/or sale of alcoholic beverages, or the sale of obscene or pornographic materials.

6. VNOC: Vice, Narcotics and Organized Crime.

PROCEDURES

A. ORGANIZATION AND ADMINISTRATION

1. The primary responsibility for the investigation of VNOC activity is delegated to the Vice & Narcotics Unit of the Criminal Investigation Division (CID). The unit supervisor and CID commander are responsible for the coordination and supervision of all investigative and enforcement actions performed by this unit.

2. Unit responsibilities pertaining to vice, narcotics and organized crime control shall include, but are not limited to:

   (a) Gathering criminal intelligence;

   (b) Conducting investigations of reported or suspected VNOC activities;

   (c) Vigorous enforcement and prosecution of criminal offenders; and

   (d) Providing information and operational assistance to other components of the Department and to outside law enforcement agencies.

3. Selection of officers for assignment to the Vice & Narcotics Unit will follow established departmental policy as provided in General Order 200-07 (Personnel Allocation). Officers will normally be assigned to this unit for a period not to exceed five (5) years. The assignment period may be modified at the discretion of the Chief of Police based on the prevailing operational needs and interests of the Department.

4. The specialized methods used in the investigation of VNOC activities exposes officers to greater opportunities for corruption and improper conduct. As such, officers assigned to the Vice & Narcotics Unit will be closely monitored and held to strict standards of personal conduct and professional accountability. Any suspected or observed misconduct shall immediately be reported to the appropriate supervisor or commander for investigation.

B. RECEIVING AND PROCESSING VNOC COMPLAINTS

1. When the Communications Center receives reports of narcotics violations that are in progress, the zone car in the area of the offense should be dispatched to investigate and take appropriate enforcement measures.

2. When any member of the Department receives information or complaints relating to VNOC activity, they are to record that information by completing Part I of form KPD-170 (VNOC Complaint) and forward it to the CID commander. This information may be developed by contact with citizens, informants, outside law enforcement agencies, or personal observations.

3. After review, the CID commander will assign the complaint information to the Vice & Narcotics Unit for follow-up. The Unit secretary will document receipt of the complaint and assign it a

unique tracking number, and then assign the complaint to a VNOC investigator. The initial follow-up investigation shall be completed within thirty (30) days. The assigned investigator shall complete the synopsis section of Part II of the KPD-170. At that time, the unit supervisor will determine the disposition of the complaint and record the disposition on Part III of the KPD-170.

(a) If the follow up information fails to substantiate the information, the information will be maintained as criminal intelligence for future reference in the event that additional information is developed. Intelligence information will be reviewed periodically by the CID commander and unit supervisor to determine continued relevancy. When it is determined that intelligence information is no longer of investigative value, it may be purged.

(b) If the follow up information substantiates the information, an Incident Report will be completed by the assigned officer. This report and all supplemental reports will be maintained in a secure, confidential file within CID until such time as the case is closed. Any material not considered confidential shall be consolidated into the department's Central Records at the appropriate time.

(c) If the follow up investigation reveals information of illegal activity occurring in outside jurisdictions, the investigating officer shall, when appropriate, contact the local, state or federal law enforcement agency of jurisdiction to coordinate the exchange of information. Such notification should be made in writing or other verifiable means, and a copy of the notification retained in the original file.

4. The CID commander will ensure that an index of complaints pertaining to VNOC activity is maintained. This index shall contain the following information:

(a) The nature of the complaint;
(b) The complainant, if known;
(c) The assigned investigator;
(d) OCA number (if assigned);
(e) Outside jurisdictions notified; and
(f) Disposition of the complaint.

C. CONFIDENTIAL FUNDS

1. The investigation of VNOC activities requires frequent and sometimes large expenditures of money. This can include paying informants, purchasing contraband as evidence, and incurring expenses for surveillance and related activities. The Police Department maintains confidential funds to support such operations. All confidential funds shall be strictly administered and accounted for in accordance with General Order 700-06 (Confidential Funds).

D. INVESTIGATIONS

1. The determination to investigate VNOC complaints shall be based on the following:

(a) Validity of the original information;
(b) Criminal nature of the complaint;
(c) Importance of the reported problem;
(d) Quality of information available;
(e) Investigative techniques necessary to the investigation;

(f) Resources necessary to conduct the investigation; and
(g) Operational problems that exist or may arise.

2. All complaints will be prioritized and investigated on the basis of danger to life and/or property, community impact, and seriousness of offense. Investigations shall be thorough and complete. Officers are to utilize all applicable investigative techniques to ensure that available leads are followed up.
3. If the identity of the complainant is known, the assigned investigator may provide them with case status information, if and when the release of the information would not compromise the investigation or safety of those involved.

E. DISSEMINATION & EXCHANGE OF INFORMATION

1. Members of the Vice & Narcotics Unit will share information about VNOC activity with other agency components as necessary to ensure a coordinated agency response. Consideration must be given to the need for operational security when releasing information about sensitive or covert investigations. In such cases, the CID commander must approve the content and manner of dissemination. (*Note: this restriction shall not be construed to prevent the internal report of investigative and operational activities to appropriate command staff and the Chief of Police).*

2. The exchange of information with outside agencies is vital to the success of VNOC investigations. Members of the Vice & Narcotics Unit shall establish and maintain liaison with other law enforcement agencies as necessary to exchange information about suspects and criminal activities that transcend territorial boundaries.

3. Each officer assigned to the Vice & Narcotics Unit shall prepare an investigator's daily work report and submit it to the unit supervisor. This report shall detail their daily investigative and operational activities.

4. The CID commander shall submit a monthly report to the Support Services Bureau Commander on the status of on-going VNOC investigations, to include any covert operations. This summary shall include information about any community problems caused by such illegal activity and the steps taken to abate the problem.

5. The Support Services Bureau Commander shall submit a quarterly report to the Chief of Police on the status of on-going investigations and operations being conducted by CID to control such activities. This report shall detail any covert operations, special operations, and any directed efforts to abate community problems caused by illegal activities. This report shall be in addition to regular periodic briefings and correspondence related to specific operations and investigations.

F. COVERT OPERATIONS

1. The effective suppression of VNOC offenses often requires the use of covert methods as part of an investigative strategy. The Kannapolis Police Department will develop the necessary expertise and resources, both within the agency and through mutual aid agreements with outside law enforcement agencies, to permit the conduct of covert operations in accordance with constitutional guidelines and departmental policy.

2. The covert surveillance of persons, vehicles, places, objects, individuals or groups acting in a suspicious manner, or the photographing or visual monitoring of events is an effective law enforcement tool in the investigation of VNOC offenses. In all cases, surveillance operations

shall be conducted in accordance with prevailing law and the provisions of General Order 700-03 (Surveillance Operations).

3. The need for undercover operations will be determined by the CID commander based on input from the Vice & Narcotics Unit, other agency personnel, and information received from intelligence sources. Undercover operations will address specific crime control needs and must include clearly defined objectives. Unless otherwise directed by the Chief of Police, all undercover operations will be conducted under the supervision and control of the CID commander.

4. Undercover operations may include, but are not limited to, such activities as:

   (a) Purchase of controlled substances;
   (b) Purchase of alcohol sold in violation of law;
   (c) Purchase of firearms, explosives or other weapons;
   (d) Reverse drug sale operations; and
   (e) Buy-bust operations.

5. A detailed operational plan must be developed and approved prior to the commencement of any undercover operation. The operational plan must contain provisions for a variety of operational issues and concerns, to include the following:

   (a) An analysis of the crimes, victims and target suspects;

   (b) A determination of any legal ramifications (to include consultation with prosecutors and legal advisors as necessary);

   (c) Familiarizing officers with the objectives and details of the operation, the neighborhood, or target area;

   (d) Determining operational procedures for cover, surveillance, arrest, and high-risk entries in conformance with applicable department policies;

   (e) Estimate of confidential funds required to conduct the operation and the method of supplying officers with expense funds;

   (f) Operational procedures for both routine and emergency communication between officers, supervisors, and the Communications Center;

   (g) Selecting operational equipment and/or undercover vehicles;

   (h) Provisions for the relief, backup, security, and perimeter protection of all officers involved;

   (i) Supplying the special cover needs of the undercover officers (e.g., false identities, false vehicle registration plates, disguises, and/or necessary credentials);

   (j) Provisions to maintain operational security, confidentiality, and cover;

   (k) Obtaining authorization for any organized raid and use of force;

   (l) The designation of a single person as supervisor and coordinator of the operation and all officers assigned;

(m) Provision for close supervision of the operation;

(n) Provisions for making contact with suspects;

(o) Provisions for any searches and seizures of evidence and/or contraband arising from the operation;

(p) Provisions for obtaining medical assistance in cases of emergency; and

(q) Provisions for obtaining coordination and assistance form others both inside and outside of the agency.

6. Operational plans for undercover operations limited to the use of sworn personnel of the Kannapolis Police Department must be reviewed and approved by the Support Services Bureau Commander.

7. Operational plans for undercover operations that involve undercover officers from outside agencies, that are multi-jurisdictional in nature, or that involve the use of non-sworn personnel must be reviewed and approved by the Chief of Police.

8. At the conclusion of all undercover operations, a debriefing will be held with participants to review the operation. A memorandum detailing this debriefing will be completed by the CID commander and forwarded via the chain of command to the Chief of Police. The debriefing and follow up report must include the following issues:

(a) Accomplishment of operational goals and objectives;

(b) Critique of actions by officers;

(c) Statistical information pertaining to cases opened, arrests, type and amount of evidence or contraband seized or purchased, and confidential funds expended;

(d) Description of real or personal property seized and subject to forfeiture; and

(e) Suggestions on how to improve similar operations in the future.

G. DECONFLICTION

1. To make VNOC operations as safe as possible this agency shall participate in both target and event deconfliction. This process of determining when law enforcement personnel are investigating near one another at the same time is intended to prevent officers or agencies from interfering with each other's investigations, or worse, officers to be unintentionally injured or killed.

2. The Kannapolis Police Department VNOC unit shall participate in both RISSafe for event deconfliction and DICE for target deconfliction purposes. Other deconfliction programs may be specifically authorized by the Chief of Police and shall be utilized in accordance with the provisions of this General Order.

3. All information entered into approved deconfliction systems is considered confidential and law enforcement sensitive.

4. The following activities/events shall be entered into the event deconfliction system:

    (a) The service of VNOC search warrants;

    (b) The service of any search or arrest warrant deemed to be high-risk based on a threat matrix;

    (c) Buy-Bust operations;

    (d) Buy-Walk operations;

    (e) Controlled buys;

    (f) Prostitution stings;

    (g) Undercover or informant meetings with suspects for the purpose of receiving, delivering, or negotiating the receipt or delivery of any contraband; or

    (h) Any other high-risk or specialized law enforcement activity which would benefit from event deconfliction.

5. Personnel or supervisors conducting field operations as defined above shall ensure these operations are submitted into the event deconfliction system(s) approved by the agency. All operations requiring submission shall be made as soon as information is available, but at least two hours prior to the event taking place, if possible.

6. Information submitted into the deconfliction system(s) shall include

    (a) Date and time of the planned operation;

    (b) Location of the operation to include staging areas;

    (c) Information known at the time regarding suspects;

    (d) Lead and participating agencies;

    (e) Contact information for case officer and supervisor; and

    (f) The radius of deconfliction if not present by the system.

7. If a conflict with another law enforcement activity is identified, both of the contact personnel will be notified by the system. Each affected law enforcement entity is responsible for contacting one another and resolving the conflict before taking further action. Investigating personnel must refrain from executing any operation until identified conflicts have been resolved.

8. Unresolved operational conflicts will be immediately referred to the Support Services Bureau Commander. Any exemption or deviation from the procedure shall be considered on a case by case basis and approved only by the Bureau Commander, Deputy Chief, or Chief of Police.

9. Copies of all information relevant to the deconfliction system entry shall be included in the case file associated with the investigation.

10. Personnel with assignments that may require them to perform event deconfliction shall receive training enabling them to obtain appropriate security access to and navigate through the event deconfliction system(s). Access will be restricted to personnel that have completed required training.

11. The Kannapolis Police Department recognizes that other surrounding agencies, some whom have concurrent jurisdiction, do not participate in event deconfliction. Therefore, every effort should be made to maintain liaison and open communication with these agencies to avoid possible conflicts.

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Organized Crime
Undercover Operations
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KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: **700-09**
SUBJECT: IDENTITY CRIMES
DISTRIBUTION All Personnel
EFFECTIVE DATE: 04-01-2002
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this policy is to provide employees with protocols for accepting, recording, and investigating the crime of identity theft and related crimes.

POLICY

Identity theft is one of the fastest growing and most serious economic crimes in the United States for both financial institutions and persons whose identifying information has been illegally used. Identity theft is also a tool that terrorists and those who are attempting to evade the law can use to their advantage. Therefore, the Kannapolis Police Department shall take those measures necessary to record criminal complaints, assist victims in contacting other relevant investigative and consumer protection agencies, and work with other federal, state and local law enforcement and reporting agencies to identify perpetrators.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Identity Theft: the wrongful use of another person's identifying information – such as credit card, social security or driver's license numbers - to commit financial or other crimes. Identity theft is generally a means for committing other offenses such as fraudulently obtaining financial credit or loans, among other crimes.

PROCEDURES

A. LEGAL PROHIBITIONS

1. Identity theft is punishable under federal law "when any person knowingly transfers or uses, without lawful authority; a means of identification of another person with the intent to commit, or to aid or abet, any unlawful activity that constitutes a felony under any applicable state or local law. [18 U.S.C. § 1028(a)(7)].

2. Possession, manufacture, or use of a fraudulent identification bearing a photograph is punishable under NCGS 14-100.1. Identity theft is also punishable under State law when a person uses, without lawful authority, a means of identification of another person to commit, or to aid or abet, a financial crime as provided in NCGS 14, Article 19 (Financial Identity Fraud),

or to commit other crimes involving the false or fraudulent use of identity as prohibited by State statute.

B. TAKING CRIME REPORTS

1. All sworn police personnel are authorized to take crime reports for identity theft offenses occurring within the City of Kannapolis. As in all criminal cases, jurisdiction is determined by the geographic location where the criminal act occurs. Recording all relevant information and data in such reports is essential to further investigation. Therefore, officers and/or supervisors should fully record information concerning criminal acts that may have been committed by illegally using another's personal identity as covered by state and federal law. Because identity theft so often is a multi-jurisdictional crime, it is important for officers to cooperate closely with other agencies in the investigation of identity theft cases.

2. Classify as identity theft fraudulent acts committed against an individual when there is evidence that the following types of unauthorized activities have taken place in the victim's name:

   (a) Credit card charges, debit cards, ATM cards;
   (b) Credit card checks written against their account;
   (c) Credit card accounts opened or account address changed;
   (d) Establishment of a line of credit at a store or obtaining a loan at a financial institution;
   (e) Goods or services purchased in their name;
   (f) Gaining access to secure areas; or
   (g) Used as computer fraud.

3. Obtain or verify as appropriate identifying information of the victim to include date of birth, social security number, driver’s license number, other photo identification, current and most recent prior addresses, and telephone numbers.

4. Document the nature of the fraud or other crime committed in the victim's name.

5. Determine what types of personal identifying information may have been used to commit these crimes (i.e., social security number, driver's license number, birth certificate, credit card numbers and state of issuance, etc.) and whether any of these have been lost, stolen or potentially misappropriated.

6. Document any information concerning where the crime took place, the financial institutions or related companies involved and the residence or whereabouts of the victim at the time of these events.

7. Determine whether the victim authorized anyone to use his or her name or personal information.

8. Determine whether the victim has knowledge or belief that specific person or persons have used his or her identity to commit fraud or other crimes.

9. Determine whether the victim is willing to assist in the prosecution of suspects identified in the crime.

10. Determine if the victim has filed a report of the crime with other law enforcement agencies and whether such agency provided the complainant with a report number.

11. If not otherwise provided, document/describe the crime, the documents or information used, and the manner in which the victim's identifying information was obtained.

12. Forward the report through the chain of command to appropriate investigative officers and immediately to intelligence agencies and federal agencies, if it appears to have national security implications.

C. ASSISTING VICTIMS

1. Officers taking reports of identity theft should take those steps reasonably possible to help victim resolve their problem. This includes providing victims with the following suggestions where appropriate:

    (a) Contact the Federal Trade Commission (1-877-IDTHEFT), which acts as the nation's clearinghouse for information related to identity theft crimes-for assistance from trained counselors in resolving credit related problems;

    (b) Contact the fraud departments of the three major credit reporting agencies [Equifax (1-800-525-6285), Experian (1-888-397-3742), TransUnion (1-800-680-7289)], and ask them to put a fraud alert on the account and add a victim's statement requesting creditors to contact the victim before opening new accounts in his or her name. Also request copies of your credit report;

    (c) If bank accounts are involved, report the loss to each financial institution, cancel existing accounts and open new ones with new account numbers. If deemed necessary, place stop payments on outstanding checks and contact creditors to explain;

    (d) If a driver's license is involved, contact the state motor vehicle department. If the driver's license uses the social security number, request a new driver's license number. In such cases, also check with the Social Security Administration to determine the accuracy and integrity of your account;

    (e) Change the locks on your house and cars if there is any indication that these have been copied or otherwise compromised.

D. INVESTIGATIONS

1. Investigation of identity theft shall include but not be limited to the following actions where appropriate:

    (a) Review the crime report and conduct any follow-up inquiries of victims or others as appropriate for clarification/expansion of information.

    (b) Contact the FTC Consumer Sentinel law enforcement network and search the database for investigative leads.

    (c) Contact other involved or potentially involved law enforcement agencies for collaboration and avoidance of duplication. These agencies may include, but are not limited to:

(1) Federal law enforcement agencies such as the U.S. Secret Service, the Federal Bureau of Investigation, and the U.S. Postal Inspection Service as appropriate whether or not the victim has filed a crime report with them.

(2) Any state and/or local enforcement agency with which the victim has filed a crime report or where there is an indication that the identity theft took place.

E. COMMUNITY AWARENESS & PREVENTION

1. Where reasonable and appropriate, officers engaged in public education/information forums, community crime prevention and awareness presentations or similar speaking or information dissemination efforts should provide the public with information on the nature and prevention of identity theft.

INDEX AS:

Identity Fraud
Identity Theft

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: **700-10**
SUBJECT: CLANDESTINE DRUG LABS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 05-10-2004
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish department policy and procedures governing the investigation of clandestine drug labs.

POLICY

Clandestine drug labs are becoming increasingly common as criminal offenders seek to illegally manufacture controlled substances. The prevalence of clandestine labs and the dangerous properties of many of the chemicals used in the process pose a significant safety hazard to police officers and other innocent persons. Officers should know how to recognize a clandestine lab, procedures that should be taken if a lab is discovered, and the hazards involved. While this policy focuses primarily on methamphetamine labs, the protocols outlined herein will generally apply to other types of clandestine drug labs. In all cases, the safety of innocent persons and the investigating law enforcement officers shall be of primary importance.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Apparatus: equipment used in the manufacture of controlled substances in a clandestine lab, including such items as a heating mantle, hydrogenator, rheostat, ring stand, thermometer, and vacuum pump.

2. Clandestine Lab: an illicit operation consisting of a sufficient combination of apparatus and chemicals that either have been used or could be used in the manufacture or synthesis of controlled substances. Clandestine means concealed or done in secret.

3. Precursor: raw materials or substances that become part of a finished product through a chemical reaction.

4. Reagents: raw materials or substances that react chemically with one or more precursors, but do not become part of the finished product.

5. SBI Clandestine Lab Team: a team composed of SBI special agents and other persons with specialized training and protective equipment to enter a clandestine lab site and render it safe for further investigation.

6. Solvents: chemicals that help other chemicals mix, cool reactions, and clean finished products, but do not become part of the finished product.

PROCEDURES

A. METHAMPHETAMINE LAB OVERVIEW

1. Methamphetamine is an addictive drug that stimulates the central nervous system and produces an increase in alertness, speech, and physical activity. Some observable symptoms include dilated pupils, mood swings, nervousness, anxiety, rapid speech, and violent behavior. The effects of its use typically last for 2-4 hours.

2. Methamphetamine is a serious problem for law enforcement because of the violence associated with its manufacture and distribution. Also of concern are major environmental issues associated with the manufacture of methamphetamine such as disposal of toxic waste and the significant health risk posed to police and law enforcement.

3. Today, there is a methamphetamine epidemic where it is produced primarily by what are termed the "Beavis and Butthead" cooks. These are methamphetamine user-cooks who perhaps see a recipe on the Internet and whip up a batch in a motel room, house kitchen, or even in the trunk of a car. There are real dangers because of the inexperience of the cookers in dealing with highly explosive materials, as well as the disposition of toxic waste by-products.

4. Clandestine labs can be found virtually anywhere – rural, city, and suburban residences; barns, garages and other outbuildings; back rooms of businesses; apartments; hotel and motel rooms; storage facilities; vacant buildings; and even vehicles. Small portable labs are commonly referred to as "user," "mom and pop," or "Beavis and Butthead" labs. Larger labs that are permanently set up and can produce up to 100 pounds of methamphetamine per cook are referred to as "super" labs.

5. The two most common methods of illegally manufacturing methamphetamine are the Nazi (Birch) method and the ephedrine HI (Red Phosphorus) method.

   (a) Nazi (Birch) Method: This process is typically found in "user" labs, takes only about 30 minutes, and uses household materials. The Nazi method uses only small amounts of chemicals and will yield only small amounts of methamphetamine. On the down side, however, it is a very dangerous process as the chemicals used are explosive and create deadly gases. Chemicals commonly associated with this method include pseudoephedrine, lithium or sodium, anhydrous ammonia, ethyl ether, and hydrogen chloride gas.

   (b) Ephedrine HI Method: This process is often used in "super" labs and commonly used by Mexican drug cartels. Other names for this method include the "red P" and "red phosphorus" method. It consists of four phases or stages of synthesis: cooking, separation, crystallization, and drying. This method is a much longer process, with cook times as long as 15 hours. Chemicals commonly associated with this method include ephedrine or pseudoephedrine, red phosphorus, hydriodic acid, caustic soda, sodium bisulphate or sodium thiosulfate, Freon, ether, Coleman fuel, and hydrogen chloride gas.

6. Both the Nazi (Birch) method and the Ephedrine HI method begin with the use of either ephedrine or pseudoephedrine as a precursor. When pseudoephedrine is used, the initial step is to extract the pseudoephedrine out of the tablets (typically over-the counter cold tablets). This extraction process is called a "pill wash."

B. METHAMPHETAMINE LAB HAZARDS

1. Fires/Explosions: Many clandestine labs are discovered due to fires or explosions during the cook process. Officers should be aware that altering the conditions of a lab might jeopardize the stability of the chemicals used in the manufacturing process. Everything from apparatus and chemicals to light switches and heating elements should be left as they were found until they are deemed safe.

2. Lethal Gases: A lab site should NOT be ventilated until proper authorities have assessed the conditions and deemed it safe to do so. Two deadly gases, phosphine and phosgene, can be produced during the synthesis of methamphetamine. Phosphine gas is produced when red phosphorus is heated. High doses of phosphine gas can kill instantly, while lower levels can be lethal from exposures of 30-45 minutes. Phosgene gas is produced when Freon is heated. Phosgene gas is commonly known as mustard gas (a blister agent) and can cause severe chemical burns, respiratory injury, and death.

3. Chemical Contamination: The substances used in producing methamphetamine are dangerous chemicals and vapors. Many of these chemicals are corrosive, poisonous, and carcinogenic. Proper safety equipment is needed to work in a contaminated environment. If chemicals can be smelled, assume you are contaminated.

4. Booby Traps: Light switches and trip wires are common triggers for booby traps in a clandestine lab. Chemicals used during a cook are set up in such a way that when a booby trap is triggered, chemicals react to produce poisonous or flammable gases.

C. CHEMICALS USED IN METHAMPHETAMINE LABS

1. Ephedrine/Pseudoephedrine: is a precursor used in the synthesis of methamphetamine. Ephedrine comes from the ephedera plant found in Asia (China primarily) and the United Arab Emirates. Ephedrine is found packaged as tablets and imported in a tin. Pseudoephedrine is a chemical commonly used as a decongestant and can be found in over-the-counter cold medications such as cough medicine and sinus tablets.

2. Solvents: While many solvents can be used to perform a pill wash (pseudoephedrine extraction), the most common are methanol, denatured alcohol, and toluene. These chemicals are used in such products as paint thinner, fuel additives, and Coleman fuel, and can be purchased at hardware and automotive supply stores. Solvents are typically stored in metal cans and can be in either a liquid or vapor form. Solvents can cause eye damage, are extremely flammable, and are particularly dangerous because they are clear burning (burn with no visible flame),

3. Red Phosphorus: is a red powder used as a reagent for the synthesis of methamphetamine. Red phosphorus can be obtained from chemical supply stores in metal drums or soaked off the striking pads of matches. Red phosphorus is a severe lung irritant and extremely flammable. Friction alone can ignite red phosphorus. Extreme caution must be exercised when handling this chemical. If overheated, red phosphorus may covert to white phosphorus,

which can ignite when exposed to air. Overheating red phosphorus can also produce phosphine gas. Phosphine gas has an odor similar to garlic. Exposure to 400-600 ppm over 30 minutes can cause death. A higher concentration can cause death immediately. A filter on a respirator may not filter out phosphine gas.

4. Hydriodic Acid: is a reagent used in the red phosphorus method of methamphetamine production. Hydriodic acid (HI) can be found in either a liquid or vapor form. It can be clandestinely manufactured or purchased from chemical supply stores. Hydrioic acid is corrosive and will cause severe burns to airways and skin.

5. Freon: is a solvent used to clean the final product. It can be packaged in gas cans or cylinders, commonly stored as gas, but may be in liquid form. Freon products can be bought at chemical supply and retail stores. There are several hazards associated with Freon, including asphyxiation, cardiac arrhythmias, skin irritation, dermatitis, and frostbite. If Freon is overheated, it will create phosgene gas (mustard gas).

6. Lithium Metal: can be used in the Nazi (Birch) method of manufacturing methamphetamine. Since the chemical reacts violently with water, it is usually submerged in kerosene as a protective measure. Camera batteries are commonly pulled apart to obtain the lithium aluminum strips located in the center of the battery.

7. Iodine: The presence of this chemical at a lab site usually indicates the production of hydriodic acid. Iodine is usually found as a blue/black crystal but may be found in liquid form. Iodine can be purchased at chemical supply stores and is found in products sold at animal feed stores. Iodine is highly corrosive. Contact or exposure to iodine may lead to headaches, hearing loss, abdominal pain, diarrhea, burns, or rashes.

8. Sulfuric Acid: is used to adjust the pH of the final product and is used in the production of hydrogen chloride gas. The acid can be found in a liquid or vapor form and can be purchased at chemical supply and retail stores. Sulfuric acid is corrosive and is an irritant to the respiratory tract, eyes, and skin; and may cause dental erosion.

9. Sodium Hydroxide: commonly called caustic soda or lye, this chemical is used to raise the pH level, and can be found in a solid, liquid, or vapor form. Caustic soda is found in many retail products such as Drano and Red Devil Lye. This chemical is caustic.

10. Anhydrous Ammonia: is a reagent used in the Nazi (birch) method of producing methamphetamine. It can be found in liquid or vapor form, is packaged in gas containers, and typically is bought from chemical supply stores or obtained through agricultural theft.

11. Hydrogen Chloride: is a gas used to form hydrogen chloride sale, which forms the final solid methamphetamine product. Hydrogen chloride can be obtained from chemical supply stores or made clandestinely with a gas generator and packaged in gas cylinders. Hydrogen chloride gas is corrosive and may cause edema. The most common way to produce this gas is to use household products. A container, such as a plastic gas can, is used. A hose is placed around the spout of the can to collect the gas out of the gas can. By placing rock salt in the container and then adding sulfuric acid, hydrogen chloride gas is produced. Once this reaction begins, it continues until all of the sulfuric acid and rock salt are used up.

D. FIRST RESPONSE PROCEDURES

1. Upon discovering a suspected clandestine lab, the officer should secure the suspects, evacuate innocent persons, and leave the immediate area. The ranking on-duty field supervisor will be notified immediately and will respond to the scene. The supervisor should designate a safe area for detention and treatment of potentially contaminated persons, identify a staging area for follow-up responders, and establish a temporary field command post.

2. First responders should NOT attempt to ventilate the area, as ventilation may spread the contamination to other areas. Cooking appliances and electrical outlets, and electrical switches should be left in the condition they are found. Altering them may have dangerous results.

3. The suspected lab site should be marked off as a crime scene and perimeter security established. Fire Department and EMS personnel should be summoned and staged near the scene as a precaution but should NOT be allowed to enter the perimeter unless necessary to suppress a fire or evacuate an injured person. Crime scene integrity and the safety of responding personnel must be maintained.

4. In all instances where evidence of a clandestine drug lab is found, the SBI District Office and/or the SBI Field Agent assigned to the county where the suspected lab is located will be notified and requested to respond to the scene to assist in conducting an initial assessment.

5. Although officers should not take any unnecessary risks to gather information, any information that can be relayed to the initial responding SBI Agent(s) may be helpful in determining what safety considerations need to be taken. This information includes smells or visual observations made, such as the following:

   (a) Chemicals commonly found in a clandestine lab;
   (b) Finished products;
   (c) Weapons;
   (d) Whether the lab is active or inert;
   (e) Booby traps; and
   (f) Contaminated areas.

6. The responding SBI Agent(s) will coordinate an initial assessment of the site and determine if a response by the SBI Clandestine Lab Team is needed. If so, the SBI Agent(s) will be responsible for initiating a response. Normally, the SBI will apply for a search warrant for the lab site. The search warrant will include a destruction clause to provide for the seizure and destruction of hazardous materials found at the scene. Evidentiary samples of finished products or chemicals used in the manufacturing process will be collected for subsequent analysis by the crime laboratory.

7. Once a decision has been made to request assistance from the SBI Clandestine Lab Team, no one except authorized and properly equipped team members should be allowed to enter the perimeter.

8. Upon arrival at the lab site, the SBI Clandestine Lab Team will assess the level of contamination and associated danger and will determine if further evacuation is necessary. The Police Department will adjust the perimeter boundaries and effect any additional evacuations and/or safety precautions as recommended.

9. The SBI Clandestine Lab Team will assume all responsibility for rendering the site safe, conducting the crime scene investigation, collecting evidentiary samples for analysis, and disposing of any hazardous materials. No evidence shall be collected and submitted to the Kannapolis Police Department evidence control unless the SBI Clandestine Lab Team determines that such evidence can be safely stored in our facility. Such evidence may include papers, ledgers, photos, or other items not contaminated by chemicals or chemical residue.

10. The purpose of the crime scene investigation is to show that the crime of manufacturing is, has, or was going to take place. It should also identify how the suspects were involved in the manufacturing process. All finished drugs, firearms, booby traps, drug paraphernalia, recipes, chemical lists, chemical catalogs, and chemistry books should be collected as evidence. Investigators will take photographs and videotape prior to and during the collection of evidence. All chemical containers and apparatus are typically checked for latent prints. Samples are taken so that an expert can identify the substances found at the lab site.

11. After any suspects are arrested, they should be separated and decontaminated. A sample of their clothing should be taken into evidence and tested for the presence of methamphetamine or other chemicals. Any item of clothing removed from the suspect(s) during the decontamination procedure should be collected and placed inside a Tyvek suit or other non-permeable container pending the arrival of the SBI Clandestine Lab Team. Officers should interview suspects separately as soon as possible and have a criminal history/wanted person check run on each suspect.

E. PLANNED OPERATIONS TO AFFECT DRUG WARRANT SERVICE

1. All pre-planned operations to effect warrant service at a location where a clandestine lab is known or suspected to exist will be coordinated in advance with the SBI District Office or SBI Field Agent assigned to our area.

2. A risk assessment will be conducted to consider safety and liability issues and determine appropriate entry procedures. Elements of the risk assessment should include, but are not limited to, the following:

   (a) Review of warrant documentation;
   (b) Best time to serve the warrant;
   (c) A safe location away from the lab to secure the suspects;
   (d) Use of Special Response Team (SRT) resources to support the operation;
   (e) Role of the SBI and SBI Clandestine Lab Team;
   (f) Assessment of intelligence information;
   (g) Other safety factors.

3. A tactical operations plan must be developed that is based on the risk assessment. The plan must be in accordance with established departmental procedures. The plan should include such elements as warrant documentation, suspect photos, pictures of the lab site, and sketch of the structure's floor plan. Tactical information such as incident command, radio frequencies, equipment and clothing needs, and contingency information should be included.

4. A pre-deployment operational briefing will be conducted. All personnel involved in the operation will be required to attend the briefing. SBI Clandestine Lab personnel should review safety precautions to take when entering the lab site. Contingency plans should be discussed.

5. Support agencies such as the SBI Clandestine Lab Team, Fire Department, and EMS should be notified in advance so that appropriate crews and equipment can be available on-scene if needed.

6. When seizures/arrests are imminent at a drug lab and there are children who reside in that location or are likely to be present, the Director of Child Protective Services for DSS shall be notified in advance and requested to stage along with other supporting elements in order to assist with immediate custody/care of the children.

7. When staging, the Incident Commander will make a final evaluation and decide whether or not to proceed. If the operation is authorized to proceed, no incendiary devices (such as flash-bangs) should be used unless absolutely necessary to protect officer safety.

8. In all cases, the dangers presented by the suspects to officers and the public will take priority over the dangers presented by the clandestine lab.

9. Once entry is made and the suspect(s) secured, all personnel are to leave the lab site and allow SBI clandestine lab personnel to process the crime scene. The Incident Commander (in consultation with SBI Clandestine Lab Team personnel) will make a determination, based on the particular circumstances and chemicals found at the scene, if the initial entry personnel should be decontaminated.

F. ENDANGERED CHILDREN

1. If children are found living at and/or present at the site of a clandestine drug lab, the procedures outlined in this section will apply:

   (a) A social worker (child protective services) familiar with criminal investigations should be requested to respond to the field command post (outside the contaminated area) and should be briefed on the situation;

   (b) The child protective services worker will be requested to take temporary custody of the endangered child(ren). The social worker will be responsible for arranging appropriate medical examination and/or treatment (including the collection of blood or urine samples for laboratory analysis) in accordance with protocols established by the Department of Social Services and Children's Advocacy Center (CAC).

   (c) Transport of the child/children to a medical facility will be accomplished by EMS if the child has been exposed to a fire, explosion, or active chemical at the scene; or if the child appears ill or injured.

2. The police department agrees to exchange information relevant to the case to the Department of Social Services (Child Protective Services), the NC State Bureau of Investigation, and the District Attorney's Office.

INDEX AS:

Clandestine Drug Labs

Methamphetamine Labs

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 700-11

SUBJECT: Cold Case Investigations
DISTRIBUTION All Personnel
EFFECTIVE DATE: 09-08-2011
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish basic guidelines and procedures for the investigation of cold cases.

POLICY

Investigations classified as cold cases include homicides, sexual assaults, missing persons, and other crimes that carry no statute of limitations. These are cases that regular investigative efforts could not resolve during the initial investigation. However, the use of modern technologies and advancements in forensic sciences now provide additional resources that may help in developing additional leads. It is the Policy of the Kannapolis Police Department to follow-up on all cold cases until they are brought to a successful conclusion.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Cold Case: Any homicide, forcible sexual assault, missing person, or other serious crime that carries no statute of limitation, which has remained unsolved for more than one year from date of occurrence.

2. Follow-up Investigation: an extension of a preliminary investigation in which the purpose is to gain additional information in order to close a case, identify or arrest an offender, and/or recover stolen property.

3. Primary Investigator: the police officer that has been assigned the primary responsibility and accountability for conducting the initial criminal investigation.

PROCEDURES

A. ADMINISTRATION

1. The Criminal Investigations Division Commander will be responsible for the coordination of all cold case investigations.

2. All homicides and forcible sexual assaults shall be deemed a cold case if they remain unsolved after one year. The Division Commander shall review other cases meeting the

technical definition of a cold case and will determine if the case warrants the cold case designation.

3. The Division Commander shall maintain a current list of all unsolved missing persons, homicides, forcible sexual assaults, and other cases designated as cold cases. This list shall contain at a minimum the following information:

    (a) The OCA number of the incident;

    (b) Type of crime;

    (c) Date of original offense;

    (d) Original Investigator with date of assignment;

    (e) Record of any change in Investigator assignment; and

    (f) A current address and phone number of the victim and/or the victim's next of kin;

4. This listing will be updated in January and July of each year.

5. The Division Commander will prepare and submit an annual report to the Chief of Police detailing actions taken on each cold case during the previous year. This report shall include a chronological listing of all cases classified as cold cases.

B. CASE ASSIGNMENT

1. Existing cold cases will be assigned to current Criminal Investigations Division personnel based upon expertise. Cold cases requiring specialized skill will be assigned to investigator(s) having the requisite ability and training. This does not preclude primary investigators from obtaining assistance from others but is intended to emphasize using the best-qualified officers available.

2. When new cases are designated as cold cases, they will remain the responsibility of the assigned primary investigator. It will be the primary investigator's responsibility to complete all follow-up investigations for as long as they remain in the Criminal Investigation Division or until such time as the case closed.

3. Upon the transfer of the primary investigator from the Criminal Investigation Division, the case will be reassigned for continued follow-up investigation.

4. A case utilizing the original OCA number will be created in the agency's current Record Management System (RMS) for any cold case not currently in that system. All case documentation will be scanned and attached to the RMS record and new supplementary reports will be added as needed.

C. INVESTIGATOR RESPONSIBILITY

1. Upon assignment of an existing cold case, or when a current case is designated as "cold," the assigned investigator shall:

(a) Review all related reports, evidence and documentation pertaining to the case, regardless of source;

(b) Ensure all unidentified bodies, unidentified human remains, and missing persons are entered into NCIC/DCI according to Department of Justice Data Collection Entry guidelines.

(c) Evaluate the case to determine the feasibility of submitting or resubmitting specific items of evidence for laboratory analysis.

2. The investigator shall complete an annual documented review of all evidence in the case and consult with crime lab staff to evaluate the resubmission of evidence based on the advancement of existing or newly developed technologies.

3. The investigator shall complete an annual documented resubmission of any unidentified latent prints to AFIS.

4. The investigator shall disseminate case synopses through the use of professional investigation associations and related intelligence publications, to include but not limited to:

   (a) Regional Information Sharing Systems (RISS);

   (b) FBI Violent Criminal Apprehension Program (ViCAP); and

   (c) North Carolina Homicide Investigators Association;

5. Any new leads supplied by victims and/or witness shall be fully investigated and documented in accordance with existing agency policy.

6. Investigators shall enter all investigative activities in the Records Management System as supplementary reports.

D. RECORDS

1. The Criminal Investigation Division Administrative Assistant shall maintain the original master files of all designated cold cases.

2. Access to cold case master files will be limited to the primary investigators, CID Supervisors, the Support Services Bureau Commander, and the Chief of Police.

INDEX AS:

Cold Case Investigations

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 800-01

SUBJECT: ARREST & DETENTION
DISTRIBUTION All Personnel
EFFECTIVE DATE: 11-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental policy and procedure regarding arrest and detention.

POLICY

Citizens have basic rights which are set forth in common law, statutory law, and the U.S. Constitution that afford them protection from the abuse of police power. Both the legislatures and the courts have maintained a delicate balance between the interest of the community in protecting itself and the right of the citizen to be free from unjustified arrest. The criteria shall apply equally to adults and juveniles, affording all citizens equal protection. It shall be the policy of the Kannapolis Police Department to exercise the power of arrest in conformity with prevailing law and departmental policies.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Arrest: any seizure of a person that exceeds the limits of an investigative detention in terms of duration, involuntary movement, and/or use of force.

2. Citation: a directive, issued by a law enforcement officer or other person authorized by statute, that a person appear in court and answer a misdemeanor or infraction charge or charges.

3. Investigative Detention: the temporary detaining of a person as part of a lawful investigation of criminal activity or suspected criminal activity, pursuant to a lawful search of persons or premises, or for purposes of officer safety.

4. Juvenile: a person who has not reached his eighteenth birthday and is not married, emancipated, or a member of the armed services. For purposes of defining a delinquent or undisciplined juvenile, it shall be a person who has not reached his 16th birthday.

5. Probable Cause: facts and circumstances which, taken together with reasonable inferences in light of an officer's training and experience and measured in terms of common sense, would establish a fair probability that a crime has been committed and that a particular person committed it; or evidence of a crime or contraband is in a particular place.

6. Reasonable Suspicion: facts and circumstances which, taken together with reasonable inferences in light of an officer's training and experience and measured in terms of common sense, would cause an officer to suspect: that a person has been, is, or is about to be involved in criminal activity; or that a person is armed with a quickly accessible weapon and constitutes a danger to the officer.

7. Summons: a criminal process notifying a person to appear in a court of law to answer charges of a criminal violation.

8. Warrant: a criminal process issued to initiate a person being taken into custody and restrained pending review by a judicial official.

PROCEDURES

A. DISCRETION

1. Officers are vested with a broad range of discretion when deciding whether to make an arrest and carrying out other police duties and functions. This directive is not intended to deprive any officer of such discretion, provided it is exercised in accordance with law and departmental regulations, and in furtherance of a legitimate police objective.

2. The proper exercise of discretion does not relieve the arresting officer of the responsibility to conduct a thorough investigation of events precipitating the arrest.

3. Officers are authorized and encouraged to utilize alternatives to arrest and/or pre-arraignment confinement when, in their discretion, such action is consistent with established departmental policies and is in the best interest of the public, the parties involved, and the criminal justice system. Such alternatives include:

    (a) Citation and summons in lieu of physical arrest;
    (b) Conflict resolution between complainant and defendant;
    (c) Referral to other social agencies; and
    (d) Verbal and written warnings.

4. Examples of incidents where alternatives should be considered include:

    (a) Traffic infractions and misdemeanors;
    (b) Situations bordering on a criminal/civil threshold;
    (c) Other non-violent misdemeanors.

5. When determining whether to apply alternatives to physical arrest, officers are to consider the following criteria, in addition to other mitigating and aggravating circumstances:

    (a) The ability of the offender to provide positive identification to the officer;
    (b) The age of the offender;
    (c) The location of the offender's residence;
    (d) The criminal history of the offender;
    (e) Whether or not the offender exhibits cooperative behavior; and

(f) Whether or not the offender is intoxicated or otherwise mentally impaired to the extent that he/she does not comprehend the nature or quality of the act.

6. Supervisors and commanders are to review the use of such alternatives by subordinates to ensure the appropriate application. When necessary, supervisory officers are to counsel personnel concerning any improper decisions.

B. ARREST PURSUANT TO A WARRANT

1. The primary and most basic source of authority to arrest, recognized under common law and modern statutes, is that of a warrant. This is the only authority expressly sanctioned by the Constitution of the United States.

2. An officer having a warrant for arrest in his possession may arrest the person named or described therein at any time and at any place within the officer's territorial jurisdiction.

3. An officer who has verified that an arrest warrant exists, but does not have the warrant in his possession, may arrest the person named therein. The officer is to inform the person arrested that a warrant has been issued and serve the warrant upon him as soon as possible.

4. Juvenile custody orders issued by legal authority give police officers the legal authority to take into physical custody the juvenile for whom a petition is issued. The following general procedure will be observed:

   (a) An officer holding a juvenile custody order or having knowledge of the existence of one, has lawful authority to take into custody the juvenile named therein;

   (b) Once the juvenile is in custody, the officer is to contact an Intake Counselor, and release the juvenile to the Counselor or abide by other instructions provided within the court order.

C. ARREST WITHOUT A WARRANT

1. A police officer may arrest, without a warrant, any person who the officer has probable cause to believe has committed a criminal offense <u>in the officer's presence.</u>

2. When an offense has been committed <u>out of the officer's presence</u>, the officer may arrest, without a warrant, any person who the officer has probable cause to believe:

   (a) Has committed a felony; or

   (b) Has committed a misdemeanor, and

      (1) Will not be apprehended unless immediately arrested, OR
      (2) May cause physical injury to himself or others, or may damage the property of others unless immediately arrested; OR

   (c) Has committed one of the following misdemeanor offenses:

      (1) Unlawful Concealment (shoplifting), NCGS 14-72.1;
      (2) Domestic Criminal Trespass, NCGS 14-134.3
      (3) Impaired Driving, NCGS 20-138.1 or NCGS 20-138.2; OR

(d) Has committed one of the following misdemeanor offenses if committed by a person with whom the alleged victim has a personal relationship as defined in NCGS 50B-1:

(1) Simple Assault, NCGS 14-33(a);
(2) Assault with a Deadly Weapon, NCGS 14-33(c)(1);
(3) Assault Inflicting Serious Injury, NCGS 14-33(c)(1);
(4) Assault on a Female by a Male at Least 18 Years old, NCGS 14-33(c)(2);
(5) Violation of a Domestic Violence Protective Order, NCGS 50B-4.1(a);
(6) Violation of a Pre-Trial Release Order issued under NCGS 15A-534.1(a)(2) for a crime of domestic violence.

3. Under NCGS 7B-1900, a law enforcement officer may take a juvenile into temporary custody <u>without a court order</u> under the following circumstances:

(a) If grounds exist for the arrest of an adult in identical circumstances under NCGS 15A-401(b); or

(b) If there are reasonable grounds to believe that he is an undisciplined juvenile as defined in NCGS 7B-1501; or

(c) If there are reasonable grounds to believe that he is abused, neglected, or dependent as defined in NCGS 7B-101, and that he would be injured or could not be taken into custody if it were first necessary to obtain a court order; or

(d) If there are reasonable grounds to believe that the juvenile is an absconder from any State training school or approved detention facility.

4. A juvenile aged 16 or 17 may be taken into temporary custody without a court order, upon the written request of the juvenile's parent, guardian or custodian when there are reasonable grounds to believe the juvenile is beyond the disciplinary control of the parent, guardian or custodian, and has been absent from the home without permission for 48 consecutive hours.

5. An officer who takes a juvenile into temporary custody without a court order must comply with the duties specified in NCGS 7B-1901.

D. CITATION

1. An officer may issue a citation to any person who he has probable cause to believe has committed a misdemeanor or infraction. The citation must contain the information required by NCGS 15A-302(b).

2. To utilize the citation, ALL the following criteria must be met:

(a) The person to be charged must provide positive identification;

(b) The person to be charged must be 16 years of age or older;

(c) Any witnesses must be listed in the appropriate space.

3. A defendant's copy of the citation shall be given to the person cited, who shall be requested to sign the original copy. Refusal of the person cited to sign the citation shall not constitute grounds for arrest or the requirement that person post a bond.

E. POLICE DUTIES UPON ARREST

1. An arrest is complete when the person submits to the control of the arresting officer, or the arresting officer takes the person into custody by the use of physical force. Upon making an arrest, the officer must:

   (a) Identify himself as a police officer unless his identity is otherwise apparent; and

   (b) Inform the arrested person that he is under arrest; and

   (c) As promptly as is reasonable under the circumstances, inform the arrested person of the cause of the arrest, unless the cause appears to be evident.

2. The arresting officer will ensure post-arrest processing of the person in accordance with NCGS 15A-502, and NCGS 15A266.3A, or NCGS 7B-2102, as applicable (see Section O). Upon the completion of all post-arrest processing, the arresting officer is to take the person arrested before a judicial official without unnecessary delay.

3. The arresting officer is to complete an Arrest Report and submit for review by his immediate supervisor for all criminal arrests and all in-custody traffic arrests.

4. An officer who charges a juvenile with a criminal offense shall notify the juvenile's parent or guardian of the charge, as soon as practicable, in person or by telephone. If the juvenile is taken into custody, the law enforcement officer of the officer's immediate supervisor shall notify a parent or guardian in writing that the juvenile is in custody within twenty-four (24) hours of the juvenile's arrest. If the parent or guardian of the juvenile cannot be found, the officer or the officer's immediate supervisor shall notify the juvenile's next-of-kin of the arrest as soon as practicable. However, such notice is not required if:

   (a) The minor is emancipated; or

   (b) The minor has been charged with a motor vehicle moving violation for which three or fewer points are assessed under NCGS 20-16(c), except an offense involving impaired driving, as defined in NCGS 20-4.01 (24a); or

   (c) The minor has been charged with a traffic offense that is not a moving violation.

F. INVESTIGATIVE DETENTION

1. An investigative detention (stop) is a seizure of a person and therefore requires factual justification in order to be "reasonable" under the Fourth Amendment. Contacts that are not seizures do not require legal justification.

2. Prior to making an investigative detention of a person, the officer must have "reasonable suspicious" of criminal activity on the part of the person to be detailed. Reasonable suspicion must be determined from the facts known to the officer at the time of the stop, not from the results of any subsequent search.

3. The seizure of a person is an investigative detention and **not** an arrest if:

   (a) It is brief (usually limited to no more than 10-15 minutes, never more than about 1 hour of active and diligent investigation); and

   (b) The subject is not moved involuntarily (except short distances for legitimate safety and/or security purposes). Generally, such movement is permitted only within one locale or area, and may not involve transportation in a vehicle. (NOTE: If a detained person is willing to move voluntarily, movement is permitted); and

   (c) The use of force and/or restraints is limited to the minimum amount reasonably necessary to detain the subject safely; and

   (d) The subject is not told he is under arrest or otherwise made to feel (reasonably) that he is being arrested rather than detained.

G. AUTHORITY TO STOP WITHOUT REASONABLE SUSPICION

1. An officer may stop a person under certain circumstances when he does not have reasonable suspicion to believe that the person is committing a crime if there is a proper justification for interfering briefly with the person's freedom. The following are recognized circumstances in which such stops are authorized:

   (a) Stopping a person to serve a criminal summons, citation, nontestimonial identification order, subpoena, or any other kind of legal process that does not permit the officer to take the person into custody;

   (b) The exercise of special statutory authority to limit or restrict the movement of persons during public emergencies in order to save life, prevent serious bodily harm, or avert or control public catastrophe;

   (c) Stopping and detaining a person during the execution of a search warrant to search private premises;

   (d) The systematic stopping of drivers of vehicles at roadblocks for driver's license and vehicle registration checks or impaired driving checks when conducted in accordance with applicable law.

H. VEHICLE STOPS

1. Stopping a vehicle requires only "reasonable suspicion" that the operator or an occupant of the vehicle has committed or is committing a criminal offense or motor vehicle infraction, not probable cause to arrest. Occupants of lawfully detained vehicles can be ordered to exit the vehicle and may be frisked for weapons when reasonably necessary to ensure officer safety.

I. DISCONTINUATION OF ARREST CUSTODY

1. On occasion, an officer will make an arrest, then learn shortly thereafter that probable cause for the arrest is insufficient or has evaporated altogether. In some cases, there is simply a realization that the wrong person has been arrested in error. In other cases, police discover

new information or evidence. Continued custody of a person after the evaporation of probable cause violates Fourth Amendment rights.

2. The following procedures shall be observed in the event that probable cause to arrest evaporates:

   (a) If, following arrest but before commitment to jail, probable cause to arrest evaporates, the officer shall release the person as quickly as possible in a reasonably safe place (of the person's choosing, if possible). In such cases, the officer shall document the reasons for the arrest, as well as the release from custody and shall notify a supervisor of those actions as soon as possible;

   (b) If, after commitment of a person to jail, an officer discovers new information and/or realizes an error that causes probable cause to evaporate, the officer shall immediately consult with a supervisor and with the appropriate District Attorney's office in order to determine the proper procedure for causing the release of the person. Thereafter, the officer and supervisor proceed diligently in an effort to affect the prompt release of the person through lawful process.

J. INTERROGATION PROCEDURES

1. Important constitutional issues apply to the custodial interrogation of persons in police custody, including advisement of Miranda warnings, and the right to counsel under the Fifth and Sixth Amendments. Officers shall observe the procedural guidelines for custodial interrogation as specified in General Order 800-02 (Constitutional Procedures).

K. ARREST OR DETENTION OF FOREIGN NATIONALS

1. Whenever an officer arrests or detains a foreign national in the United States, there may be a legal obligation to notify diplomatic or consular representatives of that person's government in this country. The guidelines outlined in Special Order SO-012 shall be followed.

2. Certain foreign diplomats and consular officers have diplomatic immunity from arrest or detention by law enforcement officers. For additional guidelines and procedures, please refer to General Order 800-06 (Diplomats & Consular Officials).

L. DETENTION OF SUSPECTS BY PRIVATE CITIZENS

1. When a private citizen detains a suspect for a felony offense, the responding officer will document the event, and take applicable steps as follows:

   (a) Take the suspect into custody (if legal justification exists);

   (b) Take a complete statement from the citizen;

   (c) Make application for the appropriate legal process document (utilizing the proper exercise of discretion);

   (d) Process the suspect according to Departmental policy and procedure.

2. When a private citizen detains a suspect for a misdemeanor, the responding officer will document the event, and take applicable steps as follows:

   (a) Take the suspect into custody (if legal justification exists);

   (b) Advise the citizen to respond and apply for warrant and process the suspect according to Departmental policy and procedure. If the citizen refuses to apply for a warrant and the officer has legal authority to arrest for the misdemeanor, it will be his discretionary decision whether to charge the suspect;

   (c) If the citizen refuses to apply for a warrant and the officer does not have legal authority to arrest, he will release the suspect and record all relevant information in the Incident Report.

M. ASSISTANCE TO UNCONSCIOUS PERSONS

1. When an officer arrests a person who is unconscious, semi-conscious, or otherwise apparently suffering from some disabling condition, the officer is to make a reasonable effort to determine if the person is wearing a bracelet or necklace containing the Medic Alert Foundation's symbol. If such symbol is found, the officer must make a reasonable effort to have appropriate medical care provided.

N. MILITARY DESERTERS

1. Officers may make effect the investigative detention of an individual based upon information contained in the Department of Army Form DA 3835 or entry of the individual into NCIC as a military deserter. This does not authorize an arrest.

2. To justify an arrest, the originating military agency must be contacted via CIIS-NCIC to confirm that the detained individual is currently wanted for military desertion and subject to arrest by civilian law enforcement authorities.

O. POST-ARREST IDENTIFICATION AND DNA PROCESSING

NOTE: These instructions are intended only as a guide for arresting officers in the post-arrest processing of criminal defendants. For specific instructions on the processing of arrestees in instances not clearly defined herein, officers should request assistance from supervisory personnel.

1. Felony Arrests: Persons 16 years of age or older charged with the commission of a felony will be fingerprinted and photographed.

2. DNA Collection: In accordance with the DNA Database Act of 2010, DNA samples will be collected from persons upon arrest for specified offenses utilizing the approved Cheek Cell Collection Kit.

3. Misdemeanor Arrests: Persons 16 years of age or older arrested for a misdemeanor may be fingerprinted and photographed for the initial arrest. Subsequent misdemeanor arrests of the same person will require only an updated photograph. In accordance with NCGS 15A-

502(a2), all persons charged with the following offenses shall be fingerprinted and those prints submitted to the SBI:

(a) Domestic Criminal Trespass;

(b) Offenses involving domestic violence;

(c) Violation of a domestic violence protection order; and

(d) Impaired Driving and related offenses as defined in NCGS 138.2.

4. Motor Vehicle (Chapter20) Arrests: No officer will fingerprint or photograph a person charged with a misdemeanor motor vehicle offense under Chapter 20 of the N.C. General Statues for which the penalty does not exceed a fine of $500 or imprisonment for six (6) months.

5. Juvenile Arrest & Custody:

(a) NCGS 7B-2102 requires a law enforcement officer or agency to fingerprint and photograph a juvenile when all of the following circumstances exist:

(1) The juvenile was 10 years of age or older when he or she allegedly committed a nondivertable offense (murder, first or second degree rape, first or second degree sexual offense, arson, a felony offense under Article 5 of G.S. Chapter 90, first degree burglary, crime against nature, or a felony involving the willful infliction of serious bodily injury or committed by use of a deadly weapon); and

(2) A complaint has been prepared for filing as a petition; and

(3) The juvenile is in the physical custody of law enforcement or of the Office of Juvenile Justice.

(b) Unless fingerprints and photograph were taken under the provisions of paragraph 4(a) above and have not been destroyed, a law enforcement agency must also fingerprint and photograph a juvenile who has been adjudicated delinquent, if the juvenile was 10 years of age or older when he or she committed an offense that would be a felony if committed by an adult.

(c) If a juvenile's fingerprints and photograph are taken before adjudication under paragraph 4(a) above, they must be destroyed at the earliest of the following events:

(1) Neither the intake counselor nor the prosecutor files a petition against the juvenile within one (1) year after the fingerprints and photograph were taken; OR

(2) The court does not find probable cause; OR

(3) The juvenile is not adjudicated delinquent of any offense that would be a felony or misdemeanor if committed by an adult.

(d) If the juvenile is adjudicated delinquent for a felony, the fingerprints must be transferred to the SBI and placed in the AFIS system. The fingerprints and photograph may be used for all investigative and comparison purposes but are not considered public record and may not be expunged.

6. Grand Jury Indictments: A defendant charged with a felony by a grand jury indictment, which was not originally initiated by a warrant, shall be processed for such charges. The prosecutor will direct the defendant to be processed for such charges by the law enforcement agency that investigated the case. Fingerprints taken for such charges should be recorded with the following in the charge block on each card: "Grand Jury Indictment (name offense)."

7. Additional Charges: When additional felony charges are added to an original indictment, the District Attorney will notify the Department, who shall cause the defendant to be processed for such charges.

8. Rejected Felony Arrest Fingerprint Cards: In the event a fingerprint card for a felony charge is rejected by the SBI or FBI and returned to the Department, the CID Identification specialist shall notify the arresting officer. The District Attorney shall be notified and a court order obtained to re-process the defendant when he appears in court.

9. Inmate Arrests: When an officer causes a warrant to be issued on an inmate, the officer will cause the warrant to be served and will ensure that the inmate is processed either at the time of charge or at the first appearance in court.

10. Non-Processing Offenses: No person will be fingerprinted or photographed for the following offenses:

    (a) Probation Violations;
    (b) Failure to Appear;
    (c) Failure to Comply;
    (d) City Ordinance Violations.

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KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 800-02

SUBJECT: CONSTITUTIONAL PROCEDURES
DISTRIBUTION All Personnel
EFFECTIVE DATE: 02-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to provide officers with legally sound investigative procedures that will protect the constitutional rights of suspects and citizens.

POLICY

Investigative procedures and associated uses of police authority often implicate individual rights protected by the federal constitution and various state laws. In order to investigate effectively and lawfully, officers must understand the relationship between police authority and individual rights, particularly in certain critical situations. This Order explains several of those relationships and situations. It is the policy of this Department that officers shall respect and obey the law, most particularly those which involve constitutionally protected rights.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Arrest: any seizure of a person that exceeds the limits of an investigative detention in terms of duration, involuntary movement, and/or use of force.

2. Bias-Based Profiling: the differential treatment of individuals in the context of rendering police services based solely on a suspect classification, such as race, ethnic background, gender, sexual orientation, religion, economic status, age or cultural background.

3. Interrogation: any words or conduct on the part of police (other than those normally attendant to arrest and custody) that police should know are reasonably likely to elicit an incriminating response from the suspect.

4. Investigative Detention: a seizure of a person that is reasonably brief, is (generally) conducted in one location (short movements for safety and/or security reasons may be permitted), and that involves no more force and/or restraint than is reasonably necessary to effect and safely maintain the detention. NOTE: for the purpose of this order, the term "investigative detention" is synonymous with "investigative stop," and "field stop."

5. Juvenile: any person less than 18 years of age who is not married, emancipated, or a member of the armed forces.

6. Probable Cause: facts and circumstances which, taken together with reasonable inferences in light of an officer's training and experience and measured in terms of common sense, would establish a fair probability that: a crime has been committed and that a particular person committed it; or evidence of a crime or contraband is in a particular place.

7. Reasonable Suspicion: facts and circumstances which, taken together with reasonable inferences in light of an officer's training and experience and measured in terms of common sense, would cause an officer to suspect that: a person has been, is or is about to be involved in criminal activity; or a person is armed with a quickly accessible weapon and constitutes a danger to the officer.

8. Search: a police action that infringes upon a person's reasonable expectation of privacy.

9. Seizure of a Person: an officer-citizen contact in which the officer's words and/or actions would cause a reasonable (innocent) person to believe that he is **not** free to leave or to refuse to participate in the contact. NOTE: No seizure has occurred until the person submits to a show of authority by police or until force is used by police.

10. Seizure of Property: a significant interference (by police) with a possessory interest in property.

11. Voluntary Contact: an officer-citizen contact in which the officer's words and/or actions would cause a reasonable (innocent) person to believe that he is free to refuse to participate in the contact.

PROCEDURES

A. INVESTIGATIVE CONTACTS – SEIZURE OF PERSONS

1. Voluntary Contact is permitted without probable cause or reasonable suspicion. It can be a highly effective investigative environment and is unlikely to cause evidence suppression and/or civil liability. Therefore, it is the preferred form of contact, where circumstances permit.

2. Investigative Detention(s) may be conducted only if there is (at least) reasonable suspicion of criminal activity on the part of the person(s) to be detained. (NOTE: patterned "checkpoint" type stops generally do not require reasonable suspicion.)

    (a) Use of Force and/or restraints are permitted only if reasonably necessary to effect or to maintain safely an investigative detention. Excessive force is prohibited.

    (b) Involuntary Movement of a detained person from one place to another is prohibited except for short distances reasonably necessary for safety and/or security. Generally, such movement will be permitted only within one locale, or area, and may not involve transportation in a vehicle. (Note: If a detained person is willing to move voluntarily, or if there exists probable cause to arrest the detained person, movement is permitted.)

    (c) Duration. Investigative detention shall be limited in duration to a reasonably brief period of active and diligent investigation. In serious matters where circumstances require it, up to approximately one hour of diligent investigation may be permitted, provided reasonable suspicion continues.

3. Arrests shall be made only if there is probable cause to believe that the person to be arrested has committed a crime for which the officer has authority to arrest. Searches, processing of persons arrested, and charging procedures shall be in accordance with departmental procedures and applicable state law.

4. Discontinuation of Arrest Custody. On occasion, an officer will make an arrest and then learn shortly thereafter that probable cause for the arrest is insufficient or has evaporated altogether. Continued custody after the evaporation of probable cause violates Fourth Amendment rights. Releasing an arrested person is mandatory when there is no longer factual justification for the arrest custody. In such instances, officers shall follow the arrest discontinuation procedures specified in General Order 800-01 (Arrest and Detention).

5. Juveniles shall be taken into custody and processed in accordance with departmental procedures and applicable provisions of the North Carolina Juvenile Code (NCGS Chapter 7B).

B. INTERROGATION PROCEDURES

1. Voluntariness: Threats, intimidation, physical abuse and/or deprivation, promises of reward, and other similar coercions are prohibited in connection with interrogation.

2. Miranda Warnings: Officers shall advise the person arrested of their Miranda rights prior to any effort to interrogate. Interrogation may proceed only if the person waives his Miranda rights. A waiver occurs when an arrested person clearly indicates an understanding of his rights and a willingness to answer questions without an attorney present:

   (a) Non-custodial Interrogation: Miranda warnings are not required for non-custodial interrogation and therefore shall not be given in such circumstances. For the purposes of this sub-section, "non-custodial" means that the police have not said or done things that would cause a reasonable (innocent) person to believe that he has already been arrested;

   (b) Juveniles: Interrogation of juveniles shall be conducted in accordance with the procedures specified in NCGS 7B-2101. Certain statutory rights attach to juveniles in addition to Miranda warnings. A written waiver of rights using form KPD-107B is preferred, especially in felony and more serious cases, as the State has the burden of proof in establishing that the defendant voluntarily waived his rights**;**

   (c) Re-Warnings of Miranda Rights: Re-warnings shall be given only under circumstances which warrant reasonable doubt that the arrestee understands that the earlier rights warning is still applicable. Re-warnings are not required following every short break in interrogation. (Examples that might warrant re-warnings include: complete change of interrogators or interrogation site, a break of more than a few hours, etc.);

   (d) Exceptions to the Miranda Warning Requirement: Certain types of questions by police do not require prior Miranda warning and waiver although they might elicit incriminating information. They are:

      (1) Routine booking and processing questions pursuant to arrest and custody, unless the response satisfies an element of the offense charged;

(2) General, on-scene questioning of persons present at the scene of a crime or incident. (Example: An officer asks someone "what happened here?");

(3) Questioning during traffic stops and other investigative detention in which the officer's words and actions would not cause a reasonable (innocent) person to believe that he has already been arrested; and

(4) Questions asked out of urgent necessity to dispel an imminent threat to public safety.

(e) Form of Warning and Waiver: Miranda warnings and waivers need not necessarily follow any precise language or phrasings. Officers shall assure, however, that Miranda warnings clearly convey the following messages:

(1) You have the right to remain silent;
(2) Anything you say can and will be used against you in court;
(3) You have the right to a lawyer to assist you prior to and during any question;
(4) If you want a lawyer, but cannot afford one, one will be appointed to represent you before any questioning;

Prior to beginning in-custody interrogation, the officer must receive a clear affirmative response to the following questions:

(1) Do you understand these rights?
(2) Are will willing to answer questions now without a lawyer present?

A written waiver of rights using forms approved by the Department is preferred, especially in felony and more serious cases, as the State has the burden of proof in establishing that the defendant voluntarily waived his rights.

3. Assertion of Right to Silence. In the event that a suspect in custody asserts his right to silence, officers shall cease all interrogation efforts immediately and attempt no further interrogation on any matter unless or until:

(a) At least several hours have passed since the most recent attempt by police to interrogate; OR

(b) The suspect initiates new discussion with police of his involvement in criminal activity; OR

(c) The suspect leaves custody.

Then, an officer may attempt to obtain a waiver of rights using standard Miranda warning and waiver procedures (if the suspect is no longer in custody, there is no requirement of a Miranda warning and waiver. The suspect's choice to meet and talk with police will show his waiver)

4. Assertion of Fifth Amendment (Miranda) Right to Counsel by In-Custody Suspect. In this event, officers shall cease all interrogation efforts immediately and no officer will attempt any further interrogation on **any** matter unless or until:

(a) Counsel is actually present at any subsequent interrogation; OR

(b) The suspect initiates new discussion with police of his involvement in criminal activity; OR

(c) The suspect leaves custody.

Then, an officer may attempt to obtain a waiver of rights using standard Miranda warning and waiver procedures (if the suspect is no longer in custody, this right is no longer applicable and Miranda warning and waiver are not necessary).

5. Assertion of Sixth Amendment Right to Counsel by Formally Charged Suspect. In this event, officers shall cease all interrogation efforts regarding the formally charged crime immediately and attempt no further interrogation regarding the formally charged crime unless or until:

(a) Counsel is actually present at any subsequent interrogation; OR

(b) The suspect initiates new discussion with police regarding the formally charged crime.

Then, an officer may attempt to obtain a waiver of rights by advising the suspect that he has been formally charged with a particular (named) offense, that police wish to discuss the formally charged matter, and then using standard Miranda warning and waiver procedures. *(NOTE: For the purposes herein, a person has been "formally charged" if he has been indicted by a grand jury or has been arrested and presented to a magistrate for the purpose of determining pretrial release.")*

6. It is imperative that interviews and interrogations be conducted in an environment that is conducive to both obtaining the needed information as well as providing officers and suspects with the utmost safety. The following procedure will be observed by uniformed and non-uniformed officers when utilizing rooms designated for interviews and interrogations.

(a) All weapons will be secured under lock and key prior to entering into an interrogation room.

(b) Officers should be aware of the potential for even the most cooperative individual to become combative and take the necessary security precautions. Suspects displaying violent behaviors, or in custody for violent misdemeanors and felonies, should be properly secured for both their safety and the protection of the officers involved.

(c) While most interviews and interrogations are conducted one-on-one between the suspect and the officers, there will be the occasional situation when additional officers may be required to take part in the process. As a general rule only two officers should be in the interview room with the suspect at any given time. This does not preclude more than two officers in the event that their presence is required to control a combative suspect or ensure officer safety.

(d) If the interview room is not equipped with an emergency call feature to notify others that the officer needs immediate assistance, officers shall have their issued portable police radio with them in the interview room in order to summon assistance.

(e) The size of the interview room should be approximately 10’ x 10’. Due to space limitations this may not always be practical.

(f) The interview room should be quiet with none of the usual ‘police” surroundings and with no distractions within the suspect’s view.

(g) The interview room should be of plain color, smooth walls with no objects on the walls.

(h) Interview rooms will have doors that are free from locks and other physical impediments.

(i) The interview room should contain one desk and two stationary chairs and one wheeled chair for the Interviewer.

(j) When possible, there should be an observation room adjoining the interview room or the capability of electronically monitoring the interview from a remote and secure location.

(k) At a minimum, at least one interview room shall be equipped with concealed video/audio recording equipment. The installation of this equipment will allow this agency to remain in compliance with **G.S**. **15A-211 Electronic Recording of Interrogations.**

C. SEARCH AND SEIZURE

1. The Fourth Amendment to the United States Constitution regulates searches and seizures of persons, places, and property. The guiding principle of the Fourth Amendment, and therefore of the law of search and seizure, is "reasonableness." Any search and/or seizure that are not “reasonable” under the “totality of the circumstances” violate the Fourth Amendment and is unconstitutional.

2. Officers shall strive to assure that their actions are at all times "reasonable." To this end, a working definition of "reasonable" is offered. A police action is "reasonable" if there are good, lawful reasons for it. *(NOTE: Several especially important and highest risk areas of search and seizure law, arrest & detention, use of force, and entry into private premises, are dealt with in separate departmental policies).*

3. All searches must be conducted pursuant to a valid search warrant or under a recognized exception to the search warrant requirement. All searches shall be conducted in accordance with prevailing law and the applicable provisions of General Order 800-03 (Searches and Raids).

D. BIAS-BASED PROFILING

1. The Police Department is committed to impartial policing practices that promote and maintain public confidence and trust in our agency. Legitimate suspect profiling, conducted in accordance with constitutional requirements, can be a useful tool to assist law enforcement officers in carrying out their duties. Bias-based profiling, however, is prohibited in traffic contacts, field contacts, and in asset seizure and forfeiture efforts. (Please refer to General Order 100-03 for additional policy guidance).

2. Officers should not attempt to equalize police action proportionately among all racial, ethnic, or national origin groups. Use of quotas based on racial or ethnic factors is not allowed. Some disparity in police contacts is normal according to place and type of assignment.

E. OTHER ACTIONS

1. Investigative actions and uses of authority that are not dealt with explicitly in this Order or other departmental directives shall be conducted (if at all) in strict compliance with departmental training, applicable state laws, and federal constitutional requirements. Officers shall consult with their supervisors regarding any questions that may arise. Officers and supervisors may contact the District Attorney's office if questions have not been answered clearly and appropriately.

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KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: **800-03**
SUBJECT: SEARCHES
DISTRIBUTION All Personnel
EFFECTIVE DATE: 05-01-2001
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental guidelines for obtaining and executing search warrants, and for conducting operations to serve search warrants.

POLICY

Consistent with the Fourth Amendment to the United States Constitution, it shall be the policy of the Kannapolis Police Department to conduct searches of private premises only when a valid search warrant has been obtained, or a recognized exception to the search warrant requirement exists. Applications for search warrants must be made in writing upon oath or affirmation and must contain allegations of facts supporting probable cause to search. The execution of search warrants shall be properly supervised and conducted so as to prevent the suppression of evidence, protect the constitutional rights of citizens, and maintain public confidence in the agency's ability to enforce the law in an ethical and legal manner.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Body Cavity Search: the intrusive search of a person's anal, vaginal, or other internal body cavity for the purpose of detecting concealed evidence or contraband. However, this term shall not apply to searches of a person's mouth, nostrils, or outer ears.

2. Forcible Entry: entry into any private premises or vehicle except by permission of a person authorized to give consent. Forcible entry is an entry by force, regardless of whether or not any physical damage is incurred to the property.

3. High-Risk Warrant Operation: a law enforcement operation that goes beyond the scope of routine search warrant service. A high-risk warrant service requires more detailed planning and specialized resources, due either to an unusually large number of persons thought to be at the target premises, the anticipated need for forcible or dynamic tactical entry, or because information available and known to the officers indicates that an elevated potential for violence or other hazard may exist.

4. Probable Cause: facts and circumstances that, taken together with reasonable inferences in light of an officer's training and experience and measured in terms of common sense, would

establish a fair probability that a crime has been committed and that a particular person committed it, and/ or evidence of a crime or contraband is in a particular place.

5. Reasonable Suspicion: facts and circumstances that, taken together with reasonable inferences in light of an officer's training and experience and measured in terms of common sense, would cause an officer to suspect that a person has been, is, or is about to be involved in criminal activity; or a person is armed with a quickly accessible weapon and constitutes a danger to the officer.

6. Search Warrant: a court order directing a law enforcement officer to search designated premises, vehicles, or persons for the purpose of seizing designated items and accounting for any items so obtained to the court.

7. Strip Search: the removal of a person's clothing and undergarments for the purpose of searching for concealed evidence or contraband.

PROCEDURES

A. LEGAL REQUIREMENTS

1. The Warrant Requirement: The Fourth Amendment to the US Constitution prohibits unreasonable searches and seizures. Under this amendment, searches conducted pursuant to a valid search warrant are presumed to be reasonable. As such, the defendant bears the burden of proving that a search conducted pursuant to the warrant was not reasonable. Officers conducting searches without a search warrant (such as those noted in paragraph 3 below) bear the burden of proving that the search was reasonable. Therefore, officers should consider obtaining a search warrant whenever time and circumstances permit.

2. Exceptions to the Search Warrant Requirement: some searches do not require warrants but are nevertheless subject to specific legal requirements and procedural rules. Some recognized exceptions to the search warrant requirement include the following:

   (a) *Frisk:* This is a limited "pat-down" protective search of a person's outer clothing and quickly accessible carried belongings. A frisk is permitted only during lawful officer-citizen contacts and only if the officer has reasonable suspicion that a person is armed and may constitute a danger to the officer or another person. If the person is inside or beside a vehicle, and if the officer reasonably suspects the presence of any weapon that could be quickly reached and used against him, the officer may conduct a limited search of quickly accessible portions of the passenger compartment for weapons.

   (b) *Search Incident to Arrest*: This is a full search for evidence and weapons within the area of immediate access of an arrested person as allowed by law.

   (c) *Inventory Search*: This search is permitted pursuant to the lawful impoundment of a person's property by the police. This will most likely occur in the context of a police officer ordering the towing of a vehicle pursuant to the arrest of the driver or other occupant. The inventory search allows discovery and proper caretaking of dangerous instrumentalities and of valuable or important property, and enables the Department to

successfully defend claims of theft and/or property damage. Officers should refer to General Order 900-02 for additional guidance in conducting inventory searches.

(d) *Plain-View Seizure*: This seizure of property is permitted when an officer who is lawfully present in an area observes in plain view an item that the officer has probable cause to believe is contraband or other evidence of a crime, and that can be seized without any additional privacy intrusion.

(e) *Probable Cause Search of a Motor Vehicle in a Public Area*: This search is permitted when an officer has probable cause to believe that evidence of a crime is in an apparently operable motor vehicle that is in a public area. No additional or exigent circumstances are required and the search may extend to any area within the vehicle that could reasonably contain the evidence sought. Closed containers may be opened and searched if there is probable cause to believe they contain evidence of a crime. Breakage is permitted if reasonably necessary to reach criminal evidence. For the purposes of this section, a "public area" is any area on which public vehicular traffic is normally permitted.

(f) *Consent Search*: This search is permitted when, during a lawful officer-citizen contact, a person who has a reasonable expectation of privacy in an area (e.g., owner, resident, tenant, vehicle operator) voluntarily grants permission for police to search that area. When practical, the officer requesting consent should complete form KPD-129 (Permission to Search) and obtain the signature of the consenting person.

Note: Compliance with an order or demand by police is not a "voluntary" grant of permission to search. A consent search does not require probable cause or reasonable suspicion but is limited to those areas "reasonably" within the scope of consent. Consent may be withdrawn at any time. If consent is withdrawn, the officer shall immediately stop the search unless, by that time, some other lawful justification for continuing the search is present.

(g) *Open Fields and Woods / Abandoned Property*: Certain areas, though sometimes on private property, do not involve a reasonable expectation of privacy. Therefore, an officer is permitted to walk through open fields and/or woods without a search warrant.

(h) *Common Areas*: In general, the closer an officer gets to a single-family residence, the greater (and more reasonable) are privacy expectations and the more likely it is that probable cause or a search warrant will be required. However, if an officer uses common, regularly used public pathways to reach the front door of a residence in order to make an inquiry, the officer has not intruded upon any reasonable expectation of privacy and no justification is required for such an action. An officer may inspect, without a search warrant, the contents of trash receptacles in common areas of multi-tenant commercial or residential premises. In addition, an officer may pick up and examine the contents of items or containers that are apparently discarded in public areas. Whether or not there is a reasonable expectation of privacy (and therefore a search warrant requirement) depends on all circumstances surrounding a particular situation.

(i) *Emergencies*: Officers may conduct searches when they believe that a person is in need of immediate assistance under life-threatening conditions, or when immediate action is necessary to protect the public from harm.

(j) *Crime Scenes*: Officers may conduct searches of a crime scene without a warrant in order to locate and secure perpetrators, provide assistance to injured parties, or to locate and secure evidence that is likely to be destroyed or lost by the passage of time. Once these actions have been completed, no further search may be conducted without valid consent, a search warrant, or additional emergency circumstance.

B. STRIP SEARCHES AND BODY CAVITY SEARCHES

1. Strip and body cavity searches must be conducted within the limits of legal authority, out of public view, and with due regard for human dignity. All strip searches and body cavity searches must be authorized in advance by a supervisor and must be fully documented in the associated arrest report, incident report, or investigative case report, as applicable.

2. Strip searches may be conducted pursuant to a valid search warrant. Strip searches of both adults and juveniles may also be conducted without a warrant in circumstances involving high levels of probable cause to believe that weapons and/or critical evidence of serious crimes are present and that the only means reasonably available to remove the threat of access by the prisoner is to conduct such a search. In all cases, officers shall make every reasonable effort to ensure the privacy of the prisoner. Strip searches shall be conducted by an officer of the same gender as the prisoner. Officers of the opposite sex will not be allowed to witness the strip search.

3. Body cavity searches are prohibited except when conducted by qualified medical personnel pursuant to a valid search warrant. Since body cavity searches require special hygienic procedures, these searches will be conducted by qualified medical personnel in a hospital or other appropriate medical setting. In all cases, officers shall coordinate with the medical staff to ensure the security and preserve the privacy of the prisoner during the search. Officers of the opposite sex will not be allowed to witness a body cavity search.

C. LEGAL BASIS FOR OBTAINING A SEARCH WARRANT

1. In order to obtain a search warrant, an officer must be able to show probable cause to believe that specific evidence, contraband, or instrumentalities/fruits of a crime may be found at a particular location.

2. Specific facts establishing probable cause must be set forth with clarity and specificity. Officers shall not rely solely upon personal opinion or authenticated third party information or hearsay. Such facts may be based on the personal observation or knowledge of the officer, or information from a reliable source.

3. When informants are used, particularly confidential informants, the reliability of the informant and the information provided should be specified. Whenever possible, officers should corroborate informant information.

D. AFFIDAVIT PREPARATION

1. An affidavit supporting the application for a search warrant shall be prepared on the appropriate form in accordance with NCGS 15A-244. Because the accuracy of the affidavit is

vital to the validity of the search warrant, officers shall ensure that the following information is clearly and completely specified:

(a) *Offense*: The offense shall be described with reference to the criminal statute number where possible.

(b) *Place or Thing to be Searched*: The place or thing to be search shall be clearly and specifically described. Where private premises are to be searched, references should include:

(1) Street number and apartment number if appropriate;
(2) Physical description of the premises;
(3) Legal description of the premises;
(4) Name of owner or occupant;
(5) Geographical location of the property;
(6) Map coordinates or distances from given reference points;
(7) Photographs, maps, or diagrams that aid in specifically identifying the location to be searched.

(c) *Scope of the Search*: Only those things described in the search warrant can be seized. Therefore, the affidavit should specify, and the officer should ensure that the warrant includes the following:

(1) All areas that the officers desire to search shall be designated. In instances where officers wish to conduct a complete search of a home and its surroundings, the affidavit should specify a search of the premise and its "curtilage," and should identify any outbuildings such as garages, tools sheds or other detached buildings, where appropriate.

(2) Motor vehicles known to be on the premises that may be searched should be specified.

(3) Searches (other than frisks for weapons) of specific persons on the premises shall be referenced in the affidavit by name if possible.

(4) The specific items to be seized shall be detailed. Where the item may be dismantled (e.g., firearms) the warrant should authorize the search and seizure of parts or components of that item.

(5) Officers anticipating search of computers and related high-technology equipment should consult a forensic examiner or other qualified source for appropriate language to use in the affidavit and procedures for seizure of hardware, software, and electronic media.

(d) *Time and Method of Search*: A valid search warrant may be served at any time of the day or night, as operationally required, within 48-hours from the time of issuance.

(1) Anticipatory search warrants may be sought when it can be shown that the evidence in question will be at a specific location at some time in the near future.

(2) Officers may request a "no knock and announce" provision in the warrant when they have reason to believe that adherence to the knock and announce rule would endanger their safety or the safety of others, would enable a wanted person to escape, or would likely result in the destruction of evidence before entry can be made.

2. All affidavits must be reviewed and approved by a supervisor PRIOR to presentation to a magistrate or other judicial official authorized to issue search warrants.

E. SUPERVISORY REVIEW OF ISSUED SEARCH WARRANT PRIOR TO EXECUTION

1. Prior to any attempt at service, a supervisor should review issued search warrants to ensure that they include all pertinent information set forth in the affidavit completely and accurately, and that the warrant has been properly signed by a magistrate or other authorized judicial official. Officers shall not attempt to serve any search warrant that is known to contain substantive or administrative errors.

F. EXECUTION OF THE SEARCH WARRANT

1. *48-Hour Time Limit*: Search warrants must be executed within 48 hours from the time of issuance. Any warrant not executed within this time limit is void and must be returned unserved to the magistrate or clerk of court.

2. *Pre-Search Briefing*: Prior to the execution of a search warrant, the supervisor in charge of the search should ensure that a pre-search briefing is conducted to inform assistance officers of the following:

   (a) The supervisor in charge of the search;

   (b) The specific location to be searched;

   (c) The layout of the premises and any known or anticipated hazards that may exist;

   (d) The manner of approach and entry into the premises;

   (e) The assignment of assisting officers as necessary to:

      (1) Cover the front and rear of the premises;
      (2) Guard and/or transport any persons arrested;
      (3) Search designated areas;
      (4) Restrict access at entrances; and
      (5) Collect and handle evidence;

   (f) The communications procedures to be used.

3. *Supervisor Presence Required*: The supervisor in charge must be physically present on all search warrant executions. Upon conclusion of the search, the supervisor in charge is responsible for ensuring that all evidence is properly documented and secured, that the premises is left in a secure manner, and that all paperwork and reports are submitted as required.

4. *Media or Other Third-Party Participation:* Police officers shall not take members of the news media or other third parties into private premises during the execution of a search warrant, unless the presence of the third party is necessary in aid of the warrant's execution. Police authority to enter private premises pursuant to a search warrant does not automatically extend to third parties. Participation by a third party must be directly related to the authorized objective and scope of the search warrant. This restriction shall not be construed to prevent the entry of third parties into private premises pursuant to voluntary consent or other legal authority.

5. *Photographing Premises*: Photographs should be taken of the premises both before and after the search is conducted for the purpose of documenting the property in its original condition and the condition in which it was left by officers after the search.

6. *Giving of Notice*: The officer executing a search warrant must, before entering the premises, give appropriate notice of his/her identity and purpose to the person to be searched or the person in apparent control of the premises to be searched. If it is unclear whether anyone is present at the location to be searched, the officer must give notice in a manner likely to be heard by anyone present. The giving of notice may be waived ONLY if specifically authorized in the warrant.

7. *Serving the Warrant*: Before undertaking any search, the officer must read the search warrant and give a copy of the warrant application and affidavit to the person to be searched or the person in apparent control of the premises or vehicle to be searched. Where there is a reasonable belief that the person only speaks a language other than English, an officer or other individual fluent in that language should be summoned to the scene if available and the exigency of the situation permits. If no one in apparent and responsible control is occupying the premises or vehicle, the officer must leave a copy of the warrant affixed to the premises or vehicle.

8. *Detention of Persons Present*: An officer executing a search warrant for premises not generally open to the public, or of a vehicle other than a common carrier, may detain any person present for such time as is reasonably necessary to execute the search warrant. If the items listed in the search warrant are not found on the premises or vehicle, the officer may then search any person present at the time of the officer's entry for the property specifically described in the search warrant. Contraband found on such persons of a type not described in the search warrant cannot be used for prosecution of that person.

9. *Frisk of Persons Present*: If the officer reasonably believes that his safety or the safety of others present so requires, he may search for any dangerous weapons by externally patting the clothing of those persons present. If the officer feels an object which he believes is a dangerous weapon, he may take possession of that object.

10. *Scope of the Search*: The scope of the search may be only such as is authorized by the warrant and is reasonably necessary to discover the items specified therein. Upon discovery of the items specified, the officer must take possession or custody of them. If in the course of the search the officer inadvertently discovers items not specified in the warrant which are subject to seizure under NCGS 15A-242, he may also take possession of the items so discovered.

11. *Inventory of Items Seized*: The officer executing the search warrant must prepare and sign an inventory of all items seized. If the items are seized from a person, then a copy must be given

to that person. If the items are seized from a place or vehicle, a copy must be given to the owner or person in control of the premises or vehicle. If no person is present, the copy will be left in the premises or vehicle from which the items were seized.

12. *Concluding the Search:* Officers will conduct the search in a manner so as to leave the premises or vehicle in the same general condition as originally found. All evidence will be handled in accordance with General Order 1200-01. The officer in charge of collecting evidence will complete all reports and property control forms and will place the evidence in secure storage prior to ending his tour of duty.

G. RETURN OF THE SEARCH WARRANT

1. Officers shall observe statutory and administrative requirements regarding return on the search warrant to include providing an inventory of seized property to the proper person for property taken and return of the warrant and delivery of the property inventory to the appropriate judicial authority within specified time limits.

H. LIAISON WITH THE DISTRICT ATTORNEY

1. Officers seeking search warrants in unusual situations or where the seriousness, nature or legal complexity of the case so dictates, should review the case with the district attorney's office prior to seeking a search warrant.

I. HIGH-RISK WARRANT SERVICE OPERATIONS

1. Prior to the execution of a search warrant, the need for tactical support will be determined. In determining whether or not service of the warrant constitutes a high-risk operation under the provisions of this policy, the supervisor in charge must consider several factors:

    (a) The characteristics and location of the target premises and the number of persons likely to be present.

    (b) The anticipated need for pre-planned forcible or dynamic tactical entry into the premises.

    (c) Facts and information known or foreseen by officers that indicate an unusually high potential for violence or physical danger exists. The danger may originate from persons who are believed to be armed or who have a past history of violence or from a danger within the environment to be entered (i.e. explosives, volatile or hazardous chemicals, barriers or fortification, vicious animals, etc.).

    (d) The number of personnel and resources required to safely and adequately conduct the operation and accomplish the intended objective.

2. Supervisors should use a threat-assessment matrix (form KPD-205) to determine whether the intended warrant service activity requires tactical support. If the assessment indicates a need for tactical support, the supervisor shall consult with the SRT Coordinator and affected Bureau Commander, who will make the final determination.

3. Written authorization for high-risk warrant service operations must be given by the Bureau Commander for the component exercising primary responsibility for the planning and conduct of the operation.

4. High-risk warrant service operations must be preceded with a written plan to include, at a minimum, the following:

    (a) The designation of a supervisor-in-charge of the operation;

    (b) The procurement of any special equipment or resources needed;

    (c) The designation of a radio talk group to be used and any special communications procedures to be followed;

    (d) The specific strategy for approaching, entering, securing and leaving the target premises. This strategy should include the layout of the premises (if known), and the identification of any known or anticipated hazards that may exist.

    (e) The specific responsibilities of each officer present during the operation, including provisions for the handling and transport of persons arrested;

    (f) The designation of an officer as being responsible for the collection and preservation of all evidence found during the operation;

    (g) A statement of briefing on current departmental policies regarding forcible entry, use of force, and evidence handling procedures as they pertain to anticipated activities;

    (h) The coordination of any special support needed from outside agencies regarding the foreseen or anticipated need for resources such as medical or firefighting personnel, animal control units, etc.;

    (i) The means of identifying participants as police officers. Uniformed officers should be utilized as part of the entry team whenever possible. Unless specifically exempted by the supervisor-in-charge due to their role in the operation, all participants must use police ID jackets, displayed badges, or other visible means of police identification;

    (j) Instructions for conducting a debriefing and/or critique of the operation upon completion; and

    (k) The signature of the authorizing official.

5. Upon conclusion of the operation, the supervisor designated as having responsibility for the control and coordination of operation must:

    (a) Conduct a debriefing and/or critique of the operation with key participating personnel. The debriefing should be conducted as soon as practical following the operation;

    (b) Review the associated documentation, paperwork, and any required reports (e.g., use of force, forcible entry, etc.) to ensure that current legal requirements and departmental policy have been met;

(c) Ensure that all evidence has been properly documented and placed in secure custody;

(d) Prior to ending his tour of duty, prepare an administrative memorandum to the official authorizing the raid operation. The memorandum must include a summary of the result of the operation and any recommendations arising from the debriefing.

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Searches
Search Warrants

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 800-04

SUBJECT: ENTRY TO PRIVATE PREMISES
DISTRIBUTION All Personnel
EFFECTIVE DATE: 11-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to explain the law and departmental policy regarding police entry to private premises.

POLICY

It shall be the policy of the Kannapolis Police Department that forcible police entry to private premises will be made only when lawful justification for such entry is present. Unless a valid consent has been obtained or exigent circumstances exist, a warrant justifying the entry must be on the scene. In all cases where forcible entry is required, the action taken can be no greater than that reasonably necessary to accomplish a lawful objective.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Exigent Circumstances: reasonable suspicion that quick action is necessary to eliminate a threat to life, to eliminate the danger of escape by a violent or dangerous suspect, or to prevent the destruction of evidence.

2. Consent: a statement to the officer, made voluntarily, by an adult who by ownership or otherwise is reasonably apparently entitled to give or withhold consent, giving the officer permission to enter the premises.

3. Forcible Entry: for legal purposes, forcible entry means police entry into any private premises without voluntary consent from an appropriate adult.

4. Urgent Necessity: actions taken pursuant to NCGS 15A-285 that are urgently necessary in order to save life, prevent serious bodily harm, or avert or control public catastrophe.

PROCEDURES

A. WARRANTLESS ENTRY TO PRIVATE PREMISES

1. Warrantless entry to private premises must be justified by valid consent or exigent circumstances. Consent obtained by threat of arrest or prosecution is involuntary and therefore invalid. Exigent circumstances exist only in serious or dangerous situations. Minor, non-dangerous offenses do not give rise to exigent circumstances.

2. Entry to Arrest: Officers may enter private premises without a warrant or consent in order to arrest someone in the premises only if:

   (a) Someone is likely to be killed or seriously injured unless immediate warrantless action is taken; OR a violent and/or dangerous criminal offender is likely to escape apprehension and/or prosecution unless immediate warrantless action is taken; **AND**

   (b) There is probable cause to arrest the person sought; **AND**

   (c) There is probable cause to believe that the person to be arrested is physically present in the premises at the time of the entry.

   NOTE: If the arrest process is set in motion outside before a subject goes inside the premises, the arresting officer(s) can enter without a warrant to complete the arrest, even if the arrest is for a relatively minor offense.

3. Entry to Preserve Evidence: If there is probable cause to believe that critical evidence of a serious and/or dangerous offense is located within private premises and that the evidence is almost certain to be destroyed or removed unless immediate warrantless action is taken, the officer may enter without a warrant or consent to secure the premises while awaiting the arrival of a search warrant. Once the premises are secured, no further search shall be conducted unless or until:

   (a) A search warrant for the premises is on the scene; **OR**

   (b) A voluntary consent to search has been obtained; **OR**

   (c) New or additional emergency circumstances arise necessitating additional warrantless search.

B. ENTRY TO CRIME SCENES IN PRIVATE PREMISES

1. For the purposes of this section, a "crime scene" is a location where a crime has very recently occurred and where there is an apparent need for investigative action and/or emergency services. Examples are homicide scenes, fire scenes, scenes of burglaries, shootings, etc. The mere presence of contraband or evidence in private premises does not make those premises a "crime scene" for the purposes of this section.

2. Upon arriving at a crime scene on private premises, the officer may enter the premises without a warrant or consent in order to:

   (a) Locate and apprehend perpetrators; AND/OR

   (b) Provide assistance to injured or others requiring emergency assistance; AND/OR

(c) Locate and secure evidence that is likely to be lost or destroyed by the mere passage of time.

3. Once the actions described in the preceding paragraph are completed, no further search shall be conducted unless or until:

   (a) A search warrant for the premises is obtained and present at the scene; OR

   (b) Consent to search has been obtained; OR

   (c) New or additional emergency circumstances arise necessitating further search.

C. URGENT NECESSITY

1. An officer may enter private premises without a warrant or consent if it reasonably appears that such action is urgently necessary in order to:

   (a) Prevent death or serious physical injury; OR

   (b) Provide needed emergency medical assistance; OR

   (c) Guard against the imminent threat of substantial property damage.

2. An action to enforce the law or to seize a person or evidence cannot be justified by the urgent necessity authority. The purpose and intent of this authority is to allow police officers to take reasonable measures to ensure the safety and protection of persons and property, even if such action is not for enforcement purposes.

D. FORCIBLE ENTRIES TO TAKE LAW ENFORCEMENT ACTION

1. The Warrant Requirement: Unless a valid consent has been obtained or there are exigent circumstances, a warrant justifying the entry must be on the scene. If there is probable cause to believe that the person to be arrested resides in the premises, an arrest warrant is sufficient. Otherwise, a search warrant is required (third party premises).

2. Forcible Entry to Execute an Arrest Warrant: An officer may forcibly enter private premises to effect the arrest of a person if:

   (a) The officer has a valid arrest warrant for the person in his physical possession at the scene prior to the entry; **AND**

   (b) The officer has probable cause to believe that the person to be arrested resides in the premises to be entered *(NOTE: Officers should not rely exclusively on the address on a warrant to establish probable cause that a particular address is currently the residence of the person to be arrested);* **AND**

   (c) The officer has given or made reasonable effort to give notice of his/her identity and purpose to an occupant there (unless there is reasonable cause to believe that the giving of notice would endanger the life or safety of any person).

3. Forcible Entry to Execute a Search Warrant: An officer may forcibly enter private premises in order to execute a search warrant if:
   (a) The officer has a valid search warrant in his/her physical possession at the scene prior to the entry; AND

   (b) The officer has previously announced his/her identity and purpose (unless the officer has is reasonable cause to believe that the giving of notice would endanger the life or safety of any person); AND

   (c) The officer reasonably believes that admittance is being unreasonably delayed or that the premise is unoccupied.

4. Whenever feasible, officers shall request the presence of a field supervisor at the scene prior to making a forcible entry into private premises. The supervisor will assess the situation and determine if a forcible entry is justified and necessary.

5. If exigent circumstances prevent the notification of a field supervisor prior to the entry, the officer shall immediately notify a supervisor once the necessary action to resolve the emergency has been completed.

E. FORCIBLE ENTRY REPORTS

1. Any police entry into private premises, either with or without a warrant, which requires the use of physical force against any person or damage to the property in order to make the entry shall be reported using form KPD-208.

2. Any forcible police entry into a motor vehicle under urgent necessity authority shall be reported using form KPD-208. Forcible police entry into a motor vehicle to make an arrest or seize evidence shall be fully documented in the associated case report, use of force report, or arrest report, as applicable. In such instances, a separate forcible entry report is not required.

3. Forcible entry reports shall be completed and submitted prior to ending the tour of duty on which the entry occurred. Supervisors at all levels are to review forcible entry reports to ensure compliance with the provisions of this directive and shall forward the report via the chain of command to the Office of the Chief of Police.

F. LIABILITY FOR PROPERTY DAMAGE

1. No officer shall make any statement acknowledging the Department's liability for repairs or damages sustained to private premises during a forcible entry. Such determination, if necessary, will be made by the Chief of Police and City Manager.

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Forcible Entry
Forcible Entry Reports
Urgent Necessity

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 800-05

SUBJECT: ASSET FORFEITURE
DISTRIBUTION All Personnel
EFFECTIVE DATE: 05-01-2001
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental guidelines for the seizure and disposition of real or personal property under state and federal forfeiture laws.

POLICY

The principal objective of forfeiture is law enforcement – to deter crime by depriving criminals of the profits and proceeds of their illegal activities, and to weaken criminal enterprises by removing the instrumentalities of crime. Consistent with this objective, it is the policy of the Kannapolis Police Department to identify assets derived from criminal enterprise and to pursue the seizure and forfeiture of such assets in accordance with State and Federal law. In all cases, officers shall strictly comply with applicable constitutional, statutory, and administrative requirements governing seizure practices and procedures. Potential revenue must not be allowed to jeopardize the effective investigation and prosecution of criminal offenses, officer safety, the integrity of on-going investigations, or the due process rights of citizens. In all cases, the Police Department will strive to avoid any appearance of impropriety in the acquisition, use or sale of forfeited property.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Adoptive Seizure: the federal adoption and forfeiture of property seized exclusively through the efforts of state or local agencies. Federal law enforcement agencies empowered by statute or regulation may adopt such seized property for forfeiture where the conduct giving rise to the seizure is in violation of federal law. Forfeitures of seized property adopted in this manner have the same effect as if the property had originally been seized by the Federal government. Adoption is discretionary and subject to the guidelines of each federal agency.

2. AFC (Asset Forfeiture Coordinator): an officer designated by the Chief of Police as having administrative oversight responsibility for all asset forfeiture cases originated by members of the Kannapolis Police Department.

3. Conveyance: any vehicle, vessel, or aircraft.

4. Joint Seizure: the federal forfeiture of property seized during a law enforcement operation that involves both local and federal law enforcement authorities. In such cases, the participating Federal agency will normally administer the forfeiture.

5. Personal Property: includes currency, bank accounts, monetary instruments, jewelry, conveyances (vehicles, vessels, aircraft), firearms, or any other item of ownership not defined as real property.

6. Proceeds: money derived from the sale of forfeited property

7. Real Property: generally refers to land and any structures or appurtenances erected on the property.

8. State Seizure: a seizure made by local authorities that is administered under North Carolina law and that requires either forfeiture to the local school system or the escheat fund, return to the lawful owner, or forfeiture to a permissible law enforcement purpose.

PROCEDURES

A. ADMINISTRATION

1. The Chief of Police serves as the agency's executive point of contact for Federal and/or State agencies involved in the forfeiture process.

2. The investigating officer or detective who originates the seizure will serve as the operational point of contact for Federal and/or State agencies involved in the forfeiture process.

3. The Support Services Bureau Commander is designated as the agency's Asset Forfeiture Coordinator (AFC) and shall have administrative oversight responsibility for the processing of potential asset forfeiture cases.

4. The AFC shall maintain an updated Asset Forfeiture Manual detailing the statutory grounds for State and Federal forfeitures, as well as applicable policies, forms, and procedures. The manual shall include procedures for prompt notice to interest holders, the expeditious release of seized property where appropriate, and the prompt resolution of claims of innocent ownership.

5. The AFC will be responsible for the following:

   (a) Provide technical assistance to all agency personnel in identifying, seizing, and documenting assets subject to forfeiture under State or Federal law;

   (b) Prepare the Federal Sharing Agreement and federal Annual Certification Report for review and signature by the Chief of Police and Finance Director in accordance with federal guidelines;

   (c) Review all federal sharing applications initiated by agency personnel to ensure proper completion and timely submission in accordance with federal guidelines;

   (d) Maintain a log of all property seized by the Kannapolis Police Department under federal forfeiture laws, as well as copies of all sharing application forms submitted to federal agencies in forfeiture cases. The log shall specify the OCA number, initiating officer or investigator, seizure date, seizure type (joint or adoptive), the pertinent

federal agency, asset or property description, share requested, specific intended law enforcement use, asset and/or proceeds received, and date received.

(e) Maintain a log of all property seized by the Kannapolis Police Department under North Carolina forfeiture laws. The log shall specify the OCA number, initiating officer or investigator, seizure date, statutory authority for the seizure, property description, final disposition, and disposition date;

(f) Ensure that all seized property in the custody of the Police Department that is subject to forfeiture is adequately protected and its value preserved;

(g) Coordinate the provision of in-service training to department personnel on the process of documenting and identifying assets subject to forfeiture;

(h) Perform related duties as described in this Order or as directed by the Chief of Police.

6. All seizure of property subject to state or federal forfeiture shall be jointly reviewed by the seizing officer, his or her immediate supervisor, and the AFC. The purpose of the review will be to determine if the seizure is in compliance with applicable law and the provisions of this General Order. If it is determined that the seizure does not meet statutory requirements, the property must be promptly returned to the lawful owner or possessor.

7. Property or conveyances retained or awarded for law enforcement use shall be subject to internal controls consistent with those applicable to property acquired through the normal purchasing processes of the City. In all cases, the Police Department will avoid any appearance of impropriety in the sale or acquisition of forfeited property.

8. The City has established separate, designated revenue and expenditure accounts for the deposit and disbursement of proceeds received from state and federal forfeitures, including any interest income generated by these funds. These accounts are exclusive and contain no other funds. All proceeds received by agency employees must be delivered directly to the Chief of Police on the date received or no later than the next business day. In all cases, checks must be physically safeguarded against theft or loss pending delivery to the Chief of Police

9. The Chief of Police will determine the purposes for which forfeited property and proceeds are utilized by the agency and must authorize all expenditure of funds. Expenditures shall be affected only for permissible law enforcement uses, and then only in accordance with the City's established purchasing procedures

10. Forfeiture proceeds shall not be used to pay the salaries or benefits of law enforcement officers. Moreover, no officer's employment or salary shall be dependent upon the level of seizures or forfeitures he or she achieves.

B. FEDERAL FORFEITURES

1. In 1984, a law was passed which permitted the Federal government to share assets forfeited under Federal law with the local government whose officers assisted with the investigation and/or seizure. These assets or proceeds are returned to the local governments with the restriction that they be used only for certain permitted law enforcement purposes. The provisions of the law do not affect those forfeitures and seizures that are handled under the

administration of state law. However, if assets are seized as a result of a joint investigation by local and federal authorities, federal forfeiture laws will generally apply.

2. There are two ways that a local law enforcement agency can participate in the federal equitable sharing program:

   (a) Joint Investigations: those in which federal agencies work with state or local law enforcement agencies to enforce federal criminal laws.

   (b) Adoption of Local Seizure: A local law enforcement agency that has seized property may request that one of the participating federal agencies shown in paragraph (4) below adopt the seizure and proceed with federal forfeiture. Federal agencies may adopt such seized property for federal forfeiture where the conduct giving rise to the seizure is in violation of federal law and federal law provides for forfeiture.

3. Types of Federal Forfeiture Actions:

   (a) Criminal Judicial Forfeiture: an action brought as part of the criminal prosecution of a defendant. It is an action against the person and requires that the government indict the property used or derived from the crime along with the defendant. If the jury finds the property forfeitable, the court issues an order of forfeiture.

   (b) Civil Judicial Forfeiture: a civil action brought in court against the property. The property is the defendant and no criminal charge against the owner is necessary.

   (c) Administrative Forfeiture: an action that permits the federal seizing agency to forfeit the property without judicial involvement. The following types of property can be administratively forfeited (unless a timely claim is filed):

      (1) Monetary Instruments, including US coins and currency, travelers checks and bearer negotiable instruments, securities and other commercial paper – unlimited amounts.

      (2) Conveyances – unlimited value.

      (3) Other personal property (e.g. bank accounts, jewelry, etc) - $500,000 or less.

4. Federal law enforcement agencies participating in the federal forfeiture program, and who directly adopt state and local seizures are as follows:

Justice Department Agencies	**Treasury Department Agencies**
Federal Bureau of Investigation	United States Customs Service
Drug Enforcement Administration	Internal Revenue Service – Criminal Division
United States Park Police	United States Secret Service
United States Postal Inspection Service	Bureau of Alcohol, Tobacco & Firearms
	United States Coast Guard
	Immigration & Customs Enforcement

5. Major Statutes Enforced by Federal Agencies that Permit Equitable Sharing include:

(a) Federal Drug Violations (Title 21 USC § 333(e)(3), 853 and 881)
(b) Money Laundering Violations (Title 18 USC §981 and 982)
(c) Gambling & Racketeering Laws (Title 18 USC §1963, 1955 and 1177)
(d) Child Pornography & Obscenity Laws (Title 18 USC §2253, 2254 and 1467)
(e) Auto & Electronic Communication Theft (Title 18 USC §512 and 2513)
(f) Illegal War Munitions (Title 22 USC §401)
(g) Copyright Materials (Title 17 USC §509)
(h) Smuggling of Aliens (Title 8, USC §1324(b)
(i) Drug Paraphernalia (Title 21, USC $857)

6. All seizures of property or currency that is subject to forfeiture under Federal law shall be reported to the AFC by the end of the next business day following the seizure. Seizure reports will be made using form KPD-143.

7. If property is seized by local authorities and is not required for a state criminal case, the property may be transferred to the custody of federal authorities. Adoption is discretionary and will only occur with the permission of the Federal authorities and is subject to the guidelines of each agency.

8. In adoptive cases, officers must adhere to the minimum monetary thresholds for adoptive forfeitures established by the adopting federal agency for the following types of property:

   (a) Conveyances (vehicles, vessels and aircraft);
   (b) Real Property (land and improvements);
   (c) Currency, bank accounts and monetary instruments.

9. After the seizure in a joint investigation or adoption in an adoptive case, the Police Department may request a share of the property by submitting an Application for Transfer of Federally Forfeited Property to the pertinent federal investigative agency. A separate application must be completed for each asset to be shared.

10. Applications for Transfer of Federally Forfeited Property must be made within **thirty (30) calendar days** of the date of original seizure using form DAG-71 (for Justice Department Agencies), form TDF92 (for Treasury Department agencies), or IRS Form 9061 (for Internal Revenue Service). Blank forms and/or assistance in the completion of these forms can be obtained from the AFC.

11. If an adoptive seizure is requested, the seizing officer and AFC are jointly responsible for the following:

    (a) Determine that the seized items to be transferred to Federal authorities are not required for use in any State prosecution;

    (b) If the seizure was made under a State law, provide written notice to the District Attorney that the property is being transferred to Federal authorities, as the property is not required for State prosecution.

    (c) Complete all required application forms for review and signature by the Chief of Police and City Attorney, and submit the forms to the Federal agency administering the forfeiture;

(d) Coordinate with the adopting Federal agency regarding the transfer of the seized property to Federal custody. Any seized cash must be converted into a check when transferring seized funds to a Federal agency.

12. Forfeiture, like all legal proceedings, takes time. Equitable sharing may only occur after the federal forfeiture has been completed, the United States has taken clear title to the property, and a final sharing decision has been made by the appropriate federal authority.

13. Equitable sharing is always based on the NET proceeds of the forfeiture. The net proceeds are calculated as the gross receipts from the forfeiture or sale of forfeited property less qualified third-party interests, federal case-related expenses, any award payment to a federal informant, and federal property management expenses. In no case (joint or adoptive) will the federal share be less than twenty percent (20%).

14. Sharing in joint investigations reflect the degree of direct participation of each agency in the law enforcement effort resulting in the forfeiture. Normally, this is determined by comparing the number of investigative hours expended by each agency. The final determination of sharing percentages will not be done until after the property has been forfeited and all of the participating agencies total contribution to the seizure/forfeiture has been determined.

C. STATE FORFEITURES

1. Major North Carolina statutes enforced by the Kannapolis Police Department in which property or currency is subject to seizure and forfeiture include, but are not limited to:

   (a) NCGS 90-112 Violations of the North Carolina Controlled Substances Act
   (b) NCGS 14-269.1 The Illegal Use or Possession of Deadly Weapons
   (c) NCGS 14-7.20 Profits Derived from a Continuing Criminal Enterprise
   (d) NCGS 14-2.3 Gain Acquired Through Felonies
   (e) NCGS 14-86.1 Conveyances Used in Committing Felony Larcenies & Other Crimes
   (f) NCGS 14-399(g) Conveyances and Equipment Used to Deposit Litter
   (g) NCGS 15A-289 Illegal Electronic Surveillance Equipment
   (h) NCGS 18B-504 Violations of State ABC laws
   (i) NCGS 20-28.5 Forfeiture of Motor Vehicle for DWI after DWI License Revocation
   (j) NCGS 20-138.5 Habitual Impaired Driving
   (k) NCGS 75D-5 Racketeering Influenced & Corrupt Organizations (RICO)

2. All seizures of property or currency that is subject to forfeiture under state law shall be reported to the AFC by the end of the next business day following the seizure. Seizure reports will be made using form KPD-143.

3. Any property seized that is subject to forfeiture under State law shall be inventoried and listed on an Inventory of Property Seized (form AOC-CR-206). A copy of this form shall be forwarded to the AFC before the end of the first business day following the seizure.

4. Property seized pursuant to State forfeiture laws will normally be retained in the custody of the Police Department pending a judicial disposition (court order).

5. Seized conveyances shall be inventoried prior to storage in accordance with agency directives and properly secured to protect their value. The keys to the seized conveyance (if any) shall

be affixed to a key ring along with the key to any locking device used. These keys shall then be forwarded to the evidence custodian for safekeeping.

6. No conveyance should be seized which is in an obvious state of disrepair or appears to be worth less than the fair market value; or which has a significant lien or other security interest by an innocent party. A determination will be made by the AFC in cases where there is a question as to the suitability of a conveyance for forfeiture proceedings.

7. Under selected State statutes, forfeited property (other than currency), may be awarded upon request to the seizing law enforcement agency for official permitted uses. When the property is of no further use to the agency, the property will be sold at public auction. The proceeds from the sale, excluding any costs for forfeiture, maintenance of custody/storage, advertising, and court costs, must be turned over to the school fund of the county in which the seizure was made and adjudicated.

8. All forfeited property turned over to the Kannapolis Police Department for official use under State law must be fully documented and tracked by the AFC, who will ensure that the final disposition of such forfeited property is in accordance with prevailing State law.

INDEX AS:

Asset Forfeiture
Equitable Sharing
Federal Forfeitures
Forfeitures
State Forfeitures

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 800-06

SUBJECT: DIPLOMATS & CONSULAR OFFICIALS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 05-01-2001
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to familiarize police officers with general principles of diplomatic immunity and to provide guidance regarding the handling of offenses involving foreign diplomats and consular officials.

POLICY

Law enforcement officers of the Kannapolis Police Department are to treat foreign diplomatic and consular personnel with courtesy and due regard for their respective privileges and immunities as directed by international law, and federal statutes. At the same time, it is a well-established principle of international law that it is the duty of diplomats and consular officials enjoying such privileges and immunities to respect local laws and ordinances. Law enforcement officers should never be inhibited in exercising their duty to protect public safety in extreme situations. Allegations of serious crimes involving diplomatic or consular personnel will be fully investigated and promptly reported to the U.S. Department of State.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Diplomatic Immunity: exemption from arrest, detention or prosecution for criminal and civil offenses granted to certain diplomatic agents, their families and staff.

2. Inviolability: exemption from police entry, search or seizure granted to foreign diplomatic missions and the offices, home, vehicle, and effects of certain foreign diplomatic agents, their families and staff.

PROCEDURES

A. PRINCIPLES OF DIPLOMATIC IMMUNITY

1. The United States is firmly committed to the principle of international law that requires that the domestic law enforcement authorities of the United States extend certain extraordinary privileges and immunities to members of foreign diplomatic missions and consular posts. Some of these privileges and immunities are not absolute however, and in any event police officers retain their fundamental responsibility to protect public safety and preserve public order.

2. The concept of immunity poses particular problems for law enforcement officers who, by virtue of their oath of office and training, are unaccustomed to granting special privileges or concessions to individuals who violate the law. Therefore, it is imperative that officers understand the general concept of diplomatic immunity and the limitations of their authority when confronted with incidents or violations involving diplomatic personnel.

3. Foreign representatives are sent out to various countries with the expertise necessary to accomplish diplomatic functions, but they often lack a full understanding of the local customs and laws. Local customs, laws, and even systems of government vary widely around the world. Failure of the police authorities of the Unites States to respect fully the privileges of foreign diplomatic and consular personnel could complicate diplomatic relations between the United States and other countries and could lead to harsher treatment of U.S. personnel abroad.

4. Even at its highest level, diplomatic immunity does not exempt diplomatic officers from the obligation of conforming to national and local laws of the host country. Diplomatic immunity is not intended to serve as a license to mock the law and purposely avoid liability for individual actions. The purpose of these privileges and immunities is to ensure the efficient and effective performance of their official diplomatic missions.

B. IDENTIFYING PERSONS ENTITLED TO DIPLOMATIC PRIVILEGES & IMMUNITIES

1. It is critical from a law enforcement officer's point of view to identify quickly and accurately the status of any person asserting diplomatic immunity. Police officers should be alert to good faith, but incorrect, assertions of immunity by those not entitled to it.

2. Officers must bear in mind that the possession of diplomatic documents or assertion of immunity is an indication that the bearer might be entitled to privileges and immunities. In cases of doubt, police officers should always coordinate with the appropriate U.S. authorities.

3. Conclusive identification of diplomatic status is established through credentials issued by the U.S. Department of State. The State Department credential bears its seal, the name of the diplomat, his status or title, and the signatures of State Department officials.

4. The following documents may indicate that the person is very likely entitled to privileges and immunities but do not, in themselves, provide conclusive identification of diplomatic status:

   (a) Most foreigners in the United States who enjoy any degree of privileges and immunities possess a diplomatic passport or visa issued by their home country. However, foreign diplomatic passports are not authoritative indications that their bearers enjoy any degree of privileges or immunities in the United States.

   (b) Under international law, most members of diplomatic missions and consular posts are entitled to exemption from sales taxation in the United States. The U.S. Department of State issues tax exemption cards to all those entitled to such exemption, but these cards do not give a definitive indication of the degree of immunity.

   (c) The U.S. Department of State has taken over the registration of automobiles, issuance of distinctive license plates and the issuance of driver's licenses to persons entitled to privileges and immunities in the United States. Federal registration documents and drivers licenses are not definitive indicators of the degree of privileges and immunities

of the bearer. However, they should be relied upon as an indication that the bearer is very likely entitled to some degree of immunity.

(1) Vehicle license plates issued by the Department of State are coded to correspond generally with the degree of immunity as follows:

"D" prefix is a diplomatic agent;
"C" prefix is a consular officer;
"A" prefix is United Nations Secretariat (New York).

(2) These plates may be taken as a preliminary indication that a person operating the vehicle probably enjoys the degree of immunity indicated by the license code, but it must also be determined by the personal identity of the operator.

(3) Distinctive license plates are designed to provide helpful assistance in identifying diplomatic or consular immunity. Verification of the registered owner, vehicle, or license plate can be made through standard access of NLETS.

5. Inquiry should promptly be made to the U.S. Department of State in any case where an individual claims diplomatic immunity and cannot present satisfactory identification, or in any case where the officer has reason to believe that the identification being presented is invalid. The following telephone numbers may be used:

(a) For verifying diplomatic and consular officials and international organizations other than the United Nations, contact the Command Center of the Bureau of Diplomatic Security, Department of State, 24 hours a day, at 202-647-7277.

(b) For verifying United Nations personnel, contact the Communications Section of the United States Mission to the United Nations, 24 hours a day, at 212-415-4444

C. PRIVILEGES AND IMMUNITIES

1. The following are intended as general guidelines for police officers regarding the entitlement of certain individuals to diplomatic privileges and immunities. Representatives of some foreign countries may enjoy higher levels of privileges and immunities than those indicated herein. Where doubt exists, officers should refrain from arresting or detaining the person until such time as their exact status and level of privileges and immunities can be established through the U.S. Department of State.

(a) Diplomatic agents are protected by unlimited immunity from arrest, detention, or prosecution with respect to any civil or criminal offense. Associated with this personal immunity is the full inviolability enjoyed by the premises of the mission of the sending nation, the private residence of a diplomatic agent, his property, papers, vehicles and correspondence. Family members of diplomatic officials and members of their administrative and technical staff are entitled to the same unlimited immunities as diplomatic officials under current U.S. Law (22 U.S.C. 252).

(b) Consular officers are protected by limited immunity. Career consular officers are not subject to arrest or detention pending trial, except in the case of a serious felony

offense that would endanger public safety, and then only pursuant to a warrant. Immunity from criminal jurisdiction is limited to official acts performed in the exercise of consular functions.

(1) Family members of consular officials do not enjoy the same privileges and immunities with respect to the civil and criminal jurisdiction of the receiving state, as do consular officials. However, they should be accorded appropriate courtesy and respect.

(2) Honorary consular officers and consular employees do not have general immunity from arrest or detention, nor are they entitled to personal immunity from the civil and criminal jurisdiction of the receiving state, except as to official acts performed in the exercise of their consular functions.

(3) The archives and documents of a consular post are inviolable (not subject to search or seizure) at all times and wherever they may be, provided that they are kept separate from other papers and documents of a private or commercial nature relating to the other activities of a consular officer and persons working with him.

D. INCIDENT GUIDANCE

1. When, in the course of responding to an incident or investigating an apparent violation of criminal law, a police officer is confronted with a person claiming diplomatic immunity, official U.S. Department of State credentials should immediately be requested in order to verify the person's status and level of immunity.

2. When proper identification is available, the individual's immunity should be fully respected to the degree to which the particular individual is entitled. If it is established that the individual is entitled to the full inviolability and immunity of a diplomatic agent, he/she may not be arrested and may not, except in extraordinary circumstances, be handcuffed or detained in any way.

3. In an incident involving any person entitled to immunity, the officer should record all pertinent details from the identity card and fully record the details and circumstances of the incident in accordance with normal police procedures.

4. All personal immunity and inviolability is qualified by the understanding that the host country does not give up its right to protect the safety and welfare of its populace and retains the right, in extraordinary circumstances, to prevent the commission of a serious crime.

5. Where public safety is in imminent danger or it is apparent that a serious crime may otherwise be committed, police officers may intervene only to the extent necessary to halt such activity. This naturally includes the power of police officers to defend themselves from personal harm.

E. TRAFFIC LAW ENFORCEMENT

1. Stopping a diplomatic or consular officer and issuing a traffic citation does not constitute arrest or detention in violation of his/her diplomatic immunity. A police officer should not hesitate to follow normal procedures to intervene in a hazardous traffic violation that the officer has observed, even if immunity ultimately bars any further action at the scene. The officer may

stop persons committing hazardous violations, issue a citation if appropriate, and report the incident accordingly.

2. If the police officer judges the individual to be intoxicated, the officer should not permit the individual to continue to drive (even in the case of diplomatic agent). The officer's primary concern must be the safety of the community and of the intoxicated individual. The officer may, with the individual's consent, transport the person to the police station or other location where he/she may recover sufficiently to drive. The officer may summon, or allow the individual to summon, a friend or relative to drive, or the police may call a taxi.

3. The officer involved with such incidents must fully document the facts of the incident and the identity of the individual, and a written report of the incident forwarded via the chain of command to the Chief of Police before ending the tour of duty.

4. The property of a person enjoying full immunity, including his/her vehicle, may not be searched or seized. Such vehicles may not be impounded, but may, with consent, be moved the distance necessary to remove them from obstructing traffic or endangering public safety.

F. REPORTING OF INCIDENTS TO THE U.S. DEPARTMENT OF STATE

1. In the event that a foreign diplomat, consular official or member of their family or staff should become involved in any actions taken by an officer of the Kannapolis Police Department, the Chief of Police will be immediately informed. The Chief of Police will be responsible for ensuring the State Department officials are furnished with all pertinent information.

G. ARREST & DETENTION OF FOREIGN NATIONALS WITH NO DIPLOMATIC STATUS

1. Officers who arrest or detain individuals who are not citizens of the United States, but who are not entitled to diplomatic privileges and immunities, shall follow the procedures outlined in Special Order SO-012.

INDEX AS:

Consular Officials
Consular Notification
Diplomats
Diplomatic Immunity
Foreign Nationals

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: **800-07**
SUBJECT: ILLEGAL ALIENS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 05-01-2001
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish guidelines for the arrest, detention and reporting of persons known or suspected to be illegal aliens.

POLICY

Enforcement of the United States Immigration and Naturalization Laws is primarily the responsibility of federal authorities. Local law enforcement officers have the authority to enforce immigration laws only under limited circumstances. Therefore, persons known or suspected of being an illegal alien should be reported to the nearest field office of the Immigration and Naturalization Service (ICE) of the U.S. Department of Justice.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Alien: any person who is not a native or naturalized citizen of the United States.

2. ICE: the Bureau of Immigration and Customs Enforcement of the U.S. Department of Homeland Security.

3. Illegal Alien: an alien who enters or remains in the United States in violation of U.S. immigration and naturalization laws.

4. Non-Resident Alien: an alien who has registered with the ICE and who legally enters and remains in the United States for a specified period of time.

5. Resident Alien: an alien who has registered with the ICE and legally resides in the United States.

PROCEDURES

A. DOCUMENTATION & EVIDENCE OF U.S. CITIZENSHIP

1. United States citizens (including naturalized citizens) are not required to carry evidence or documentation of citizenship on their person.

2. Resident aliens lawfully admitted to the United States are required by federal law to have in their possession documents issued by ICE giving their name, date of birth, entry date and alien registration number.

3. Most nonresident aliens lawfully admitted to the United States are required by federal law to have in their possession documents issued by ICE giving their name, date of birth, entry date and alien registration number. Non-resident cards also give the last date the alien may legally remain in this country.

4. Temporary visitors and tourists from foreign countries normally carry passports or visas.

5. Beginning on December 31, 2005, the United States will phase in new travel document requirements. All travelers to and from the Caribbean, Bermuda, Panama, Canada or Mexico will be required to have a passport or other accepted document that establishes the bearer's identity and nationality to enter or re-enter the United States. This is a change from prior travel requirements. The goal is to strengthen border security and facilitate entry into the United States for U.S. citizens and legitimate foreign visitors. This new requirement will be known as the Western Hemisphere Travel Initiative, and will be implemented in phases:

   (a) **December 31, 2005** – Passport or other accepted document required for all travel (air/sea) to or from the Caribbean, Bermuda, Central and South America;

   (b) **December 31, 2006** – Passport or other accepted document required for all air and sea travel to or from Mexico and Canada;

   (c) **December 31, 2007** – Passport or other accepted document required for all air, sea and land border crossings.

6. The term "other accepted document" as used in paragraph 5 above currently includes:

   (a) Border Crossing Cards (also known as "laser visas") are acceptable as a substitute for a passport and a visa for citizens of Mexico traveling to the United States from contiguous territory. Laser visas contain a biometric identifier (such as a fingerprint) and are machine readable.

   (b) SENTRI, NEXUS, or FAST program cards that are issued for frequent international travelers between the US, Canada, and Mexico.

7. The use of fraudulent or false ICE documents is widespread. Accordingly, officers should seek the technical assistance from the local ICE field office in confirming the validity of any questioned ICE documents presented by an alien, or the legal status of an alien.

B. LAW ENFORCEMENT PROCEDURES

1. Officers of the Kannapolis Police Department have the authority to arrest (within the territorial jurisdiction) suspected violators of federal immigration laws when they have knowledge of the applicable federal laws and sufficient information to form probable cause that the individual has violated the law. However, because of the legal complexity and potential burden of conducting investigations into federal immigration violations, Kannapolis officers shall contact the local ICE field office and request their assistance for investigation of suspected violations.

2. Officers of the Kannapolis Police Department have the authority to arrest and detain an illegal alien who has previously been convicted of a felony in the United States and deported or left the United Sates after such conviction, but ONLY after the officer has obtained confirmation from ICE of the identity and status of the individual, and only for such period of time as may be required for the ICE to take the person into federal custody for the purpose of deportation.

3. Whenever an officer encounters a suspected illegal alien during the course of investigating a violation of state or local law, the suspected illegal alien shall be entitled to the same constitutional and due process rights available to all criminal suspects in the United States.

4. When an officer has lawfully arrested or detained a person for violation of a state or local law, AND such person is also suspected of being an illegal alien, the officer shall consult with a supervisor and review the available evidence to determine if there is reasonable suspicion to believe that the person is present in the United States unlawfully. Such finding may be established through inspection of ICE documents, interview of the suspect, or through similar evidence. If reasonable suspicion is established, the following procedures will apply:

   (a) The officer should photocopy and document all records and identifications found in the possession of the suspect, and retain these photocopies in the master case file;

   (b) The suspect will be photographed and fingerprinted (if these procedures are authorized under state law for the original crime charged);

   (c) The officer will follow the procedures outlined in Special Order SO-012 regarding consular notification, as applicable;

   (d) The officer will initiate an Illegal Alien Query (IAQ) through the NC State Bureau of Investigation's CIIS. This query will generate an automatic report to ICE;

   (e) The local ICE field office should be contacted for assistance with the investigation. ICE agents may elect to interview the suspect in custody to determine if they want the suspect held. If so, a federal immigration detainer will be provided by ICE to the local jail or detention facility;

   (f) If ICE determines that they DO NOT want the suspect held as an illegal alien, the person will continue to be processed on the state or local charges in accordance with standard procedures.

5. Reports of suspected violations of the immigration laws received by the Department should be referred to the nearest ICE Detention & Removal (DRO) field office as follows:

   Field Office Director, Atlanta
   180 Spring St., SW Suite 522
   Atlanta, GA 30303
   Phone: 404-893-1210
   Email: Atlanta.Outreach@ice.dhs.gov

C. DEPORTATION OF ALIENS

1. Deportation is the refusal by the U.S. Government to allow an alien to remain in the United States. It is an administrative process rather than a criminal proceeding. Only an immigration

judge can deport an alien. The alien has full rights of due process, including the right to appeal. There is no statute of limitations on deportation.

2. Aliens can be deported upon conviction for certain crimes, regardless of whether they are here legally or illegally, temporarily or permanently. Aliens can be deported upon conviction for aggravated felonies or "moral turpitude" crimes such as murder, narcotics or firearms trafficking, money laundering, and certain crimes of violence.

3. For an alien to be deported, he or she must be arrested by the ICE. In the case of criminal aliens, the ICE will normally place an immigration detainer on the criminal alien being held in jail or prison and when the release date arrives, re-arrest the alien and take them to federal holding facilities to await a deportation hearing.

4. Aliens, either legal or illegal, who are convicted of major (deportable) crimes in cases initiated by officers of the Kannapolis Police Department, should be reported to the nearest ICE DRO field office.

INDEX AS:

Aliens
Consular Notification
Foreign Nationals
Illegal Aliens
Immigration Laws

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 800-08

SUBJECT: SEIZURE OF COMPUTER EQUIPMENT
DISTRIBUTION All Personnel
EFFECTIVE DATE: 09-01-2001
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

With the rapid proliferation in the use of computers and related technologies to commit criminal offenses, law enforcement officers and prosecutors have begun to confront new investigative and evidentiary challenges. Technology is being increasingly employed by criminals as a means of communication, a tool for theft and extortion, and a repository to hide incriminating evidence or contraband materials. Law enforcement officers must have access to contemporary technical knowledge and equipment to effectively investigate such sophisticated electronic crimes. The purpose of this General Order is to establish departmental guidelines for the search, seizure, examination, and storage of computers, electronic storage devices, and related peripherals.

POLICY

The law enforcement community is challenged by the task of identifying, investigating, and prosecuting individuals and organizations that use computers and other emerging technologies to support their illicit operations. Law enforcement officers must investigate these crimes within the framework of existing laws and afford the suspect with all rights and freedoms guaranteed by the Federal and State Constitutions. Therefore, it is the policy of the Kannapolis Police Department to conduct all searches and seizures of computers and related technologies in accordance with all applicable Federal, State, and local laws and ordinances, and department rules and regulations.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. CART: acronym for the FBI's hi-tech investigative unit called Computer Analysis Response Team.

2. CD-ROM: stands for Compact Disk Read-Only Memory. CD-ROMs store and read massive amounts of information on a removable disk platter

3. CPU: the computer system's central processing unit.

4. Data: a formalized representation of facts or concepts suitable for communication, interpretation, or processing by people or by automatic means.

5. Documentation: documents that describe technical specifications of hardware components and/or software applications and how to use them.

6. Fax Peripheral: A device, normally inserted as an internal card that allows the computer to function as a fax machine

7. Floppy Disk: a drive that reads from, or writes to, diskettes. Information is stored on the diskettes themselves, not on the drive.

8. Hard-Drive: a storage device based on a fixed, permanently mounted disk drive. It may be either internal or external. Both applications and data may be stored on the disk.

9. Hardware: the physical components or equipment that make up a computer system. Examples include keyboards, monitors, and printers.

10. Input/Output (I/O) Device: a piece of equipment that sends data to, or receives data from, a computer.

11. Laser Disk: Similar to a CD-ROM drive but uses lasers to read and write information.

12. Modem: a device allowing the computer to communicate with another computer, normally over standard telephone lines. Modems may be either external or internal.

13. Mouse: a pointing device that controls input. Normally, the user points to an object on the screen and then presses a button on the mouse to indicate his/her selection.

14. Network: a system of interconnected computer systems and terminals.

15. Printer: any device used to convert data from electronic format to printer format. Most common types of printers include dot matrix, laser, ink jet, thermal, band, daisy wheel, and plotter printers.

16. Scanner: any optical device that can recognize characters on paper and, using specialized software, convert them into digital format.

PROCEDURES

A. ASSESSING THE ROLE OF THE COMPUTER IN A CRIMINAL OFFENSE

1. Before seizing all or part of a computer system and the information it contains, it is critical to determine the computer's potential role in the criminal offense. Depending on the facts of the case, the seizure of computer hardware itself can be justified on one of three theories without regard to the data it contains.

    (a) The hardware is itself contraband;

    (b) The hardware was an instrumentality of the offense; or

    (c) The hardware constitutes evidence of the offense.

2. Computer systems are a combination of connected components. Probable cause to seize a computer does not necessarily mean that probable cause exists to seize the entire computer system. Each component in the system should be considered independently.

3. While planning is important to the success of any search, it is especially critical in searching and seizing data from computers. It is vital that the officer obtain as much specific information as possible about the computer to be searched during the investigative phase. Officers should determine, to the extent possible, the type of computer involved, the operating system used, and the level of technical expertise of the individual who normally uses the target computer.

4. Computers seized by officers as fruits of crimes, (e.g. burglary, retail theft), shall be treated as normal evidence and processed in accordance with General Order 1200-01 (Evidence Collection).

B. CONSTITUTIONAL REQUIREMENTS

1. Like any other search and seizure, the Fourth Amendment to the United States Constitution regulates cases involving computers and related technologies. Any seizure and/or search of computer equipment must be conducted pursuant to a valid search warrant or under a recognized exception to the search warrant requirement. All searches shall be conducted in accordance with prevailing law and the applicable provisions of General Order 800-03 (Searches).

2. An initial search warrant to seize a computer may not necessarily establish probable cause to search all the data contained on that system and additional warrants may be needed. Because of the complex and technical nature of computer systems and data contained therein, officers seeking search warrants for computer systems shall coordinate their activities with the local District Attorney or appropriate U.S. Attorney's Office of jurisdiction.

   Caution: If you encounter potential evidence that may be outside the scope of your existing search warrant or legal authority, contact the appropriate prosecutor as an additional warrant may be necessary.

3. When preparing warrants and establishing probable cause for the search and/or seizure of a computer system, officers shall list only those devices for which they can articulate an independent basis for search and seizure. It is unacceptable to suggest that any item connected to the target device may automatically be seized.

4. It is possible to search for data evidence located in a computer or storage devices in several places: on-site, at the police department, or at a laboratory. The key decision is whether to search at the scene or somewhere else, since an off-site search will require packing and moving the property and may constitute a greater intrusion on the property rights of the computer owner/user.

5. Although it may be necessary to remove the computer in order to search it, that necessity does not expand the basis of probable cause. This is a completely separate issue and when officers are preparing search warrant affidavits, they should fully explain the need to seize the hardware and ask for permission to seize the "container" in order to search for relevant data within the system.

C. TECHNICAL ASSISTANCE

1. The Commander of the Criminal Investigation Division is designated as the agency's central point of contact (POC) for coordination of technical issues related to the forensic search and seizure of computers and related technologies. The CID Commander will be responsible for maintaining on-going liaison with state and federal resources for technical assistance with computer related investigations.

2. Officers planning to conduct a search and seizure of computers and/or related materials shall coordinate with the CID Commander PRIOR to applying for a search warrant or conducting any search or seizure of the equipment.

3. It shall be the standard procedure of the Kannapolis Police Department to seek the assistance of qualified experts prior to conducting any computer search or seizure. The CID Commander is authorized to contact the FBI's CART or similar NCSBI unit for investigative assistance. These groups can open concurrent criminal cases when certain criteria are met that give them investigative jurisdiction. In other cases, they can offer valuable advice and technical assistance.

4. Only a qualified forensic computer expert shall be authorized to conduct a search for files or documents within computer hard-drives, diskettes, CD ROMs, or similar media. No department employee shall conduct this type of search unless they have received specific computer forensic training and have the necessary equipment and technical expertise to do so in a manner that is acceptable to the court.

D. PROTOCOL FOR INITIAL FIELD SEIZURE OF COMPUTER EQUIPMENT

1. Secure and control access to the scene. As with any search, officer safety is paramount.

   (a) Immediately restrict access to the computer equipment;

   (b) Carefully photograph the computer, screen, connected peripherals, and all wiring connections before taking any further action;

   (c) Isolate the equipment from phone lines, modems, or Internet connections because data on the computer can be accessed remotely;

   (d) Preserve and process the area for potential fingerprints and the collection of traditional types of evidence.

2. Secure the computer and surrounding workspace as evidence. I**f the computer is off, do NOT turn it on.** If computer is "on," and is a stand-alone computer (non-networked) consult a computer forensic specialist. If a specialist is not available.

   (a) Photograph the screen, then disconnect all power sources; unplug from the wall AND the back of the computer;

(b) Place evidence tape over each drive slot;

(c) Photograph, diagram, and label all back of computer components with existing connections. It is especially important to label every vacant port as "vacant" so that there is no confusion later;

(d) Label all connectors/cable ends to allow reassembly as needed. The seizing officer should attach tags at every connection point on every cable to record all relevant information. Masking tape and a permanent marker can be used for this task;

(e) If transport is required, carefully package all components and transport as fragile cargo. Keep away from magnets, radio transmitters, excessive heat or moisture, and other potentially damaging environments.

3. For networked or business computers, consult a forensic specialist for further assistance. **Do not pull the plug.** Pulling the plug could severely damage the system, disrupt legitimate business, and create officer and department liability.

4. Document all items seized on an inventory of seized property and maintain a strict chain of custody in accordance with established departmental directives.

E. SEIZURE OF OTHER ELECTRONIC DEVICES

1. Other electronic devices may contain viable evidence associated with criminal activity. Unless an emergency exists, the device should not be accessed. Should it be necessary to access the device, all actions associated with the manipulation of the device should be noted in order to document the chain of custody and ensure its admission in court.

(a) Wireless Telephones: Potential evidence contained in wireless devices includes numbers called, numbers stored for speed dial, caller ID for incoming calls, and other information contained in the memory. The on-screen image may contain other valuable information. If the device is on, do not turn it off. Turning it off could activate lockout feature. Write down all information on display (photograph if possible). Power down prior to transport (take any power supply cords present.) If the device is off, leave it off. Turning it on could alter evidence on device (same as computers). Upon seizure, get it to an expert as soon as possible or contact local service provider. If an expert is unavailable, use a different telephone and contact 1-800-LAWBUST (a 24/7 service provided by the cellular telephone industry). Make every effort to locate any instruction manuals pertaining to the device.

(b) Electronic Pagers: Numeric pagers receive only numeric digits and can be used to communicate numbers and code. Alphanumeric pages can receive numbers and letters and can carry full text. Voice pages transmit voice communications sometimes in addition to alphanumeric information. Two-way pagers combine incoming and outgoing messages. Once pager is no longer in proximity to suspect, turn it off. Continued access to electronic communications over pager without proper authorization can be construed as unlawful interception of electronic communications. Search stored contents of pager incident to arrest, with probable cause, an exception, or with consent.

(c) Fax machines: Fax machines can contain the following information that may have evidentiary value: speed dial lists, stored faxes (incoming and outgoing), fax transmission logs (incoming and outgoing), header line information, and clock settings. If a fax machine is found on, powering down may cause loss of last number dialed and/or stored faxes. All manuals should be seized with equipment, if possible.

(d) Caller ID Devices: may contain telephone and subscriber information from incoming telephone calls. Interruption of the power supply to the device may cause loss of data if not protected by internal battery back up. Document all stored data prior to seizure or loss of data may occur.

INDEX AS:

Computer Searches
Computer Seizures

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 800-09

SUBJECT: DNA Collection
DISTRIBUTION All Personnel
EFFECTIVE DATE: 12-07-2015
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental policy and procedures for the collection, processing, and preservation of evidence and reference samples containing DNA material.

POLICY

The collection, processing and preservation of items or samples containing DNA material has become commonplace within the law enforcement community. The collection of these materials, from whatever source, must be conducted within the framework of existing laws and afford individuals with all rights and freedoms guaranteed by the Federal and State Constitutions. Therefore, it is the policy of the Kannapolis Police Department to collect these materials in accordance with all applicable Federal, State, local laws and ordinances, and departmental rules and regulations.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. BUCCAL SWAB: sample of cells gathered from the inside surface of an individual's cheeks.

2. DNA: Deoxyribonucleic acid is a molecule carrying genetic information which when properly analyzed may identify the individual from whom it came.

3. DNA ADMINISTRATOR: individual designated with the responsibility for the administrative handling of both reference and evidentiary DNA samples. Unless otherwise designated by the Chief of Police the Criminal Investigations Division Commander shall serve as the DNA Administrator.

4. DNA EVIDENCE: swab sampling or other object from a crime scene which an officer reasonably believes contains DNA material that may link or connect a person to a criminal incident.

5. LOCAL OFFENDER DNA INDEX SYSTEM: database compiled and managed by a Department approved DNA testing provider containing samples obtained by the Department.

6. KNOWN REFERENCE SAMPLE: sample given by a known individual with a confirmed identity for comparison to evidence samples taken at a crime scene. Known reference samples may be obtained from victims, witnesses, suspects, etc.

PROCEDURES

A. GENERAL DNA COLLECTION GUIDELINES

1. During the collection of DNA it is imperative that officers avoid contamination of the material. Contamination is defined as the accidental transfer of DNA between one item of evidence to another, or of DNA from the officer to the evidence. This is also known as cross-contamination. In order to avoid such contamination, the following measures shall be taken.

    (a) Officers collecting DNA shall always wear disposable gloves and change them often. Gloves should be changed between each item collected, after using a cell phone or radio, and after touching the face, eyes, nose or hair for any reason, such as after sneezing, coughing, yawning, etc.

    (b) Items of evidentiary value should be handled as little as possible to prevent contamination and the potential loss of touch DNA evidence. Individuals collecting DNA should avoid talking, coughing, eating, drinking or sneezing in the vicinity of evidence to be processed.

2. Plastics should never be used to package DNA samples and/or evidence as DNA materials must be allowed to breathe. The appropriate specialized collection kits or materials shall be used for the collection of arrestee DNA samples and/or consensual DNA samples. For the packaging of other samples and evidence, clean, dry manila envelopes, brown paper bags, or cardboard boxes should be used. When dealing with larger immovable objects of evidentiary value, officers should use swabs for the collection method. Each item shall be placed in a separate envelope or container to avoid the transfer of biological fluid from one item to another.

3. Biological evidence is sensitive to environmental factors such as sunlight, heat, moisture from humidity, burning, or mixture with soils. Individuals collecting these materials must minimize exposure to these elements. Samples/evidence must be properly sealed and maintained. Failure to do so may result in evidence not being accepted by the lab. Officers shall not leave samples/evidence in the trunk of a patrol vehicle for extended periods of time. Officers shall make every attempt to transport all collected materials back to the police department without delay.

B. CRIME SCENE DNA EVIDENCE PROCESSING AND PACKAGING

1. The collection of all evidence including DNA evidence and swabbing, will be completed in accordance with General Order 1200-01 (Evidence Collection).

2. When collecting items or samples that may contain DNA evidence, Officers will use the following guidelines:

(a) Assess the scene, balance latent print options verses swabbing evidence surfaces for DNA. Look for surfaces that will likely result in yielding DNA profiles by abrading skin cells or from bodily fluids.

(b) DNA profiles may be obtained through swabbing certain surfaces for the presence of contact DNA. Do not submit these items; rather use swabs to collect contact DNA evidence from larger surface items. (Cigarettes, gum, etc. should be submitted, not swabbed.)

(c) Use swabs to collect DNA evidence at crime scenes where crimes against persons and property have been committed. The DNA Administrator in conjunction with the Crime Scene Officer will determine which samples will be sent for analysis.

(d) Officers collecting evidence suspected of containing DNA material shall utilize specialized packaging materials in accordance with training. Packaging is limited to one sample per envelope and officers SHALL NOT lick the envelope seal.

(e) DNA collection envelopes shall be packaged as evidence and placed into evidence storage along with a completed property and evidence voucher. This evidence shall be maintained in secure evidence storage in accordance with General Order 1200-02 (Property & Evidence Control).

C. ARRESTEE DNA COLLECTION

1. In accordance with North Carolina General Statutes 15A-266.3A and 15A-502A, officers shall collect DNA samples from individuals arrested for designated felonies and misdemeanors at the time of arrest or when fingerprinted. (See Appendix A – Offenses Requiring the Collection of DNA Samples Upon Arrest.)

2. The DNA sample shall be obtained by cheek cell collector utilizing the standardized DNA collection kit unless a court order authorizes a blood sample be collected.

3. The arresting officer must forward the DNA sample for analysis in accordance with the standardized DNA collection kit instructions and training.

4. DNA samples may only be taken from juvenile offenders when the jurisdiction of the juvenile is transferred to the superior court.

5. The arresting officer must fully document the date and time the sample was taken, the name of the person taking the DNA sample, the name and address of the person from whom the sample was taken, and the offense charged. This record must be maintained in the case file and shall be made available to the prosecuting district attorney. In addition, the arresting officer must provide the arrested person, written notice of the procedures for how to obtain an expunction of the DNA sample.

6. The DNA Administrator shall insure that agency maintains a sufficient supply of standardized cheek cell collection kits in accordance with established protocols.

D. NON-MANDATORY DNA COLLECTION OF REFERENCE/KNOWN SAMPLES

1. The Kannapolis Police Department is committed to the identification of criminal offenders through the use of all legal methods to include the use of DNA analysis and local offender databasing.

2. Officers shall attempt to obtain reference DNA samples from individuals in accordance with the procedures set forth in this General Order.

3. The administration of the collection and processing of reference DNA samples will be the responsibility of the DNA Administrator. The Administrator shall:

   (a) Assess reference DNA samples submitted by agency personnel to determine their likelihood of producing a DNA profile;

   (b) Catalog and/or submit samples to the appropriate laboratory for analysis taking current crime trends and budgetary issues into consideration; and

   (c) Provide any "hit" or "match" notification and documentation returned as a result of the DNA database Client Interface to the appropriate investigating officer.

4. Initial training of agency personnel in the collection and processing of consensual reference samples will be conducted by the DNA Administrator and shall encompass this General Order, nomenclature of equipment, and best practices related to collection, processing, preservation, storage, and documentation. Subsequent training of new officers shall be included as part of the Field Training program and overall refresher as needed.

5. Employees of the Kannapolis Police Department shall attempt to obtain consensual reference DNA samples from all persons arrested and not required to give a sample in accordance with NC GS 15A-266.3A and 15A-502A. In addition, officers shall attempt to obtain consensual samples of field contacts when there are reasonable articulable facts that lead the officer to believe that a crime has been or is about to be committed but probable cause does not exist for an arrest. Collection of reference samples may occur under the following conditions.

   (a) An individual voluntarily consents to provide a swab or other material directly from his/her body. All persons must be advised that the swab is being used to obtain a DNA profile that will be placed and maintained in a local DNA database. If the individual is a suspect of criminal activity, he/she must consent to the giving of the buccal swab specifically for DNA purposes. Consensual swabs may be collected from victims, witnesses, etc. for elimination purposes. The suspect, victim, or witness providing consent will sign the back of the evidence collection envelope formally expressing their consent. Consent in all situations must be knowing and voluntary.

   (b) Materials that have been abandoned may be collected. Abandonment consists of material(s) that may be of evidentiary value that an officer can directly attribute to that particular person from first-hand observation, e.g. blood on a cloth, saliva left of a disposed drink container, or a discarded cigarette butt. The officer collecting the material must have a reasonable suspicion that the person has committed a particular crime in order to seize the abandoned materials. Random collection of abandoned materials will not be made. Officers may not provide materials to suspects of crimes solely to surreptitiously collect DNA samples that the suspect has refused to provide.

(c) A person may be compelled by a court order/search warrant to provide a sample. Duress or force will NOT be used to obtain a DNA reference sample unless allowed by court order. Police must have probable cause that the suspect has committed a crime in order to obtain a search warrant or other court order for the purposes of collecting a DNA profile.

6. The preferred method of collection for a reference sample is to use the buccal swab method from the person with sterile supplies provided by the Department. The officer who actually obtained consent of the collected sample MUST place their name on the DNA reference submission item. Samples MUST be packaged according to the following procedures:

   (a) The officer's name must be placed upon the package to document that he/she is the officer who collected the sample. This must be followed, regardless of the investigating officer.

   (b) Reference swabs must be placed back into the original sterile packaging.

   (c) Complete in full detail all labeling and packaging materials. Complete, detailed and accurate information is required. Include details such as why the sample is being collected, from whom the sample was collected, etc. Description comments such as "suspect" are too vague and are not acceptable.

   (d) Officers MUST record the manner in which the individual was positively identified on the submission package.

   (e) Where consent was obtained to procure the sample, check "CONSENT" and have the consenting subject sign the back of the envelope where appropriate.

   (f) Place the swab in the envelope and close using the adhesive strip provided. DO NOT USE EVIDENCE TAPE. USE THE CLEAR TAPE PROVIDED. Initial and date the tape at the edge, allowing for the initials and date to contact both the clear tape and the envelope surfaces. DO NOT LICK THE ENVELOPE SEAL.

   (g) The envelope should then be packaged as evidence and placed in the evidence storage locker along with a completed property/evidence voucher.

   (h) All reference samples will be stored in alphabetical order in a filing cabinet within the secured evidence storage area.

7. Officers obtaining DNA reference samples as described in this General Order shall notify the DNA Administrator of each collection. This notification shall be made by email and shall include a copy of the completed property/evidence voucher.

INDEX AS:

DNA

APPENDIX "A"

Offenses Requiring the Collection of DNA Samples Upon Arrest

- NC GS 14-16.6 (b) & (c), AWDW on executive, legislative, or court officer, or the assault inflicting serious bodily injury to the same.
- NC GS 14-17, First and Second-Degree Murder;
- NC GS 14-18, Manslaughter;
- Any offense in Article 6A, Unborn Victims;
- Any offense in Article 7A, Rape and other Sexual Offenses;
- NC GS 14-28, Malicious castration
- NC GS 14-29 Castration or other maiming without malice aforethought;
- NC GS 14-30 Malicious maiming;
- NC GS 14-30.1, Malicious throwing of corrosive acid or alkali;
- NC GS 14-31, Maliciously assaulting in a secret manner;
- NC GS 14-32, Felonious assault with deadly weapon with intent to kill or inflicting serious bodily injury;
- NC GS 14-32.1(e), Aggravated assault or assault and battery on handicapped person;
- NC GS 14-32.2(a), When punishable pursuant to GS 14-32.2(b)(1) patient abuse and neglect, intentional conduct proximately causes death;
- NC GS 14-32.3(a), Domestic abuse of disabled or elder adults resulting in injury;
- NC GS 14-32.4, Assault inflicting serious bodily injury by strangulation;
- NC GS 14-14-32.4(a)Assault inflicting serious bodily injury;
- NC GS 14-33.2, Habitual misdemeanor assault;
- NC GS 14-34.1, Discharging certain barreled weapons or a firearm into occupied property;
- NC GS 14-34.2, Assault with a firearm or other deadly weapon upon governmental officers

or employees, company police officers, or campus police officers;

- NC GS 14.34.4, Adulterated or misbranded foods, drugs, etc; intent to cause serious injury or death; intent to extort;
- NC GS 14-34.5, Assault with a firearm on a law enforcement, probation, or parole officer or a person employed at a State or local detention facility;
- NC GS 14-34.6, Assault or affray on a firefighter, an emergency medical technician, medical responder, emergency department nurse, or emergency department physician;
- NC GS 14—34.7, Assault inflicting serious injury on a law enforcement officer, probation, or parole officer or on a person employed at a State or local detention facility;
- NC GS 14-34.9, Discharging a firearm from within an enclosure;
- NC GS 14-34.10; Discharge firearm within enclosure to incite fear;
- Any offense in Article 10, Kidnapping and Abduction, or Article 10A, Human Trafficking;
- Any offense in Article 13, Malicious Injury or Damage by Use of explosive or Incendiary Device or Material;
- NC GS 14-51, First and second-degree burglary; Breaking or entering a place of religious worship; GS 14-53, Breaking out of a dwelling; 14-54, Breaking or entering buildings with intent to terrorize or injure; and 14-57, Burglary with explosives;
- Any offense in Article 15, Arson;
- NC GS 14-87, Armed Robbery;
- NC GS 14-88, Train robbery;
- Any offense which would require the person to register under the provisions of Article 27A of Chapter 14 of the General Statutes, Sex Offender and Public Protection Registration Programs;
- NC GS 14-163.1, Assaulting a law enforcement agency animal, an assistance animal, or a search and rescue animal willfully killing the animal;
- NC GS 14-196.3, Cyberstalking;
- NC GS 14-202, Secretly peeping into room occupied by another person;
- NC GS 14-277.3A, Stalking;
- NC GS 14-288.9, 2888.21, and 288.22; Statutes dealing with biological or chemical weapons of mass destruction;

- NC GS 14-31834(a) & (a3) Child Abuse;
- NC GS 14-14-360, Cruelty, to animals;
- NC GS 14-401.22(e), Attempt to conceal evidence of non-natural death by dismembering or destroying remains;
- Any offense for attempting, solicitation of another to commit, conspiracy to commit, or aiding and abetting another to commit, any of the above listed offenses.

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 900-01

SUBJECT: TRAFFIC ADMINISTRATION
DISTRIBUTION All Personnel
EFFECTIVE DATE: 03-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish policy and procedures for traffic administration, traffic engineering pertaining to the police function, and ancillary services of a traffic nature.

POLICY

Traffic administration and support processes include data collection and analysis, formulating policy and procedure, development of enforcement techniques, personnel allocation, and program evaluation. These aspects of the traffic function enable a police agency to execute its responsibilities for traffic law enforcement. Supplemental traffic services will also be provided which have an indirect effect on traffic flow and responses to citizen-generated requests for service. It shall be the policy of the Kannapolis Police Department to regard traffic duties and responsibilities as vital functions of the overall police mission, and to administer these duties and responsibilities in the most effective manner possible. The delivery of traffic related services will be accomplished in a professional and reasonable manner so as to foster a positive public perception and acceptance of such efforts as consistent with the police mission.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Selective Traffic Enforcement: the assignment of personnel to traffic enforcement activities at times and locations where hazardous or congested conditions exist. Such assignments are usually based on such factors as traffic volume, accident experience, frequency of traffic violations, and emergency service needs.

2. Traffic Survey: an examination of traffic characteristics such as volume, speed, accidents, origin, destination, etc.

3. Traffic Unit: an organizational component of the Department comprised of police officers who have received specialized training in traffic enforcement and accident investigation, and who are assigned to perform traffic related functions on a full-time basis.

PROCEDURES

A. ORGANIZATION

1. The Traffic Unit is the agency's formally organized traffic component and will have primary responsibility for performance of the agency's traffic related services and traffic law enforcement functions. Officers assigned to Traffic Unit receive training in traffic accident investigation and traffic law enforcement. Support services for the traffic function will be provided by operational and support components of the Department.

2. The Traffic Unit Supervisor shall be responsible for planning, analyzing, monitoring, and coordinating the Department's traffic enforcement and traffic-support activities on a city-wide basis. These activities include data collection and analysis, formulation of needed changes in policy and procedures, development of effective enforcement techniques, program planning, personnel allocation and utilization, and program evaluation.

3. The traffic-related functions and responsibilities of the Traffic Unit include, but are not limited to:

   (a) Technical collision investigation and assistance;
   (b) Operation of speed measuring devices;
   (c) Traffic direction and control;
   (d) Traffic safety education;
   (e) Liaison with traffic safety groups;
   (f) Traffic data analysis; and
   (g) Selective traffic enforcement.

4. Written performance objectives for the Traffic Unit will be developed annually. The objectives are to be reasonable, attainable, and measurable where possible, and sufficiently flexible to permit change as needed. Performance objectives will be reviewed at least annually, and an evaluation as to the progress made toward attainment will be submitted through the chain of command to the Chief of Police.

5. Since there is a close relationship between traffic enforcement and all other law enforcement activities, the responsibility for enforcing traffic laws and regulations and performing traffic control activities will be shared by all uniformed personnel.

B. TRAFFIC RECORDS

1. The Department maintains a traffic records system that provides pertinent information to field personnel assigned to traffic functions and compilations of data upon which management decisions may be based. The traffic records system will include, but is not limited to:

   (a) Traffic collision reports;
   (b) Traffic enforcement data;
   (c) Roadway hazard reports;
   (d) Traffic safety education reports;
   (e) Traffic volume data and distribution reports;
   (f) Traffic enforcement activity reports.

2. Supervisors are required to conduct a review of all traffic collision and enforcement reports in accordance with departmental policies and procedures to ensure that they contain complete and accurate information and are submitted to central records in a timely manner.

3. Traffic collision and traffic enforcement reports received from operational components are processed by records personnel and entered into the department's computerized central records system. Various summaries can be generated upon request to facilitate traffic management decisions.

4. The Records Unit is responsible for coordinating the processing, maintenance, distribution, and release of traffic records in accordance with the following:

   (a) Computerized traffic records maintained by the Department will be available to supervisors and personnel of all components for use in support of field operations, analysis and planning;

   (b) Copies of traffic collision reports shall be forwarded to the N.C. Division of Motor Vehicles by records personnel in accordance with the requirements of General Statute 20-166.1;

   (c) Traffic collision and traffic enforcement records will be retained for a minimum of ten (10) years in accordance with the records retention policy of the City of Kannapolis;

   (d) Photocopies of collision reports may be released to the public. Provided however, that information that is not public record shall be withheld or deleted from such copies by the Department prior to release.

5. The Traffic Unit Supervisor will be responsible for monitoring collision locations and associated enforcement actions and will be responsible for the preparation and distribution of quarterly traffic enforcement and collision data summaries for their assigned geographic sector to the Field Operations Bureau Commander and the Chief of Police. The summary format may be in the form of a computer printout to reflect the following information.

   (a) Geographic sector involved;
   (b) Time period covered by report;
   (c) Traffic collision locations;
   (d) Violations indicated and enforcement action taken.
   (e) Traffic collisions during specific time periods;
   (f) Other specific summaries of related traffic data;
   (g) Other geographic, temporal, or causative factors.

C. SELECTIVE TRAFFIC ENFORCEMENT

1. The purpose of selective traffic enforcement is to reduce motor vehicle accidents and promote voluntary compliance with the traffic laws. This is achieved through the application of such techniques as the geographic and temporal assignment of personnel and equipment, and the implementation of specific countermeasure enforcement activities.

2. The Traffic Unit Supervisor will conduct statistical analyses of traffic collision and traffic enforcement data used in developing specific countermeasure activities and program evaluation for their assigned sector. This analysis shall be conducted on a quarterly basis, and will include the following factors:

   (a) Time and day of week;
   (b) Location;

(c) Type of vehicle involved;
(d) Violation type;
(e) Traffic volume;
(f) Other causative factors.

3. Selective enforcement activities shall be based on the analysis of traffic collision experience. The most appropriate enforcement actions for modifying collision-causing behavior will be ascertained by tabulating the most common contributing factors. Enforcement actions are to be directed toward violations in proportion to the frequency in which they occur in collision situations and should be responsive to traffic-related needs identified within the City.

4. The Traffic Unit Supervisor will be responsible for the planning and implementation of selective traffic enforcement activities, and shall determine the need and application of any special equipment such as speed measuring devices, DWI enforcement equipment, etc. When necessary, the need for additional manpower, equipment or communications support will be coordinated with the Field Operations Bureau Commander.

5. The Traffic Unit Supervisor will review and evaluate the selective enforcement program on at least an annual basis. The evaluation will examine the effectiveness of the techniques employed and will include a tabulation and analysis of related enforcement activity, including warnings and citations, to determine if established goals are being met. A copy of such evaluation shall be forwarded to the Chief of Police for review.

D. MANPOWER DEPLOYMENT

1. Traffic Unit personnel will be deployed to areas having the greatest concentration of collisions and calls for traffic services, and at the time experience has shown these to occur. The purpose of such assignment is to take enforcement action against those violations determined to cause collisions, employing countermeasures determined to be most effective for the specific enforcement problems involved.

2. The deployment of Traffic Unit Personnel to work selective traffic enforcement assignments will be based upon an analysis of traffic collisions and traffic-related calls for services covering the most recent three-year period.

3. The police department's computerized collision analysis capability will be used to evaluate the allocation and deployment of officers to selective enforcement assignments based on traffic collision experience.

E. AUDIT PROCEDURES FOR TRAFFIC CITATIONS

1. North Carolina Uniform Traffic Citations will be issued to all patrol officers by component supervisors, who will maintain a database documenting the number sequence, date of issuance, receiving officer, and date of return of each citation pad. The database will be subject to periodic inspection by the Field Operations Bureau Commander. All citation pads will be stored in a secured manner and location until issued.

2. When all citations in a pad have been issued, the officer will submit the pad to their immediate supervisor for internal audit. The supervisor will verify that the audit (yellow) copy of each citation is present and will sign and date the front cover of the citation pad. If any audit copies

are missing, the officer shall submit a memorandum of explanation, along with a photocopy of the original citation (available from records).

3. Patrol Division Commanders are responsible for obtaining new citation pads and returning completed pads to the Clerk of Court. All procedures established by the Clerk of Court for this purpose shall be observed.

4. Citations may be voided prior to issuance based upon a mistake of law or fact, or officer errors in completion of the citation. Once issued to the defendant, citations may not be voided by the officer. In such cases the officer should contact the District Attorney for regarding dismissal of the charge(s) and/or the filing of amended charges.

5. When a citation is voided, ALL copies of the citation are to remain in the citation pad. The officer shall write "VOID" on each copy of the citation and briefly note on the front copy the reason for voiding. The officer shall notify a supervisor as soon as practical. The supervisor will review the action taken and will indicate their knowledge and approval by signing and dating the voided citation.

F. TRAFFIC ENGINEERING

1. The Police Department will assist local traffic engineering/transportation authorities in conducting activities related to the discovery and remedy of collision and congestion hazards. The Department will utilize the current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways as a guide for traffic engineering activities.

2. The Traffic Unit will be responsible for the following traffic engineering functions:

   (a) Collect and compile traffic-related data relevant to identifying specific engineering problems and solutions;

   (b) Conduct special traffic surveys and studies, as appropriate, to investigate potential traffic problems;

   (c) Analyze accident and enforcement data, by utilizing the agency's RMS system to identify specific traffic engineering problems, and forward monthly summaries of this data to the Public Works Director and Chief of Police;

   (d) Prepare special reports and make recommendations concerning the effective use of traffic control devices, new or revised laws and ordinances, or other engineering solutions and improvements.

3. Complaints and suggestions pertaining to traffic engineering deficiencies will be recorded in writing and forwarded to the Traffic Unit, unless immediate action is required. The Traffic Unit Supervisor in consultation with the Field Operations Commander will determine if the deficiency can be corrected by police personnel or should be referred to the Deputy City Manager or other transportation authorities. When feasible, the complainant will be informed of any corrective measures taken.

4. The Traffic Unit will conduct studies at locations experiencing high accident rates as part of its traffic analysis duties. Problems of an engineering nature will be communicated to the Deputy City Manager for appropriate action. Computerized reports of high collision locations,

intersection analysis, collision diagrams, and sight-distance studies will be provided, upon request, to the City's Traffic Engineer.

5. To ensure an adequate level of proficiency and understanding of the traffic engineering functions, the Traffic Unit supervisors will receive specialized training to include, at a minimum, traffic survey methods and techniques, traffic control measures, traffic planning, and data analysis.

6. Whenever feasible, the Department will participate in local and regional transportation system management planning in order to ensure proper consideration of enforcement needs and service demands prior to project implementation.

G. ANCILLARY TRAFFIC SERVICES

1. Police departments typically receive requests for traffic related services, both of emergency and non-emergency nature, such as providing directions, aiding stranded motorists, and other non-enforcement activities. The Department will respond to such calls for service and render such aid or advice as necessary.

2. General Assistance to Highway Users:

   (a) The Department will offer reasonable assistance at all times to motorists and other highway users in need of aid. Consideration to the needs of the motorist, weather conditions, location, time of day, and other service demands must be made when determining the most appropriate way to assist stranded motorists;

   (b) General assistance to motorists may include, but is not limited to: providing information and directions, aid in obtaining fuel or mechanical assistance, changing flat tires, and making notifications;

   (c) Stranded motorists should not be left unattended in dangerous situations. If motorists must be left unattended, officers should use flares or cones to provide greater warning of the existing conditions to other motorists. In such cases, officers shall notify Communications of the location and nature of the problem, and assist the motorist in contacting a taxi or alternative form of transportation if requested;

   (d) Officers will not use a police vehicle to push a disabled vehicle from the roadway unless the officer reasonably believes that immediate action is necessary to eliminate a traffic hazard dangerous to life, and no other practical means are readily available;

   (e) Officers will not manually push a disabled vehicle from the roadway unless the officer reasonably believes that such action is necessary to eliminate a traffic hazard, and can be safely accomplished without undue risk of injury to the officer and other persons assisting in the effort;

   (f) Because of the risk of damaging sensitive electronic equipment, officers will not use a police vehicle to "jump start" another vehicle using battery jumper cables. Self-contained battery packs are available, if necessary, for this purpose;

(g) Officers are not to recommend any specific business to motorists who are in need of mechanical or towing assistance. Officers may assist motorists in obtaining such services by offering to summon a wrecker or roadside assistance service;

(h) Highway users may be transported in police vehicles, with supervisory approval, to a place of lodging, to obtain mechanical assistance, or to the Police Department while arrangements are being made for repairs to their vehicle. All efforts should be made to prevent persons from being left in locations that would prove hazardous;

(i) Officers shall render necessary emergency assistance to motorists, to include the administration of basic first aid, extinguishing minor fires, and summoning fire, medical, or rescue services as needed. Officers should promptly notify Communications as to the nature of the emergency and request services as needed. The officer will serve as the liaison for the motorist to ensure an appropriate response.

3. Unlocking Vehicles:

(a) Officers will be dispatched to assist with locked vehicles ONLY in situations where prompt action is necessary to eliminate a risk of injury or death to persons or pets locked inside the vehicle. This is often the case during summer months when the temperature inside a closed vehicle can quickly rise to over 100 degrees, but can also occur during freezing weather or when the vehicle is left running (especially in enclosed spaces);

(b) If immediate action is necessary to eliminate a risk of serious injury or death to a person or pet locked in a vehicle, officers are authorized to effect entry by breaking a side window with a center punch tool provided by the Department. In such cases, the officer shall complete and submit a Forcible Entry Report (KPD-208) via the chain of command to the Chief of Police;

(c) Citizens who request assistance to unlock vehicles in circumstances not meeting the criteria described in subparagraph (a) above will be referred to a locksmith service or towing company that provides such services to the public. Employees may not recommend a specific towing company or locksmith service but may provide reasonable assistance to stranded motorists in contacting an unlocking service when requested and may offer to stand by until such assistance arrives.

4. Escorts:

(a) The Department provides vehicular escorts under certain conditions to assist with traffic flow and ensure public safety. All vehicular escorts will be conducted using marked police vehicles;

(b) The Chief of Police will receive and process requests for escorts of parades, demonstrations, marches, and similar events which require the issuance of a parade permit under City Ordinances;

(c) Routine requests for escorts to move buildings or oversize cargo, or to transport hazardous materials, will be received and coordinated by the on-duty patrol commander, who shall first verify that all required permits have been issued by proper authorities;

(d) Requests for funeral escorts will be received by the Communications Center and assigned to patrol units as service calls;

(e) If an officer encounters a motorist requesting EMERGENCY escort to a hospital or medical treatment facility, the officer will offer to summon an ambulance. If ambulance services are refused, the officer will follow these procedures:

(1) Offer to escort the vehicle in compliance with all traffic laws;

(2) If the offer is rejected, the officer should allow the vehicle to proceed with instructions to obey all traffic laws and rules of the road; and

(3) Officers may transport the victim to the nearest medical facility in the police vehicle if immediate action is needed to prevent the loss of life and calling an ambulance is impractical or an ambulance is not available to respond. In such cases, the officer must determine that the person can be transferred to the police vehicle without further aggravating their injuries.

(f) Business escorts to effect after-hours bank deposits are not routinely provided by the Department but may be conducted with supervisory approval in unusual situations. When such escorts are authorized, the business employee will travel in their private vehicle with the officer following in the police vehicle. Officers are to remain with the employee until the bank deposit is completed;

(g) Emergency deliveries of blood, critically needed medication, or other items of an emergency nature may be assigned by Communications. When practical, the telecommunicator will notify the on-duty field supervisor of such emergencies. In all incidents involving emergency escorts or deliveries, the officer is to notify Communications upon beginning such duty and engaging in the emergency operation of the police vehicle.

5. Traffic Safety Liaison and Safety Materials:

(a) Members of the Traffic Unit will establish liaison with local and regional organizations involved in highway safety in order to promote a coordinated effort. Traffic safety educational materials prepared and disseminated by these groups will be made available to the general public. Organizations for which liaison should be established may include, but is not limited to:

(1) National Highway Traffic Safety Administration;
(2) North Carolina Governor's Highway Safety Program;
(3) NCDOT Highway Incident Management Team(s);
(4) North Carolina State Highway Patrol;
(5) Mothers Against Drunk Driving;
(6) Students Against Drunk Driving.

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KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 900-02

SUBJECT: TOWING OF VEHICLES
DISTRIBUTION All Personnel
EFFECTIVE DATE: 02-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish procedures for the towing, storage, release and search of impounded or seized vehicles.

POLICY

Officers of the Kannapolis Police Department may order the towing of a vehicle in accordance with the procedures specified in this Order when such towing is authorized under the City of Kannapolis Municipal Code or state law, and is reasonably necessary to protect public safety, prevent interference with the flow of traffic, or for evidentiary reasons. Vehicles will be towed by the next available rotation wrecker on the Department's eligibility list, unless circumstances dictate otherwise.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Abandoned Vehicle: a vehicle which is left upon a public street or highway in violation of a law or ordinance prohibiting parking; OR is left on a public street or highway for more than seven (7) days; OR is left on property owned or operated by the City for longer than twenty-four (24) hours; OR is left on private property without the consent of the owner, occupant or lessee thereof for longer than two (2) hours.

2. Impounded Vehicle: a vehicle that the Police Department orders removed by a rotation wrecker to a private storage lot until the owner complies with the requirements for its release (i.e. proper identification, payment of towing/storage fees), or the vehicle is disposed of by other lawful means.

3. Rotation Wrecker: a wrecker service that is listed on the approved list of eligible tow services maintained by the Communications Center of the Kannapolis Police Department.

4. Seized Vehicle: a vehicle which the Police Department takes into custody and which may be subject to state or federal forfeiture proceedings or is ordered held by the police for evidentiary reasons.

PROCEDURES

A. CIRCUMSTANCES WHERE AN OFFICER MAY ORDER A VEHICLE TOWED

1. A police officer may order the towing/impoundment of a vehicle in accordance with the provisions of this Order under any of the following circumstances.

    (a) When a vehicle is upon any bridge, overpass or other elevated structure or within any tunnel or other underpass structure, where such vehicle constitutes an obstruction to traffic;

    (b) When a vehicle upon a street is so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal;

    (c) When any vehicle is parked upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic;

    (d) When a vehicle is parked upon a street continuously for more than forty-eight (48) hours and proper notice has been given by affixing Form KPD-117 (Notice For Towing) to the windshield or other conspicuous place indicating that failure to remove the vehicle within 48-hours of the time and date indicated on the notice may result in the vehicle being towed and stored for safe keeping at the owner's expense;

    (e) When the driver of a vehicle is taken into custody by a law enforcement officer and such vehicle would thereby be left unattended upon the street;

    (f) When any vehicle is parked on a street to be used for a procession, assemblage, or parade;

    (g) When removal is necessary in the interest of public safety because of fire, flood, storm or other emergency;

    (h) When any vehicle constitutes an "abandoned" vehicle as defined in this Order and is located on a public street or highway, or on property owned or operated by the City;

    (i) When any vehicle has been lawfully seized pursuant to a search warrant or a court order;

    (j) When any vehicle has been lawfully seized without a warrant and the vehicle is subject to forfeiture under state or federal law;

    (k) When any vehicle has been lawfully seized without a warrant and probable cause exists to believe that the vehicle contains or constitutes evidence of a crime and exigent circumstances exist.

B. TOWING SERVICES – GENERAL PROVISIONS

1. Whenever a vehicle is impounded/towed at the direction of a police officer in accordance with this Order, the officer will notify the Communications Center accordingly, whereupon a record will be made of the date, location, requesting officer, description of the vehicle, rotation wrecker used, dispatch/arrival times, reason for the towing, and hold/release data.

2. Vehicles will be towed by the next rotation wrecker unless circumstances dictate otherwise. Requests by the owner/operator for a specific wrecker service may be honored with consideration given to existing traffic conditions and the proximity of the desired towing service. Vehicles seized under the authority of NCGS 20-28.3 will be towed by the wrecker service designated by the appropriate county school system or state agency

3. In non-arrest situations, the towing of a vehicle by a rotation wrecker at the request of the owner (who is present at the scene and does not specify a wrecker preference), will not require the completion and submission of the forms specified in section B6 of this General Order.

4. Unless otherwise directed, an impounded vehicle will normally be towed to and stored at the wrecker company affecting the tow. It is then the responsibility of the wrecker company to collect any towing/storage fees.

5. Vehicles under the control of a person arrested are to be inventoried and towed at the direction of the arresting officer, unless release of the vehicle will not hinder an arrest or investigation; and:

   (a) The vehicle can be claimed at the scene by the lawful owner; OR

   (b) The vehicle can be released to a responsible third party who is approved by both the officer and the arrestee

6. An officer who authorizes or directs the impoundment of a vehicle pursuant to this Order shall complete the following forms prior to ending the tour of duty on which the towing occurred:

   (a) Form KPD-114 Affidavit of Towing;
   (b) Form KPD-113 Notice of Towing;
   (c) Form KPD-112 Vehicle Inventory Tow-In Report; and
   (d) Form KPD-133 Property Owner Tow Request (if applicable).

7. The Records Unit shall maintain copies of towing records on file for a period of three (3) years, to include return receipts from certified mailings, and letters returned by the postal service as undeliverable.

C. INVENTORY SEARCHES

1. The warrantless inventory search of a vehicle towed/impounded pursuant to the direction of a police officer under the provisions of this Order may be conducted provided that:

   (a) A lawful basis exists for taking custody of the vehicle;

   (b) The inventory is non-investigative (officers may not conduct an evidence search under the guise of an inventory search);

   (c) The scope of the search is limited to locating and securing valuables for the mutual protection of the officer, department, and vehicle owner or operator.

2. The purpose of an inventory search is to identify and safeguard property located within the vehicle and is generally limited to those unsecured or readily accessible areas within the

vehicle. A locked trunk or glove box may be searched only if the keys are available to the officer. Whenever possible, the inventory search should be conducted at the scene prior to releasing the vehicle to the tow truck operator.

3. Officers are not permitted to break open or damage any locked containers, compartments, luggage or other property located in the vehicle in the course of conducting the inventory search. However, closed containers that can be opened without force or damage may be searched as part of the inventory. Any evidence, contraband, or fruits of a crime discovered during an inventory search may be admissible in a subsequent prosecution.

4. The officer conducting an inventory search must complete a Vehicle Inventory report documenting the general condition of the vehicle and listing any valuable property contained in the vehicle. The original will be forwarded to Central Records, a copy provided to the tow-truck operator, and a copy retained by the officer.

5. Officers may, prior to removing the vehicle from the scene, take possession of any contraband or obviously valuable property that is in plain view within the vehicle. Any property taken in this manner will be documented on the Vehicle Inventory Tow-In Report and entered into the property control system in accordance with departmental directives.

D. POST-TOWING NOTICE REQUIREMENTS

1. Whenever a vehicle is towed/impounded at the order of a police officer, the officer must make a reasonable effort, including a check of the VIN number and license plate, to determine the last known registered owner.

2. The officer authorizing the tow is <u>required by law</u> to notify the last known registered owner of the vehicle of the following:

   (a) The description of the vehicle;
   (b) The location where the vehicle is stored;
   (c) The violation with which the owner is charged, if any
   (d) The procedure the owner must follow to have the vehicle redeemed;
   (e) The procedure the owner must follow to request a probable cause hearing.

3. If the vehicle is registered in North Carolina, the officer should notify the owner within <u>24-hours</u>. If the vehicle is NOT registered in North Carolina, notice should be given to the owner within <u>72-hours</u>. This notice shall, if feasible, be given by telephone.

4. Regardless of whether or not telephone contact is made with the owner, a Notice of Towing form shall be completed by the officer, and forwarded to Central Records, along with a DCI printout of the registration information. The original will be sent to the address of the last known registered owner by certified mail/return receipt requested, and a copy retained by the Records Unit.

E. AFFIDAVIT OF TOWING / RIGHT TO PROBABLE CAUSE HEARING

1. An officer who orders a vehicle towed/impounded shall complete an Affidavit of Towing form setting forth the statutory authority and probable cause for the towing. The original must be notarized and forwarded to Central Records, and a copy retained by the officer.

2. The owner or any other person entitled to claim possession of the vehicle may request in writing a hearing to determine if probable cause existed for the towing. The request must be filed with the magistrate in the county where the vehicle was towed. The magistrate will then set a hearing within seventy-two (72) hours of receipt of the request.

3. Pursuant to NCGS 20-219.11, the officer authorizing the towing may submit the Affidavit of Towing form to the magistrate in lieu of personally appearing at the hearing. However, the submission of an affidavit does not prevent the officer from testifying if he/she so desires.

4. The only issue at this hearing is whether or not probable cause existed for the towing. If probable cause did exist, the tower's lien continues. If the magistrate finds that probable cause did not exist, the tower's lien is removed. However, the Department may be held financially responsible for payment of any towing/storage fees if no probable cause is found to exist for the towing.

F. ABANDONED, NUISANCE AND JUNKED MOTOR VEHICLES

1. The City of Kannapolis Municipal Code specifies that the Police Department and City Zoning administrator are responsible for the administration and enforcement of "Abandoned, Nuisance, and Junked Motor Vehicles." This responsibility is divided as follows:

   (a) The Police Department is responsible for the removal and disposition of vehicles determined to be "abandoned" and which are located on the public streets and highways within the City, or on property owned or operated by the City;

   (b) The City Zoning Administrator is responsible for the removal and disposition of "nuisance, junked and abandoned" vehicles located on <u>private</u> property.

2. Before authorizing the towing of an "abandoned" vehicle, the officer must give due notice to the registered owner or person entitled to possession of the vehicle. Due notice must be given by certified mail or by affixing on the windshield or other conspicuous place on the vehicle a notice indicating that the vehicle will be removed by the City on a specified date (no sooner than seven (7) days after the notice is given), unless the vehicle is moved by the owner or legal possessor prior to that time.

3. The 7-day prior notice requirement may be omitted where there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare. Circumstances justifying the removal of vehicles without prior notice include:

   (a) Vehicles obstructing or posing a hazard to traffic;
   (b) Vehicles illegally parked;
   (c) Vehicles blocking access to city owned facilities or property; or
   (d) Vehicles causing damage to public property.

G. REMOVAL OF VEHICLES FROM PRIVATE PROPERTY

1. As a general policy, the Kannapolis Police Department will not remove a vehicle from private property if the owner, occupant, or lessee of such property could have the vehicle removed without police assistance under applicable procedures of law.

2. Complaints regarding vehicles which are "nuisance, junked or abandoned" as defined in the City of Kannapolis Municipal Code and which are located on private property should be referred to the City Zoning Administrator.

3. A police officer shall not authorize the towing of a vehicle from private property without first receiving a written request by the owner, occupant or lessee of the property indemnifying the City against any loss, expense or liability incurred because of the removal, storage or sale thereof. The proper execution of a Property Owner Tow Request form satisfies the requirements of this section. The original copy of this form will be forwarded to Central Records.

H. STOLEN VEHICLES

1. When a vehicle is determined to be stolen, the recovering officer will coordinate with the law enforcement agency where the stolen report was filed regarding the evidentiary processing and disposition of the vehicle. In serious crimes, the reporting agency may want the vehicle seized and held until their own investigators can process the vehicle for evidence.

2. Unless otherwise requested by the reporting agency, the following general procedures will be observed:

   (a) The recovering officer should ascertain if the owner can claim the vehicle within a reasonable period of time at the location of discovery. This is to be done only if the officer is able to stand by at the scene until the owner is able to arrive;

   (b) Prior to releasing the vehicle to the owner, the officer shall conduct an evidence search. Any evidence recovered shall be properly documented, collected, and entered into the departmental evidence control system;

   (c) If the owner cannot be readily contacted, or if it is not feasible for the officer to stand by at the scene, the vehicle is to be towed in accordance with the guidelines set forth in this Order for the impoundment of vehicles, including mailing a notification of towing;

   (d) Details of the recovery and vehicle disposition must be documented on an Incident Report and forwarded via the normal chain of command for supervisory review.

I. SEIZURE OF VEHICLES

1. Officers may, with the approval of a supervisor, authorize a towed vehicle to be seized and held when such action is necessary to the investigation of a criminal offense and seizure of the vehicle is authorized under law.

2. Officers must recognize that the authority to order the towing of a vehicle does not, in itself, give them the authority to seize the vehicle. A legal basis for the seizure of the vehicle must exist. The following are considered to be lawful justifications for the seizure of a vehicle:

   (a) Warrantless seizure of a vehicle subject to forfeiture under state statutes (see NCGS 14-86.1; 18B-504; 20-28.3; 20-141.3; 90-112; 113-173(i) or federal law;

   (b) Warrantless seizure of a vehicle that the officer has probable cause to believe contains or constitutes evidence of a crime and exigent circumstances exist; OR

(c) Seizure of a vehicle pursuant to a search warrant or court order.

3. It will be the responsibility of the officer authorizing the towing of a seized vehicle to ensure that the wrecker service and/or receiving storage location is properly notified when a vehicle is being seized and held pursuant to this section.

4. The officer who seizes a vehicle will be responsible for complying with all applicable reporting and notification requirements established by law or regulatory agency for the type of seizure involved. This specifically includes the completion and submission of all required forms. All vehicles seized that are subject to asset forfeiture (other than DWI forfeiture) must be reported to the Support Services Bureau Commander in accordance with General Order 800-05.

5. All inquiries received from a vehicle owner or towing service regarding a seized vehicle shall be referred to the individual officer or supervisor authorizing the seizure.

6. Seized vehicles continue to accrue daily storage fees. Therefore, officers should affect an appropriate disposition of the vehicle as soon as possible once custody is no longer required or warranted.

J. ROTATION WRECKER ELIGIBILITY LIST

1. The Department maintains a list of those persons, firms and corporations having businesses that apply and qualify to tow and store vehicles on a rotating basis at the request of the Police Department.

2. To qualify for the rotation wrecker list, an applicant must meet certain eligibility criteria and assume certain obligations as specified in the City of Kannapolis Municipal Code and established by the Chief of Police. A copy of the eligibility criteria and rotation wrecker requirements will be issued to each rotation wrecker applicant/operator and affected operational units within the agency.

3. Recognizing that there may be circumstances in which special heavy lift or recovery capability is required, the Department will maintain a separate "Special Equipment" rotation wrecker list for qualified businesses having special heavy-lift towing equipment.

4. Wrecker services that fail to meet the eligibility criteria or obligations specified for rotation wreckers are subject to removal from the rotation list by the Chief of Police.

5. All officers and employees are required to observe the guidelines established by the Department regarding the use of the rotation wrecker list. Under no circumstances are officers or employees to solicit business for, or recommend in any manner, a particular wrecker service.

K. TOWING COMPLAINT PROCEDURES

1. To ensure that efficient towing service is rendered by rotation wrecker services in accordance with established guidelines, officers are encouraged to report any problems or deficiencies to their supervisor.

2. Complaints against rotation wrecker services, either by officers or private citizens, are to be documented and forwarded via the chain of command to the Professional Standards Lieutenant for investigation.

3. Such investigation will include a thorough review of the incident and surrounding facts, statements from complainants and accused tow operator, and interviews with other independent witnesses.

4. The Professional Standards Lieutenant will review the investigative findings and take appropriate corrective action as required.

5. If the wrecker service is disqualified from further participation on the rotation list, the Chief of Police will be responsible for notifying the affected wrecker service of the disposition of the complaint and administrative action.

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KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: **900-03**
SUBJECT: CHEMICAL TESTS FOR ALCOHOL
DISTRIBUTION All Personnel
EFFECTIVE DATE: 07-15-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental guidelines for the administration of chemical analyses to determine the alcohol concentration of a person's breath or blood when charged with an implied consent offense.

POLICY

All screening tests and chemical analyses to determine the alcohol concentration of a person's breath or blood shall be administered for law enforcement purposes only, and in accordance with prevailing law, departmental directives, and the regulations established by the North Carolina Department of Health and Human Resources.

DEFINITIONS

The following definitions are for the limited purposes of this General Order and may not apply in all other cases:

1. Alcohol Concentration: the concentration of alcohol in a person's breath or blood, expressed as either grams of alcohol per 100 milliliters of blood, or grams of alcohol per 210 liters of breath.

2. Chemical Analysis: a test to determine the alcohol concentration of a person's breath or blood, performed in accordance with G.S. 20-139.1.

3. Chemical Analyst: a person granted a permit by the Department of Health and Human Resources under G.S. 20-139.1 to perform chemical analyses.

4. DHHS: the North Carolina Department of Health and Human Services.

5. Impairing Substance: alcohol, a controlled substance under Chapter 90 of the North Carolina General Statutes, or any other drug or psychoactive substance capable of impairing a person's physical or mental faculties, or any combination of these substances.

PROCEDURES

A. LEGAL REQUIREMENT

1. Certain statutory requirements must be met in order for the chemical analysis results to be admissible in court:

    (a) The person must have been arrested or charged with an implied consent offense;

(b) The person must have been requested by the charging officer to submit to a chemical analysis to determine the alcohol concentration of his/her breath or blood;

(c) The chemical analyst conducting the test must possess a valid permit from DHHS authorizing him/her to administer the type of analysis to be conducted; and

(d) The chemical analysis must be conducted using instruments and procedures approved by DHHS.

2. General Statute 20-16.2 provides that any person who operates a vehicle on a street or public vehicular area in North Carolina is deemed to have given consent to a chemical analysis of their breath or blood in the event of being charged with an implied consent offense. The following is a list of implied consent offenses:

   (a) Impaired driving, G.S. 20-138.1;
   (b) Impaired instruction, GS 20-12.1;
   (c) Impaired driving in a commercial vehicle; G.S. 20-138.2;
   (d) Driving after consuming alcohol or drugs for persons under age 21, G.S. 138.3;
   (e) Habitual impaired driving, G.S. 20-138.5;
   (f) Driving while license revoked by driving in violation of the restrictions on the limited driving privilege prohibiting consumption of alcohol prior to or during driving, G.S. 20-179.3(j);
   (g) Driving with open container in the vehicle after consuming alcohol, G.S. 20-138.7;
   (h) Felony death by vehicle, G.S. 20-141.4;
   (i) Involuntary manslaughter, when underlying charge is DWI, G.S. 20-18;
   (j) Second degree murder, when death caused by impaired driving, G.S. 20-17.

3. All chemical analyses conducted by or at the direction of the Kannapolis Police Department shall be for <u>law enforcement purposes only</u>, and shall be conducted according to the current methods, procedures, and regulations established by DHHS and state law.

4. State law allows the person charged to have a physician, qualified technician, chemist, registered nurse, or other qualified person of his/her own choosing administer a chemical analysis or analyses, in addition to the analysis administered at the direction of the charging officer. The arresting officer, when so requested, will assist the arrestee in contacting a qualified person to conduct additional analyses. Additional analyses will be at the arrestee's expense. If the arrestee refuses to submit to the analysis requested by the charging officer, the officer does not have to assist the arrestee in having an additional analysis administered.

5. If the arrestee refuses to submit to the analysis requested by the officer or fails to follow the directions of the chemical analyst in taking the analysis, such action will be considered a willful refusal and recorded as such. Evidence of the arrestee's willful refusal of the breath or blood analysis is admissible in court.

B. INITIAL PROCEDURES AND CHEMICAL ANALYSIS RIGHTS

1. After making an arrest for an implied consent offense, the arresting officer will decide which type of chemical analysis is to be administered. Under normal circumstances, the arresting officer should request a chemical analysis of the breath. On those occasions when the person is sick, injured, unconscious, or otherwise unable to take a breath test, the officer shall request a blood analysis.

2. Breath Test: if a breath analysis is selected, the officer will advise the Communications Center that a chemical analyst is required, and the on-duty field supervisor will assign an analyst to administer the test. Provided, however, that if the charging officer has a valid permit to perform chemical analyses, the charging officer may administer the test.

   (a) The chemical analyst will verbally and in writing advise the defendant of his/her rights under GS 20-16.2(a). The defendant will be given a written copy of these rights. After the defendant has been advised of his/her rights, the charging officer will request that the person submit to a chemical analysis of his/her breath.

   (b) The charging officer shall complete an Alcohol/Drug Influence Report (KPD-159) and General Adult Rights form (KPD-107A). The interview questions on the back of the Alcohol/Drug Influence Report are considered custodial questioning and the defendant must be advised of and waive his/her *Miranda* rights prior to these questions being asked. If the person charged is under 18 years old, they must be advised of and waive their *Miranda* rights using form KPD-107B– Juvenile Rights Form.

3. Blood Test: if a blood analysis is selected, the officer will transport the arrestee to a local medical facility. A chemical analyst will be summoned unless the charging officer has a valid chemical analyst permit. The chemical analyst will advise the arrestee of his/her rights under G.S. 20-16.2(a). The rights will be given to the defendant, verbally and in writing, and the defendant will be provided with a copy.

   (a) After the defendant has been advised of his rights, the officer will, in the presence of the person authorized to administer a chemical analysis, request the person to submit to a blood analysis.

   (b) If the person qualified to draw blood requests written confirmation of the request, the officer will provide them with a completed KPD-224 (Request to Withdraw Blood Sample).

   (c) Blood withdrawal kits are provided by the Kannapolis Police Department. The physician or other qualified person will withdraw the blood and immediately turn it over to the charging officer. The officer will thereafter handle the blood sample as evidence in accordance with departmental policy.

4. The charging officer may also designate a chemical test for substances other than alcohol and to request a blood test in addition to the breath test. The defendant must be informed of his/her rights under G.S. 20-16.2(a) at the time he/she is requested to take each test.

5. If the defendant refuses a chemical analysis, none will be given. In such case, the charging officer and chemical analyst will complete Form AOC-CVR-1/DHHS 3907 (Affidavit and Revocation Report of Charging Officer/Chemical Analyst).

6. The charging officer and the chemical analyst will then go before a notary public or Magistrate for the purpose of notarizing the affidavits. The Magistrate will initiate a 30-day license revocation pursuant to G.S. 20-16.5(c), which requires the filing of a copy of the affidavit. If the refusal occurs in a case involving death or critical injury to another person, that fact must be included in the affidavits. After being notarized, the affidavit will be forwarded along with the rights form to the Records Unit. The Records Unit will forward these documents to the Division of Motor Vehicles.

C. MEDICAL ATTENTION FOR ACUTE ALCOHOL INTOXICATION

1. Occasionally, the level of intoxication of a person presented for chemical analysis may indicate the need for prompt medical attention. Acute alcohol intoxication can severely depress the central nervous system (CNS), and is potentially fatal. The danger is greater for persons who are young or unaccustomed to drinking heavily. The effects of the alcohol can also be compounded if the person has taken CNS depressant drugs.

2. Officers must carefully monitor persons in their custody who are highly intoxicated, and shall ensure that the person receives prompt medical attention in any of the following situations:

   (a) When the first Intoxilyzer result is .35 or greater, and the subsequent test indicates any result higher than the first; OR

   (b) When, in the opinion of the arresting officer or the chemical analyst, the person's level of impairment is such that medical attention is warranted, irrespective of the analysis result.

3. A field supervisor should be notified in the event that medical attention for an arrestee suffering from acute intoxication is needed. In no case, however, should apparently necessary medical treatment be delayed for the purpose of notifying or consulting with a supervisor.

D. DOCUMENTATION

1. In order to ensure that all legal responsibilities are met, written documentation will be completed, as applicable:

   (a) Chemical Analyst's Test Record/Rights Form (DHHS 3908) : The chemical analyst will use an individual analysis record/rights form for each chemical analysis, making sure it is correctly inserted into the instrument. Distribution of this test record/rights form will be distributed as indicated on the face of the test record.

   (b) Affidavit and Revocation Report of Charging Officer/Chemical Analyst: An affidavit and revocation report will be completed by the charging officer and chemical analyst for every DWI arrest. If the charging officer holds a valid permit to perform a chemical analysis, only one form will need to be completed.

   (c) Arrest Report: the arresting officer will complete a Kannapolis Police Department arrest report. The Intoxilyzer test results or refusal should be recorded in the charge block.

E. PRE-CHARGE CHEMICAL ANALYSIS

1. G.S. 20-16.2(l) allows persons suspected of committing an implied consent offense to request a pre-charge chemical analysis to determine the alcohol content of their blood. The person must request the analysis prior to being arrested. This law is applicable in situations where an officer stops, detains, or questions a person whom he/she has probable cause to believe has been operating a motor vehicle on a highway or public vehicular area while under the influence of an impairing substance or any other implied consent offense.

2. If the arrest has already been made at the time of the request, the suspect does not have the right to such an analysis. The officer is not required to advise the suspect that a pre-charge chemical analysis may be requested. However, if the officer suspects that the suspect may be impaired, this suspicion may be communicated to the suspect. This provides the suspect with the opportunity to make a request for the pre-charge test.

3. If a proper request is made, the officer has the responsibility to refrain from making an immediate arrest and must arrange for the requested analysis to be administered. The voluntary analysis is administered in the same manner as a custodial analysis and the results are admissible in court. The request will not cause any normal investigative procedure or practice to be delayed, compromised, or omitted.

4. If the suspect does not request a pre-charge chemical analysis, the investigation will proceed as usual. The officer may take whatever enforcement action is necessary.

5. The request for a pre-charge chemical analysis and a subsequent delay of enforcement action is conditional, based upon the suspect's compliance with certain restrictions. If the suspect fails or refuses to comply with these conditions, the request becomes invalid and immediate enforcement action may be taken.

    (a) Upon receiving a verbal request for a pre-charge chemical analysis, the officer will acknowledge the request and provide the suspect with a Form DMV-S784 (Request for Pre-Charge Chemical Analysis). Failure or refusal of the suspect to execute this form invalidates the request for a pre-charge chemical analysis. The original copy of the form will be turned into the Records Unit, the 2nd copy retained by the officer, and the 3rd copy provided to the suspect.

    (b) The suspect must be transported to the analysis site in the officer's patrol vehicle. The suspect will not be allowed to drive his/her private vehicle to the analysis site under any circumstances and may not be transported by any private citizen or passenger. The officer will notify the Communications Center that a person is being transported for a pre-arrest chemical analysis. Failure or refusal of the suspect to comply with normal prisoner transportation procedures will invalidate the request for a pre-charge chemical analysis.

    (c) Prior to placing the suspect in the police vehicle, a pat down frisk of the suspect will be conducted. This frisk is conducted solely to ensure the officer' s personal safety and not to search for contraband or evidence. Any item detected during the frisk that the officer reasonably believes could be a weapon, may be removed from the suspect's possession. Any illegally possessed weapons may be seized and form the basis for a criminal charge. Any other contraband may be seized but should not form the basis for a criminal charge. Resistance or refusal to allow the frisk will invalidate the suspect's request for a pre-charge chemical analysis. The officer may take control of personal property, such as a handbag, that is in the possession of the suspect, and should safely secure these items.

6. The suspect's vehicle may secured by one of the following methods:

    (a) The suspect may choose to turn the vehicle over to a responsible person present at the scene; or

(b) The suspect may choose to leave the vehicle legally, safely, and securely parked at the scene. The officer may move the vehicle to a safe position, if necessary; or

(c) The suspect may choose to have the vehicle towed and stored. In this case, the officer will summon a wrecker at the owner's request, informing the operator that he/she will be responsible for any towing and storage charges incurred.

7. The results of the pre-arrest chemical analysis are admissible in court and may be considered by the officer in deciding whether or not to arrest the operator. If the officer chooses to arrest the suspect, normal arrest and booking procedures will be followed. If the suspect is released without being charged, the officer will transport the suspect to their vehicle or other reasonable location.

F. ALCOHOL SCREENING TESTS

1. G.S. 20-16.3 authorizes law enforcement officers to use approved alcohol screening devices. Pursuant to this authority, an officer may require the driver of a vehicle to submit to an alcohol screening test within a relevant time after driving if the officer has reasonable grounds to believe that the driver has consumed alcohol and:

   (a) Has committed a moving traffic violation; or

   (b) Has been involved in an accident or collision; or

   (c) Has committed an implied consent offense under G.S. 20-16.2, and the driver has been lawfully stopped for a driver's license check or otherwise lawfully stopped or detained by the officer in the performance of the officer's duties.

2. The alcohol screening test shall be administered using devices and procedures approved by DHHS.

3. The results of an alcohol screening test or a driver's refusal to submit may be used by a law enforcement officer, a court, or an administrative agency in determining if there are reasonable grounds for believing that the driver has committed an implied consent offense.

4. Negative or low results on the alcohol screening test may be used in factually appropriate cases by the officer, a court, or an administrative agency in determining whether a person's alleged impairment is caused by an impairing substance other than alcohol.

5. The results or refusal of an alcohol screening test may also be used in court when charging for offenses under G.S. 20-183.7 and G.S. 20-138.3. Except as provided herein, the results of an alcohol screening test may not be admitted into evidence in any court or administrative proceeding.

6. Calibration of alcohol screening devices shall be verified at least once during each thirty (30) day period of use by employment of a control sample from an alcoholic breath simulator, as defined in Title 10, Section 7B.0102(5) of the North Carolina Administrative Code, or by the use of a NALCO standard, and ensuring that the expected result is obtained. The Field Operations Bureau Commander will be responsible for overseeing the calibration of all approved screening devices utilized by the Kannapolis Police Department.

INDEX AS:

Alcohol Screening Tests
Blood-Alcohol Analysis
Chemical Analysis
Pre-Charge Chemical Analysis

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 900-04

SUBJECT: TRAFFIC LAW ENFORCEMENT
DISTRIBUTION All Personnel
EFFECTIVE DATE: 03-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish policy and procedure for the enforcement of traffic laws and regulations.

POLICY

It shall be the policy of this Department that traffic laws and regulations be enforced fairly, equitably and uniformly in order to promote efficient traffic flow, reduce vehicular collisions, and provide effective police service to the community. Traffic enforcement involves all police activities that relate to the observance, detection, and prevention of traffic violations. Enforcement not only involves arrests and citations, but also includes effective warnings to drivers and pedestrians that help prevent minor and inadvertent violations. In all cases, officers must evaluate the elements and circumstances of each violation and apply the appropriate level of enforcement based on their training, experience and judgment.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Citation: the document, formally known as the North Carolina Uniform Citation, used by officers to charge persons with traffic misdemeanors and infractions.

2. e-Citation: the electronic citation system of the NC Administrative Office of the Courts (AOC). The e-Citation system enables officers to electronically enter, print out, and transmit citation data directly to the Clerk of Court using in-car mobile data computers.

3. Warning Ticket: a written warning issued to a driver for minor traffic infractions. When issued, the Warning Ticket provided by the Department will be used.

PROCEDURES

A. EQUITABLE ENFORCEMENT

1. Equitable enforcement supports the ultimate aim of traffic law enforcement, that is, to achieve voluntary compliance with traffic laws and regulations. Officers must determine the proper enforcement action based on a combination of training, experience, and judgment. The guidelines provided in this order are intended to assist officers in making proper decisions.

2. Driving While Impaired: Operating a vehicle while under the influence of alcohol or drugs constitutes a serious offense; the danger posed by such drivers presents a grave risk to the public. Officers are expected to regard such violations as serious and dangerous situations, and take the most effective appropriate action to ensure public safety.

3. Speed Violations: Enforcement of speed regulations should be conducted in those areas where collisions have occurred as a result of speed violations, areas that are the subject of citizen complaints about speeding, and areas where speeding constitutes a significant hazard. Such locations should be determined through input from supervisors, consultation with traffic engineers, and through officer experience.

4. Hazardous Violations: Violations that create significant hazards to the motoring public should be handled accordingly. Officers are encouraged to issue citations where warranted to impress upon violators the gravity of their actions, and to create an expectation of strict enforcement that will serve as a deterrent.

5. Equipment Violations: The level of enforcement employed for equipment violations should be commensurate with the type and degree of equipment deficiency. Officers are encouraged to use verbal or written warnings for minor violations.

6. Public Carrier/Commercial Carrier: Violations by drivers of public and commercial carriers should be treated in the same manner as violations by other drivers. Consideration must be given, however, to surrounding factors such as any passengers involved, the type of vehicle involved, and any materials being transported.

7. Non-hazardous Violations: Drivers that commit non-hazardous violations may not require the issuance of a traffic citation, but may be better served by receiving critical instruction from officers. In these situations, a written or verbal warning may suffice.

8. Charging Multiple Violations: When multiple violations by a driver are involved, officers are authorized to charge for more than one offense. Officers are discouraged, however, from "stacking charges" simply to increase the quantity, and should consider charging only the more serious violations.

9. Newly Enacted Laws/Regulations: The level of enforcement employed for newly enacted laws or regulations should be based on the seriousness of the violation observed. Officers are encouraged to utilize verbal and written warnings when appropriate.

10. Suspended/Revoked Privileges - Persons operating motor vehicles whose driving privileges have been suspended or revoked are to be dealt with in the same manner as provided herein. When a person cannot produce a valid drivers license and their status cannot be determined through DCI computer, they should be cited or arrested.

11. Violation of Limited Driving Privileges: Persons operating a motor vehicle in violation of any condition of a limited driving privilege shall be arrested and taken before a Magistrate, who will determine the conditions of release. In such cases, the arresting officer shall seize the limited driving privilege from the violator and attach it to the original (white) copy of the citation.

12. Persons Requiring Reexamination - Persons who have suspected incompetency, physical or mental disabilities, disease, or other conditions that might prevent them from exercising reasonable and ordinary care over a motor vehicle should be reported to the State drivers'

licensing authority by means of State approved forms and documentation. A copy of this report shall be retained in the associated case file (if applicable).

B. LEVELS OF ENFORCEMENT ACTION

1. In order to ensure that traffic enforcement is uniform and equitable, officers have various levels of enforcement action from which to select. These actions are:

    (a) Custodial arrest;
    (b) Citation requiring mandatory court appearance;
    (c) Citation with option to pay prescribed fine or appear in court;
    (d) Written warning;
    (e) Verbal warning.

C. CUSTODIAL ARREST FOR TRAFFIC VIOLATOINS

1. Officers should make a custodial arrest in the following situations:

    (a) Violations of traffic laws pertaining to Driving While Impaired (DWI);

    (b) Whenever a felony has been committed involving a vehicle;

    (c) Whenever the operator of a vehicle attempts to elude arrest or apprehension;

    (d) When the operator cannot produce sufficient identification to verify his identity and a criminal charge is to be made.

2. When the arrest of a traffic offender is authorized, the following procedures shall apply:

    (a) The person will be informed of the specific charge(s) leading to arrest;

    (b) The person will be advised of their rights against self-incrimination and their right to counsel, if the officer intends to question them about the offense;

    (c) The person's vehicle will be secured in accordance with departmental policy;

    (d) If the person is physically fit and mentally stable, he/she will be transported to the police facility for necessary processing;

    (e) The person shall be taken before a magistrate or other appropriate judicial official who will determine the conditions of release;

    (f) In situations where a physical arrest would have been warranted, officers may, at their discretion and as allowed by law, cite offenders, provided that the individual:

        (1) Is a local resident;

        (2) Does not have an extensive criminal history;

        (3) Is not intoxicated or otherwise mentally impaired to the extent that he/she does not comprehend the nature or quality of the act.

D. TRAFFIC CITATIONS

1. A citation may be issued in accordance with law to a violator who jeopardizes the safe and efficient flow of vehicular and pedestrian traffic, including hazardous moving violations or operating unsafe and improperly equipped vehicles.

2. When a motorist is to be issued a citation, the following procedures will apply:

   (a) The officer will request the motorist's drivers license and vehicle registration;

   (b) The officer will advise the motorist of the reason for stopping the vehicle prior to issuing the citation;

   (c) At the time the citation is issued, the officer will provide the motorist with information relative to the specific charge, to include: the scheduled court date; optional or mandatory nature of court appearance by the motorist; notice of whether the motorist is allowed to enter a plea and/or pay the fine by mail or at a magistrate's office; the amount of the fine and/or court costs (if the offense is one for which court appearance can be waived), and any other information that may be necessary in order for the motorist to lawfully comply with the citation;

   (d) After explaining to the motorist the contents of the citation, the officer should request the person's signature, explaining that such signature is not an admission of guilt or responsibility, but only acknowledgment of receipt. A refusal to sign is not, in itself, grounds for arrest, and officers are not to allow such a refusal to influence them unduly;

   (e) The officer will furnish to the motorist the defendant's copy of the citation.

3. When issuing a traffic citation using the e-Citation system, the officer will follow the same general procedures outlined in paragraph 2 above. The following additional procedures will apply:

   (a) Enter all applicable data on the e-Citation screens;

   (b) Preview the entered information for accuracy BEFORE printing or transmitting;

   (c) Print out both a defendant's copy and an officer's copy;

   (d) Upon issuance, electronically transmit the citation via mobile data computer to the Clerk of Court in the appropriate county of jurisdiction;

   (e) Submit the officer's copy of the citation to the field supervisor for routine review.

4. It shall be the responsibility of each Division/Squad Commander to provide each officer under his or her command with a schedule of assigned court dates for both Rowan and Cabarrus Counties.

5. Traffic citations issued from standard NC Uniform Citation books will be completed and distributed as follows:

(a) The original copy (white) of the citation is to be turned into the magistrate or field supervisor, depending upon circumstances of the charge;

(b) The audit copy (yellow) is to remain in the citation book;

(c) The defendant's copy (pink) is to be presented to the defendant at the time of charge/arrest;

(d) The officer's copy (white) is for such use as the officer determines, and is not required to be retained in the citation book.

6. An arrest report, when appropriate, is to be submitted to the field supervisor for review. The field supervisor will forward these to Central Records for further disposition.

E. WARNINGS

1. Warnings, either written or verbal, should be issued to violators whenever there is a minor traffic infraction, equipment violation, or when the act may be a unique violation or a violation of which the driver may not be aware.

2. When issuing a written warning, officers are to utilize the warning ticket provided by the Department or available through e-Citation, and shall follow the procedures specified in General Order 900-05 (Warning Tickets).

F. SPECIAL PROCESSING CIRCUMSTANCES

1. Nonresident Violators from Reciprocal States: Officers issuing traffic citations to persons licensed to operate a motor vehicle by and residing in states that are members of the Nonresident Violators Compact shall place an "X" in the non-resident box on the N.C. Uniform Citation indicating the defendant promises to appear in court to answer charges, and request the violator to sign the reciprocal agreement in the space provided. Officers should not arrest the violator unless he/she has committed an offense that would result in the suspension or revocation of his/her license under the laws of North Carolina.

2. Nonresident Violators from Non-Reciprocal States: If the offender is a resident of a state that is not a member of the Nonresident Violators Compact, the decision to arrest or cite is within the discretion of the officer for any criminal offense. Officers may NOT arrest an offender for simply committing an infraction. As a general rule, officers should not arrest the violator unless he/she has committed an offense that would result in the suspension or revocation of his/her license under the laws of North Carolina.

3. Juveniles: When the violator is a juvenile, officers should follow the provisions outlined in General Order 600-12 (Juvenile Operations) and applicable state statutes.

4. Legislators: The issuance of a citation or warning or the physical arrest in such instances should be conducted in accordance with prevailing law and departmental policy.

5. Foreign Diplomats/Consular Officials: Diplomatic officers, their families and servants who are not nationals or permanent residents of the United States, and foreign career consular officials are protected by varying levels of immunity from arrest, detention or prosecution with respect to any civil or criminal offense. Officers should follow the guidelines provided in General Order

800-06 (Diplomats & Consular Officials), in determining whether enforcement action can be taken for traffic related offenses.

6. Military Personnel: Military personnel whose permanent residence and/or duty station is located outside the State of North Carolina will be treated as a non-resident. Military personnel whose permanent residence or duty station is located in North Carolina are treated as North Carolina residents.

G. TRAFFIC PATROL

1. Normal traffic enforcement involves visible patrol by officers during the performance of normal duties. The types of visible traffic patrol to be utilized are as follows:

   (a) Area Patrol: Traffic enforcement within the officer's assigned area;

   (b) Line Patrol: Traffic enforcement on a particular section of roadway;

   (c) Directed Patrol: Traffic enforcement that is conducted at specific times and/or locations or for specified offenses.

2. Unmarked vehicles, when used for traffic enforcement, will be equipped with emergency blue lights and siren. Officers will wear a regulation uniform, and when making traffic stops will take all reasonable measures to make known to drivers that they are bonafide police officers.

3. Stationary observation can serve as an effective traffic enforcement technique. When covert observation is desired, officers are to park their vehicles so as to observe traffic, but not be viewed by other drivers. When high police visibility is the objective, officers should position their vehicles in a conspicuous location so as to serve as a deterrent to violations. Officers are encouraged to practice this technique when completing written reports or conducting other activities that necessitates being out of service for brief periods.

H. TRAFFIC STOPS

1. Traffic stops shall be conducted in accordance with the applicable provisions of General Order 900-12 (Traffic Stops).

I. ALCOHOL & DRUG COUNTERMEASURES

1. All patrol officers shall be trained and maintain proficiency in the identification, apprehension and processing of alcohol and/or drug impaired drivers.

2. Efforts to enforce traffic laws related to alcohol and drug impairment shall include:

   (a) Selective enforcement techniques at times and at locations where alcohol/drug related offenses and/or collisions have occurred with significant frequency;

   (b) Surveillance techniques along roadways at times of high incidents of alcohol/drug related offenses;

   (c) Expeditious processing of offenders;

(d) Alcohol/drug related collision investigations and analyses of findings.

3. In addition to other departmental procedures related to arrest and prisoner transport, arrests for impaired driving and other implied consent offenses shall include the following, when applicable:

   (a) Persons arrested for a charge of Driving While Impaired (DWI) or other implied consent offenses will be offered chemical test(s) to determine the alcohol concentration level in accordance with applicable State law and procedures;

   (b) Persons arrested for DWI are to be taken before a magistrate. Any decision to release the person to the custody of a responsible third party will be at the magistrate's discretion, although this does not preclude the arresting officer from offering to the magistrate an opinion or assistance concerning such decision;

   (c) In the event that an individual to be charged with DWI is to be admitted to a hospital for medical care, officers may issue a citation in lieu of taking the offender before a magistrate.

4. All chemical testing, including the use of roadside breath-alcohol screening devices, shall be administered in accordance with state law and the regulations established by the N.C. Department of Health and Human Resources.

J. PARKING ENFORCEMENT

1. Officers on patrol will monitor their assigned zones for parking violations and take action to remedy such problems. Parking violation notices should be issued when appropriate, in accordance with the procedures specified in General Order 900-06 (Parking Enforcement).

K. SPEED MEASURING DEVICES

1. RADAR and VASCAR Operators must be certified through a formal course of instruction prescribed by the North Carolina Department of Justice, Criminal Justice Education and Training Standards Commission, for each type of device operated, and shall operate such equipment in accordance with applicable state law/regulations and the provisions of General Order 900-07 (Speed Measuring Devices).

L. PEDESTRIAN AND BICYCLE ENFORCEMENT

1. The enforcement of traffic laws pertaining to pedestrians requires broad discretion from individual officers. The following procedures should be followed in such enforcement.

   (a) Prior to any substantial increase in enforcement directed toward pedestrian traffic, efforts to promote voluntary compliance through public information will be effected;

   (b) Officers will concentrate their efforts in areas where pedestrian collisions have been frequent and/or severe;

   (c) With regard to pedestrian traffic laws, the "spirit" of the law will supersede the "letter" of the law, and application be made accordingly.

2. The use of bicycles is governed by many of the same laws that govern motor vehicles. However, a substantial number of bicycle operators are juveniles and not familiar or instructed in their proper use pertaining to traffic; likewise, enforcement actions regarding the operation of bicycles has been traditionally less aggressive. The following procedures are intended to result in a more uniform and consistent application of the law:

    (a) In areas where congestion and frequency of traffic collision experience involving bicycles is predominant, those laws pertaining to the proper operation of bicycles shall be strictly enforced;

    (b) On those roadways with a substantial flow of vehicular traffic, and where hazardous moving violations are observed involving persons operating bicycles, the applicable laws shall be enforced;

    (c) In those areas where traffic flow is minimal, visibility is unobstructed, and traffic collision experience is low, officers should exercise broad discretion in the application of laws regarding the operation of bicycles;

    (d) Officers should be less tolerant with adult offenders who should be more aware of the hazards inherent in the operation of the bicycles;

    (e) Officers should be more lenient in the enforcement of laws and more instructive in their response to juvenile and youthful offenders.

M. MOPEDS, PERSONAL MOBILITY DEVICES, AND OFF ROAD VEHICLES

1. NCGS 105-164.3 defines a moped as a vehicle with two or three wheels, no external shifting device, and a motor that does not exceed 50 cubic centimeters piston displacement and cannot propel the vehicle at a speed greater than 30 miles per hour on a level surface. Mopeds that do not meet this definition must be properly insured, registered, and inspected; and the operator properly licensed and equipped if the vehicle is operated on a public street or highway.

2. Electric Personal Mobility Devices are defined by law as “self-balancing non-tandem two-wheeled devices, designed to transport one person, with a propulsion system that limits the maximum speed to 15 miles per hour or less.” These devices are not deemed vehicles and thus are not subject to the majority of motor vehicle laws. People on the devices are generally treated as pedestrians. The devices may lawfully be operated on highways with speed limits of 25 mph or less, sidewalks, and bicycle paths.

3. Officers are to take appropriate enforcement action for violations of the motor vehicle law committed by operators of mopeds, scooters, dirt bikes, and all-terrain vehicles. Officers are authorized to order the towing of such vehicles in accordance with General Order 900-02 (Towing of Vehicles) when they are being operated illegally on a public street or highway.

4. When the violator is a juvenile, juvenile referrals may be completed and the juvenile released to his/her parents or guardian, providing that intake is not warranted by the nature of the offense or prior criminal history.

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KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 900-05

SUBJECT: TRAFFIC WARNING TICKETS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 10-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to encourage voluntary compliance with the motor vehicle laws and to promote safe driving behavior. Warning tickets fill the void that exists between verbal warnings and uniform traffic citations, thereby enabling police officers to select a level of enforcement action that is appropriate to the circumstances of each case. The purpose of this General Order is to establish procedural guidelines regulating the use and disposition of traffic warning tickets.

POLICY

Officers of the Kannapolis Police Department are permitted to issue traffic warning tickets to motorists for conduct constituting a potential hazard to the motoring public which does not constitute a clear-cut, substantial violation of the motor vehicle law. Officers are further permitted the discretionary use of warning tickets in accordance with this General Order for other minor traffic offenses when a lesser degree of enforcement action is deemed appropriate and in the interest of justice. It shall be the policy of the Kannapolis Police Department to select the minimum level of enforcement action required to correct minor traffic violations and encourage future compliance with the law.

PROCEDURES

A. STATUTORY AUTHORITY

1. Statutory authority to issue warning tickets is given to law enforcement officers under NCGS 20-183(b). This statute requires that each warning ticket be pre-numbered, identify the violator, and contain the signature of the issuing officer. The statute further requires that a copy of the warning ticket be forwarded to the North Carolina Division of Motor Vehicles (DMV).

2. Warning tickets do not become a part of a motorist's driving record, but may be used by state or local agencies for statistical or analytical purposes

B. AUTHORIZATION FOR USE

1. Warning tickets may be issued by an officer for any traffic offense included in the "Uniform Schedule of Waiverable Traffic Offenses" as approved by the Conference of Chief District Court Judges pursuant to NCGS §7A-148.

2. Warning tickets may NOT be issued for:

   (a) Non-waiverable traffic misdemeanors and felonies;

   (b) Alcohol or drug related traffic offenses;

   (c) Offenses arising from a motor vehicle accident.

3. Warning tickets are intended as an alternative to the standard citation. Officers should therefore refrain from issuing both a warning ticket and a standard citation to a motorist during a single vehicle stop.

4. Warning tickets are intended to provide motorists with an opportunity to voluntarily correct minor violations and avoid the consequences of a citation. Warning tickets serve only as an official "warning" to the motorist, and no follow-up enforcement action based on the warning ticket is required.

5. Only those warning tickets which have been approved and authorized for use by the Kannapolis Police Department and which have been issued in accordance with the provisions of this Order may be utilized.

C. PROCEDURES FOR ISSUANCE

1. When a warning ticket is issued, the officer shall verbally inform the motorist of the following:

   (a) What action must be taken in order to correct the violation;
   (b) That the warning ticket will not affect their driving record.

2. Warning tickets consist of three (3) copies. Distribution of these copies will be as follows:

   1st copy (white): DMV Copy (Forward to Central Records for mailing);
   2nd copy (pink): Retained in warning ticket book (audit copy);
   3rd copy (hard): Issued to motorist.

3. Warning tickets are to be legibly completed and signed by the issuing officer. The white copy must be forwarded to Central Records. Records personnel will be responsible for mailing warning tickets to the N.C. Division of Motor Vehicles as required by law.

D. INTERNAL ACCOUNTING PROCEDURES – WARNING TICKET BOOKS

1. Books of warning tickets will be maintained in a secure area within central records and distributed to patrol and traffic officers by their respective Division Commander or unit supervisor. Issuing supervisors shall maintain a control sheet containing the following minimum information:

   (a) Date of issuance to officer;
   (b) Ticket book number sequence;
   (c) Name of the receiving officer;
   (d) Name of the issuing supervisor;
   (e) Date ticket book is returned.

2. In the event that an error is made and the officer wishes to void a warning ticket, the officer should clearly mark ALL copies with the word "VOID" in large letters. The reviewing supervisor shall insure that all copies of a voided ticket have been accounted for and returned to the ticket book for audit purposes.

3. Officers shall be responsible for the lawful, reasonable, and proper use of all warning tickets issued to them under the provisions of this policy.

4. Used warning ticket books containing the pink (audit) copy of issued tickets shall be turned over to central records by the receiving supervisor for final disposition in accordance with the City of Kannapolis municipal records retention schedule. Prior to returning the ticket books to records, the receiving supervisor shall audit the book to ensure that all pink copies are present.

5. Warning tickets and associated control sheets should be periodically audited by appropriate command personnel to ensure continued compliance with this Order.

E. WARNING TICKETS ISSUED THROUGH e-CITATION

1. Officers with authorized access to e-Citation via the mobile data system may utilize the electronic warning ticket available through this system. When issuing a warning ticket through e-Citation, the officer will:

   (a) Enter all relevant data into the warning ticket screens;
   (b) Preview entered information for accuracy BEFORE printing the ticket;
   (c) Print out both a violator copy and a DMV copy;
   (d) Forward the DMV copy to central records for mailing to DMV.

2. The officer shall advise the motorist in accordance with Section C1 of this Order.

INDEX AS:

e-Citation
Warning Tickets

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: **900-06**
SUBJECT: PARKING ENFORCEMENT
DISTRIBUTION All Personnel
EFFECTIVE DATE: 10-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish guidelines for the enforcement of parking laws and ordinances by officers of the Kannapolis Police Department

POLICY

The Department recognizes the authority and necessity of the City to regulate the parking of vehicles and the responsibility of the police in carrying out parking enforcement functions. It shall be the policy of the Kannapolis Police Department to enforce parking regulations and ordinances in a manner that is impartial, reasonable and consistent for both local citizens and visitors from other areas.

PROCEDURES

A. GENERAL PARKING ENFORCEMENT

1. City parking regulations that may be enforced by officers of the Kannapolis Police Department are specified in Chapter 10 of the Code of the City of Kannapolis and the City of Kannapolis Traffic Schedule.

2. Enforcement of parking regulations must be conducted with common sense and discretion. Unnecessarily stringent or excessive ticketing serves no legitimate police objective and may adversely impact police-community relations. Parking enforcement should therefore be conducted as required to address potentially hazardous conditions, in areas where a specific parking-related problem has been identified, or in response to substantiated citizen complaints.

3. General surveillance and periodic monitoring of restricted parking areas may be undertaken to ensure an acceptable level of compliance with applicable parking regulations.

4. Towing of vehicles for parking violations may be affected only in situations where the parked vehicle constitutes a potential hazard, or in other authorized circumstances as specified in City Code Section 10-5 when alternate methods of resolution are not feasible. All towing must be conducted in accordance with the City Code and departmental policy.

5. Officers are authorized to apply a non-permanent mark to the tire of any vehicle parked in a time-restricted parking space under the control of the City for the purpose of recording the presence or duration of such vehicle in such space. Wheel lock and immobilization devices will not be used.

B. ENFORCEMENT RESPONSIBILITY

1. The Patrol Division will have primary responsibility for conducting parking enforcement within the City of Kannapolis.

2. Central Records will be responsible for receiving parking fines, maintaining records relating to parking tickets, mailing delinquent notices, and providing notice to the Support Services Bureau Commander regarding city parking tickets which have not been paid as prescribed by City Ordinance.

C. PROCEDURES FOR ISSUING PARKING TICKETS

1. The City of Kannapolis parking ticket may be used for all parking violations included in Chapter 10, Article IV of the Code of the City of Kannapolis.

2. The officer must check the appropriate block on the City ticket indicating the code violation charged and the appropriate fine. If the officer "writes-in" a violation, the officer must indicate the specific section of City Code violated and the correct amount of the fine to be paid.

3. The original (white) copy will be retained by the officer and the envelope copy will be conspicuously placed on the front windshield of the vehicle in front of the driver's position OR delivered personally to the operator of such vehicle. If delivered personally to the operator, the officer should explain the violation charged and the procedure for paying the fine.

4. Officers shall turn in the original (white) copy of issued parking tickets to their immediate supervisor, who will review the tickets for legibility and accuracy. The supervisor will then forward the original copies to Central Records prior to ending the tour of duty on which the ticket was written.

D. PAYMENT AND COLLECTION OF PARKING FINES

1. Persons who are issued a City parking ticket must pay the indicated fine within fifteen (15) days. If not paid within this limit, an additional penalty of $15.00 will be assessed, along with any subsequent court costs.

2. If not paid within the fifteen day limit, Records personnel will mail a delinquency notice to the registered owner of the vehicle as listed on automated DMV records. If full payment (including penalty) is not received within 30 calendar days of the date of such notice, the City may institute a civil action in the nature of a debt in the appropriate division of the North Carolina Court of Justice for the collection of the penalty and additional $100 penalty. Records personnel shall advise the appropriate City official of each non-payment. It is the responsibility of this designated official to issue a civil citation in accordance with Chapter 10, Article I of the Code of the City of Kannapolis.

3. Parking tickets must be paid at the Kannapolis Police Department. Payment may be made in person or by mail but must be received at the Police Department within the ten-day time limit specified by City Code in order to avoid the $15.00 penalty.

4. Records personnel will accept payment for parking tickets during normal office hours (8:00 AM to 6:00 PM), Monday through Friday. A receipt indicating the date paid, ticket number and amount of fine paid will be furnished to the payer.

5. Persons wishing to pay parking tickets outside normal office hours may elect to deposit the sealed payment envelope in the parking ticket "drop box" located in the lobby. Records personnel will remove and process the ticket envelopes from the drop box during their next workday. Unless requested, receipts will not be provided to persons who deposit payment in the drop box or pay by mail.

6. All monies received as payment of parking fines will be accounted for and deposited by authorized records personnel in accordance with procedures approved by the City Finance Director.

7. Members other than authorized Records personnel and Records supervisors are prohibited from receiving payment for parking violations or accessing the ticket drop-box.

E. CONTESTED PARKING TICKETS

1. Citizens contesting parking tickets are to be referred to the issuing officer and/or the issuing officer's supervisor. If the parking ticket was properly issued in accordance with law, the citizen must either pay the fine or request a hearing of the matter in District Criminal Court.

2. A violation of City Code regulating parking constitutes a local ordinance infraction. No member of the Department may void a parking ticket that has been properly issued in accordance with law.

3. A City parking ticket believed to have been issued upon a mistake of law or fact on the part of the issuing officer shall be presented via the chain of command to the Chief of Police, along with a detailed description of the relevant facts. ALL copies of the ticket must be submitted. No citizen should be referred to the Chief of Police regarding the voiding of a parking ticket until and unless the issuing officer has determined that the ticket was issued by mistake and has submitted the information described herein.

4. The Chief of Police will review the law and facts relevant to the issuance of the ticket, and upon a determination that the ticket was issued upon a mistake of law or fact may, with the written concurrence of the City Attorney, void the ticket.

5. The Chief of Police will retain ALL copies of the voided ticket, together with an explanation of the relevant facts, as part of an administrative record.

6. Appeals of civil penalties may be made by filing a written notice of appeal with the City within 30 days from the date of assessment. Failure to file the appeal within this time constitutes a waiver of the right to contest the civil penalty.

F. INTERNAL ACCOUNTING PROCEDURES

1. City parking ticket books maintained in a secure area within central records and will be distributed to patrol and traffic officers by their respective Division Commander or unit supervisor. Issuing supervisors shall maintain a control sheet containing the following minimum information:

(a) Date of issuance to officer;
(b) Ticket book number sequence;
(c) Name of the receiving officer;
(d) Name of the issuing supervisor;
(e) Date ticket book is returned.

2. In the event that an error is made and the officer wishes to void a parking ticket prior to issuance, the officer should clearly mark ALL copies with the word "VOID" in large letters. The reviewing supervisor shall ensure that all copies of a voided ticket have been accounted for and returned to central records for audit purposes.

3. Officers shall be responsible for the lawful, reasonable, and proper use of all parking tickets in accordance with this Order.

4. Parking tickets and associated control sheets should be periodically audited by appropriate command personnel to ensure continued compliance with this Order.

INDEX AS:

Parking Enforcement
Parking Tickets

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: **900-07**
SUBJECT: SPEED MEASURING DEVICES
DISTRIBUTION All Personnel
EFFECTIVE DATE: 10-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish guidelines for the use and operation of speed measurement devices.

POLICY

The Kannapolis Police Department believes that speed measuring devices are effective tools for speed control, and when properly used can enhance traffic safety and promote compliance with the law. The Department will utilize speed measuring devices in high or potentially high accident locations when speed is a factor; in areas where speed limit violations are prevalent; in response to citizen complaints concerning speeding motorists; and to conduct traffic volume and speed percentile studies. The Department recognizes that the effective use of speed measuring devices and their acceptance by the motoring public is dependent upon the operator's understanding of the specific limitations of the device, adequate training and initial certification combined with periodic recertification to demonstrate the operator's proficiency.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. RADAR: (an acronym for RAdio Detection And Ranging), a speed measuring device which utilizes a transmitted radio wave signal to accurately gauge the speed of a moving vehicle.

2. VASCAR: (an acronym for Visual Average Speed Computer And Recorder), a speed measuring device which computes an average speed by measuring the time required to cover a specified distance.

3. LIDAR: (an acronym for LIght Detection And Ranging), a speed measuring device which utilizes laser technology to compute speed using the time of flight method.

4. Commission: the North Carolina Criminal Justice Education and Training Standards Commission.

5. Speed Measuring Devices: RADAR, VASCAR, LIDAR, and similar electro-mechanical speed measuring devices used for law enforcement purposes.

PROCEDURES

A. GENERAL REQUIREMENTS

1. Although all sworn officers of the Department have general authority for the enforcement of motor vehicle laws, members of the Patrol Division have primary responsibility for conducting speed enforcement activities. As such, RADAR, VASCAR, and LIDAR units will generally be assigned to and operated by authorized members of that component. RADAR units may also be made available to authorized members of other uniformed components to address speed related complaints or problems.

2. All RADAR, VASCAR, and LIDAR units utilized by the Department will be of a type and design approved by the N.C. Criminal Justice Education and Training Standards Commission for use by law enforcement agencies in North Carolina.

3. An officer must successfully complete basic operator training and receive certification from the Commission prior to utilizing any RADAR, VASCAR, or LIDAR device for enforcement purposes. Certified operators will be required to periodically attend in-service training and recertify with the Commission to ensure their continued proficiency.

4. No RADAR, VASCAR, or LIDAR device may be used unless such device has been personally determined by the officer to be operating properly and has been tested for accuracy according to a method approved by the Commission. Any RADAR, VASCAR, or LIDAR device which is found to be operating improperly must be removed from service immediately and delivered as soon as practical to a properly licensed and qualified technician for repair and recalibration.

5. Before charging a motorist with a speeding violation, the officer should determine that the speed of the motorist was clearly and substantially in excess of the applicable speed limit in violation of law.

6. The Field Operations Bureau Commander will be responsible for the following measures:

   (a) Coordinate with the agency training officer to ensure certification and re-certification of RADAR, VASCAR and LIDAR operators;

   (b) Ensure that all RADAR, VASCAR, and LIDAR devices used by the Department are approved by the Commission and receive proper care and upkeep;

   (c) Ensure the programmed maintenance, testing, and calibration of speed measuring devices and equipment;

   (d) Ensure that adequate maintenance and calibration record systems (suitable for introduction as evidence in court) are maintained;

   (e) Ensure that RADAR, VASCAR and LIDAR devices are used with discretion for the accomplishment of legitimate police objectives; and

   (f) Collect and analyze traffic collision data to identify those portions of highway within the City where speed is a contributing factor to the collision.

B. RADAR DEVICES

The precise method for using a RADAR unit in the enforcement of laws applying to speed will vary in accordance with the type of RADAR equipment used. Generally, the following procedures are applicable.

1. The RADAR unit must be properly installed and operated in conformance with the manufacturer's specifications using methods approved by the Commission.

2. The effective range and operating characteristics of the particular RADAR unit used must be thoroughly understood by the operator so that visual observations can support the RADAR readings obtained.

3. The operator must choose an appropriate location that is relevant to traffic accident experience where speed has been identified as a factor or addresses other speed related traffic safety issues as provided in this Order. The location selected must be conducive to the effective and safe operation of police RADAR.

4. The RADAR unit must be properly calibrated to ensure accuracy in checking speed. Prior to use, the operator will personally confirm this calibration. The specific method of calibration approved by the Commission for the particular type and model of RADAR device used must be followed without exception.

5. If a stationary location is selected, a calibration check will be made upon arrival at the location, and subsequently at any time the police vehicle is moved from the original point of calibration check. If operating at the same location for an extended period of time, periodic checks will be made utilizing the Commission approved method.

6. A calibration check of the RADAR unit must be conducted immediately following any enforcement action based on the use of the RADAR device.

7. When requested, officers may allow motorists to view the displayed speed on the RADAR device when taking enforcement action.

8. The following minimum elements must be established by RADAR operators in court:

    (a) The officer must establish the date, time, and location of the vehicle that was checked, the identity of the driver, a visual estimation of the apparent speed of the vehicle, and the RADAR speed reading obtained;

    (b) The officer must establish his/her qualifications and training to operate the particular RADAR device utilized;

    (c) The officer must establish that the RADAR unit was operated properly, and that the unit was tested for accuracy prior to use and after use by an approved method.

C. VASCAR DEVICES

The precise method for using a VASCAR unit in the enforcement of laws applying to speed will vary somewhat in accordance with the type of VASCAR equipment used. Generally, the following procedures are applicable.

1. The VASCAR unit must be properly installed and operated in conformance with the manufacturer's specifications using methods approved by the Commission.

2. The principle of operation and characteristics of the particular VASCAR unit used must be thoroughly understood by the operator so that visual speed estimations can support the VASCAR readings obtained.

3. Prior to any speed computer enforcement being performed, the operator will personally calibrate the VASCAR device according to methods approved by the Commission for the particular device being used to ensure accuracy.

4. Under no circumstances will calibration of a VASCAR unit be attempted using a vehicle speedometer or RADAR unit. The average speed produced by the speed computer precludes comparison with other speed measuring devices.

5. When requested, officers may allow motorists to view the displayed speed on the VASCAR device when taking enforcement action.

6. As a minimum, the following elements must be established by VASCAR operators in Court:

   (a) The officer must establish the time, place and location of the vehicle that was checked, the identify of the driver, a visual estimation of the apparent speed of the vehicle, and the VASCAR reading obtained;

   (b) The officer must establish his/her qualifications and training to operate the particular VASCAR unit utilized; and

   (c) The officer must establish that the VASCAR unit was operated properly and that the device was tested for accuracy prior to use by a Commission approved method.

D. LIDAR DEVICES

The precise method for using a LIDAR unit in the enforcement of laws applying to speed will vary somewhat in accordance with the type of LIDAR equipment used. Generally, the following procedures are applicable.

1. The LIDAR unit must be properly installed and operated in conformance with the manufacturer's specifications using methods approved by the Commission.

2. The principle of operation and characteristics of the particular LIDAR unit used must be thoroughly understood by the operator so that visual speed estimations can support the LIDAR readings obtained.

3. Prior to any speed enforcement being performed, the operator will personally calibrate the LIDAR device according to methods approved by the Commission for the particular device being used to ensure accuracy.

4. Under no circumstances will calibration of a LIDAR unit be attempted using a vehicle speedometer or RADAR unit.

5. When requested, officers may allow motorists to view the displayed speed on the LIDAR device when taking enforcement action.

6. As a minimum, the following elements must be established by LIDAR operators in Court:

    (a) The officer must establish the time, place and location of the vehicle that was checked, the identify of the driver, a visual estimation of the apparent speed of the vehicle, and the LIDAR reading obtained;

    (b) The officer must establish his/her qualifications and training to operate the particular LIDAR unit utilized; and

    (c) The officer must establish that the LIDAR unit was operated properly and that the device was tested for accuracy prior to use by a Commission approved method.

INDEX AS:

RADAR
Speed Measuring Devices
VASCAR

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 900-08

SUBJECT: TRAFFIC CHECKPOINTS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 04-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental policy and procedure for conducting traffic checkpoints.

POLICY

Traffic checkpoints are a high-profile enforcement activity intended to promote citizen awareness of and compliance with the motor vehicle laws, or to accomplish a specific law enforcement objective. Checkpoints also provide an opportunity to generate citizen support and improve public perception of the police. Therefore, participating officers must display a high degree of professionalism. Checkpoints must be conducted in a manner that emphasizes the safety of participating officers and minimizes the inconvenience to the motoring public. All checkpoints are to be authorized in advance by a field supervisor and conducted in accordance with prevailing law and the provisions of this General Order.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Road-Side Safety Check: a temporary operation in which law enforcement personnel stop some or all traffic on a public street or highway to inspect individual vehicles or their contents or to interview drivers.

2. Impaired Driving Checkpoints: a temporary operation intended to detect and apprehend impaired drivers when conducted in accordance with N. C. General Statute 20-16.3A.

3. Fugitive Checkpoints: a temporary operation aimed at locating and apprehending a suspect wanted in connection with a recently committed felony offense.

PROCEDURES

A. AUTHORIZATION REQUIRED

1. Traffic checkpoints must be authorized in advance by a field supervisor and may be conducted in accordance with prevailing law and the provisions of this Order for any of the following purposes:

(a) To detect and apprehend impaired drivers when conducted in accordance with N. C. General Statute 20-16.3A and the provisions of this Order;

(b) To determine general compliance with the motor vehicle laws;

(c) To inspect vehicles and interview occupants in an attempt to locate and apprehend a fugitive wanted in connection with a recently committed felony offense.

B. SYSTEMATIC PLAN REQUIRED

1. Prior to conducting a checkpoint, a systematic plan must be developed that takes into account the anticipated traffic conditions, characteristics of the proposed checkpoint location, and the convenience of the motoring public. The plan must designate in advance the pattern for stopping vehicles (i.e., every vehicle, every third vehicle, etc.) and a contingency provision if the actual traffic conditions are different from those anticipated. No individual officer may be given discretion as to which vehicles are stopped.

2. In developing a plan, the field supervisor should ensure that the following measures are accomplished:

   (a) The proposed location is visually inspected to ensure that adequate safety standards can be maintained;

   (b) An adequate number of personnel are available and assigned to participate in the checkpoint;

   (c) Advance notice is provided to the scheduled on-duty patrol supervisor and the communications supervisor;

   (d) An adequate number of support personnel (if required) such as chemical analysts and telecommunications are scheduled to work, and their participation has been coordinated with the appropriate supervisors;

   (e) A briefing is conducted for all personnel prior to conducting the checkpoint in order to explain assignments, general manner of conduct, and any special instructions.

3. Once all minimum requirements of the pre-plan have been met, the field supervisor will complete PART A of an “Authorization for Checkpoint” form (KPD-135), which documents the planning measures undertaken and authorizes implementation of the checkpoint.

4. Authorization to conduct a traffic checkpoint is not irrevocable and the field supervisor may order the checkpoint canceled or terminated at any time when such action is prudent under the existing circumstances.

5. Upon concluding the checkpoint, PART B of form KPD-135 must be completed and forwarded to the Bureau Commander prior to ending the tour of duty in which the checkpoint was conducted. PART B of this form will specify the name of the participating supervisor(s) and will include an after-action report detailing the checkpoint results as well as any recommendations for changes in checkpoint methods, policy, or training.

C. PROCEDURES FOR CONDUCTING A CHECKPOINT

1. Checkpoints must be conducted at locations that do not create an unreasonable hazard or inconvenience to the participating officers or the motoring public.

2. The location must be clearly marked to provide adequate advance warning of the checkpoint location and allow approaching drivers a safe distance in which to stop. Marked patrol vehicles will be positioned parallel and adjacent to the roadway with emergency lights activated at the checkpoint location. Other warning materials such as signs, highway flares, or traffic cones should be used as supplemental devices to warn approaching traffic, and protect officers positioned in the roadway.

3. No checkpoint may be conducted without the continuous presence of a field supervisor at the scene. The field supervisor will be responsible for monitoring the overall conduct of the checkpoint and will make staffing adjustments and provide supervisory direction as required to ensure the safety and protection of the participating officers and the public.

4. Any officer working on foot at a checkpoint (regardless of lighting conditions) must wear a hi-visibility safety vest, and his/her position in the roadway should be marked with flares or traffic cones.

5. The number of officers assigned to participate in a traffic checkpoint will be determined by the authorizing supervisor in consideration of the anticipated traffic conditions, and the type of checkpoint to be conducted. In all cases, an adequate number of personnel must be maintained at the checkpoint location to ensure the safety of the participating officers, and the efficient handling of the traffic volume encountered.

6. Adequate space should be available adjacent to the checkpoint to allow vehicles to be pulled off the roadway pending the issuance of citations, field sobriety tests, computer inquiries, and similar measures. Care must be taken not to impair access to private residences or business properties located adjacent to the checkpoint location.

7. No private vehicle which is temporarily parked at the checkpoint due to the arrest of a driver or other enforcement action may be left on private property once the checkpoint has been concluded. Such vehicles are to be stored in accordance with Departmental policy.

8. Conditions of darkness or diminished light substantially reduce driver visibility and increase the potential hazard to participating officers. Therefore, supervisors who authorize traffic checkpoints during hours of darkness or diminished light must ensure that adequate supplemental measures have been taken to mark and illuminate the scene for night operations, and that proper safety devices such as flares, traffic wands, and reflective vests are utilized by all participating officers.

D. ROAD-SIDE SAFETY CHECKS

1. Road-side safety checks to determine general compliance with the motor vehicle laws may be conducted in accordance with prevailing law. Consistent with its role and responsibility, the department's Patrol Division will have primary responsibility for conducting road-side safety checks.

2. Road-side safety checks place a heavy demand on communications and staff, and if improperly conducted, may create traffic control problems that can lead to negative public perception. Therefore, road-side safety checks should be conducted on an infrequent basis, and only when such activity will not impair the ability of the department to meet its normal service demands.

3. Officers positioned in the roadway will approach the driver's window and request to inspect their operator's license and/or vehicle registration. The officer may further determine compliance with other applicable traffic laws and ordinances and may charge for violations of this and other criminal offenses as discovered.

E. IMPAIRED DRIVING CHECKPOINTS

1. Impaired driving checkpoints may be conducted as provided by NCGS 20-16.3A. Visible signs indicating the purpose of the checkpoint are to be positioned on each approach route to the checkpoint so as to provide notice to affected motorists.

2. Officers positioned in the roadway will approach the driver's window and request their operator's license. The officer will inform the driver of the purpose of the checkpoint and attempt to detect signs of driver impairment.

3. If the officer suspects the driver is impaired or has committed an implied consent offense, the driver shall be directed to exit the vehicle. An assisting officer shall remove the vehicle from the roadway to a safe location.

4. Once the driver has been escorted to a safe area, the officer may administer field sobriety tests and/or breath-alcohol screening tests in order to determine the level of impairment. All breath-alcohol screening tests are to be administered using devices and procedures approved under state law.

F. FUGITIVE APPREHENSION CHECKPOINTS

1. Fugitive checkpoints to locate and apprehend a suspect wanted in connection with a felony offense may be conducted in accordance with the provisions of this Order. Such checkpoints must be clearly justified by the seriousness of the offense and the danger posed to the public by the suspect unless apprehended without delay.

2. Fugitive checkpoints must be authorized by the on-duty field supervisor, and will be limited to situations in which there is reasonable cause to believe that the fugitive is contained within a limited geographical area, and the location where the checkpoint will be conducted may be used as an escape route.

3. Preparation and submission of an "Authorization for Checkpoint" form (KPD-135) is not required for conducting a fugitive checkpoint. However, this exemption does not reduce the responsibility of the authorizing supervisor to ensure that adequate precautions are taken to protect the safety of the participating officers and the general public.

4. Fugitive checkpoints are a high-risk activity and therefore require proper execution and supervision. Officer safety must be a paramount consideration. Adequate tactical coverage of the officers positioned in the roadway and inspecting vehicles must be maintained.

5. The mere fact that a fugitive checkpoint is being conducted does not expand the lawful authority of police officers in regard to search and seizure. All officers participating in a fugitive checkpoint must adhere to established legal standards relating to vehicle searches and the investigative detention of citizens.

6. Officers positioned in the roadway will approach the vehicle and request identification from the driver and/or occupants. Motorists will be informed of the purpose of the checkpoint. Vehicle searches may be conducted based on probable cause, or upon consent of the owner/operator for the purpose of locating the fugitive.

7. Officers should confine their activities to detecting and apprehending the fugitive, as this is the primary purpose of the checkpoint. However, officers may charge for violations of other criminal laws or offenses discovered during the checkpoint.

8. Once the suspect has been apprehended, or the ranking supervisor determines that continuation of the checkpoint is no longer warranted, the checkpoint shall be terminated.

INDEX AS:

Impaired Driving Checkpoints
Fugitive Checkpoints
Road-Side Safety Checks
Traffic Checkpoints

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 900-09

SUBJECT: VIDEO RECORDING SYSTEMS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 02-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental guidelines for the use of video recording systems installed in police vehicles and/or worn upon the body of agency personnel.

POLICY

The use of mobile video recorders (MVR) and body worn video cameras (BWC) has proven to be a valuable law enforcement tool in the prosecution of traffic violations, other criminal offenses, evaluation of officer tactics and performance, and for training purposes. In order to maximize the utility and benefit of this specialized equipment, the Department has established certain guidelines for their use. Video recording equipment shall be used only for legitimate law enforcement purposes in accordance with applicable law and departmental guidelines.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. MVR: an acronym for Mobile Video Recorder, this term refers to audio/video recording equipment designed for fixed installation in patrol vehicles. This General Order does not apply to the use of hand held camcorders or audio/video surveillance devices.

2. VR Operator: an officer who has received instruction in the operation and use of the specific video recording devices installed in departmental vehicles or worn upon the body, and who is authorized to utilize such equipment for enforcement purposes.

3. BWC: an acronym for Body Worn Camera, this term refers to agency approved and issued audio/video recording equipment designed to be affixed to an officer's uniform.

4. Disclosure: to make a video recording available for viewing or listening to by the person requesting disclosure, at a time and location chosen by the custodial law enforcement agency.

5. Release: to provide a copy of a video recording in the custody of a law enforcement agency to a person pursuant to a court order.

PROCEDURES

A. AUTHORIZED USE

1. The Kannapolis Police Department has approved the use of MVR and BWC systems to accomplish legitimate police objectives, including but not limited to:

    (a) Accurate documentation of events, actions, conditions, and statements made during investigative stops, field interviews, arrests, and critical incidents, so as to enhance officer reports, collection of evidence, and courtroom testimony;

    (b) Reviewing probable cause for arrest, custody procedures, officer and suspect interaction, and evidence for criminal and administrative investigative purposes; and

    (c) Evaluation of officer tactics and field performance, and for training purposes.

B. MVR OPERATING PROCEDURES

1. Only those officers who have received specialized instruction and demonstrated proficiency in the proper operation and use of MVR equipment shall be authorized by the Department to operate such equipment for enforcement purposes.

2. The care and security of MVR equipment is the responsibility of the officer assigned to that vehicle. MVR systems will be maintained and operated according to the manufacturer's instructions and recommendations.

3. Prior to beginning a tour of duty, the officer shall complete an inspection to determine if the MVR system installed in their assigned vehicle is working properly, and shall promptly notify their supervisor of any malfunction or problem. Officers should also ensure they have an adequate supply of recording media to complete their tour of duty and/or any prior video recordings have downloaded to the appropriate agency server. Only the recording media issued and approved for use by the Department may be utilized in agency MVR equipment.

4. The MVR equipment utilized by the Department is normally installed and designed to activate automatically when the patrol car's emergency lights are in operation. MVR equipment can also be remotely activated by the officer from outside the vehicle by using the remote audio receiver and wireless microphone transmitter or by pressing the record button on the MVR system. Additionally, the MVR equipment can be preset to activate at a predetermined speed or upon activation of a crash sensor.

5. MVR equipment may be manually deactivated during non-enforcement activities such as when protecting accident scenes from other vehicular traffic.

6. Where practical, officers are authorized to use MVR equipment to record the actions of suspects during field interviews, vehicle stops, field sobriety testing, arrests and investigative detention, and field searches; as well as to record crime and accident scenes, or other events such as the confiscation and documentation of evidence or contraband.

7. Officers should observe the following general procedures to ensure that the MVR equipment will properly record traffic stops or other enforcement actions undertaken in the field:

(a) Make sure that the video camera is properly positioned and adjusted at the correct viewing angle to visually record the events;

(b) The MVR will not be deactivated until the vehicle stop or other enforcement action is completed; and

(c) The wireless microphone will be turned "ON" in order to provide audio recording as well as video recording during MVR activation.

8. Officers are strongly cautioned to avoid any use of MVR equipment to make audio recordings of telephone calls or other privileged forms of communications.

9. MVR operators shall not have the authority to erase, reuse or in any manner alter MVR recordings, except as specifically provided in this General Order. All recording media shall be properly labeled and identified by the MVR Operator prior to being submitted for evidentiary storage or normal 60-day storage. Unless otherwise preserved, all MVR recordings downloaded to departmental servers via wireless systems will be maintained for a period of 60 days before automated purging.

10. MVR operators are encouraged to inform their supervisor of any recorded sequences that may be of value for training purposes. This can also be accomplished by selecting the "Hold for Training" selection on the menu screen of all wireless MVR's.

11. MVR operators should officially note in all incidents, arrests, and any other related reports when video/audio recordings have been made with MVR equipment.

C. BWC OPERATING PROCEDURES

1. Only those officers who have received specialized instruction and demonstrated proficiency in the proper operation and use of BWC equipment shall be authorized by the Department to operate such equipment.

2. The care and security of BWC equipment is the responsibility of the officer to whom it is assigned. BWC systems shall be maintained and operated according to the manufacturer's instructions and recommendations. **Officers are issued charging stations for their assigned BWC and are to insure the BWC is fully charged prior to beginning each tour of duty.**

3. Officers assigned BWC systems shall wear the system in accordance with the manufacture's recommendation using only the mounting equipment provided by the manufacturer of the system. It is the responsibility of the officer to ensure, to the best of their abilities, the BWC remains in a position to allow the recording of an encounter or incident that most closely replicates the eyesight perspective of the officer.

4. The BWC system shall be activated to record during all field contacts involving actual or potential violations of the law to include:

(a) Traffic Stops;

(b) Suspicious vehicles and/or persons;

(c) Arrests;

(d) Voluntary contacts of an investigative nature to include requests for consensual searches; and

(e) During traffic checkpoint operations, officers need not activate the BWC until such time that a violation is identified, an enforcement action is being taken, or at any point when the encounter becomes adversarial.

5. The BWC system shall be activated when responding to the following calls for service:

   (a) Disturbances and/or disorderly conduct;

   (b) Calls involving emotionally or mentally disturbed subjects;

   (c) Offenses involving weapons or violence; and

   (d) When reporting to any "in progress" call for service.

6. The BWC system shall be activated as soon as it can be safely completed during the following situations:

   (a) While operating a vehicle in a manner that requires activation of its blue lights and siren under law;

   (b) During tactical activities;

   (c) During warrantless searches of individuals, vehicles, buildings, and other places;

   (d) During the inventorying of seized money or any high value property and/or evidence; and

   (e) While working off duty or special events when a law enforcement action is anticipated.

7. If not already activated, the BWC shall be activated to record any encounter that becomes adversarial after initial contact or in any situation the officer believes its use would be appropriate or valuable to document the incident or encounter.

8. Once the BWC is activated, officers will continue to record until the conclusion of their involvement in the event.

9. BWC systems shall not be used to record fellow City employees except during a call for service or an investigation of a suspected criminal, traffic, or local law violation.

10. Unless present in an official capacity, the BWC should not be used in bathrooms, locker rooms, or other places where there is an expectation of privacy.

11. In the event of a strip search as authorized by agency policy, the BWC shall be used to record a 360-degree video of the location where the search will be conducted. During the actual

search, the officer conducting the search shall physically turn their BWC to the off position. The witnessing officer shall position their BWC away from the search to only capture the audio of the event.

12. In order to protect their identity, the BWC will not be used while interacting with confidential informants or undercover officers unless the recording of the interaction is of important evidentiary value. The officer may choose to capture audio recordings of the interaction by positioning the camera away from the informant.

13. Officers will not use the BWC record personal activities.

14. Officers should not use their BWC while in patient care areas of a health care facility unless the patient becomes adversarial with the officer or others. The BWC **shall not** be used to capture medical interaction between a patient and any medical provider.

15. The BWC should be deactivated prior to discussing a case on scene with other officers or during on-scene tactical planning.

16. No officer shall attempt to erase, edit, or otherwise alter any data captured by a BWC.

17. The downloading, converting, copying, or distribution of any recording captured by a BWC for any type personal use is strictly prohibited.

18. Periodically throughout the workday, or prior to the end of duty, officers shall dock their assigned BWC in designated downloading bases to allow the transfer of recordings to the network.

19. BWC records that are to be retained beyond the normal retention period for court, training, internal affairs, or other reasons shall be so designated by the recording officer. Once BWC recordings are downloaded to the agency server officers should log into the software web application and choose the appropriate hold application. Recordings marked for hold will be retained for up to two years. Any video not marked for hold will be retained for 60 days before being purged.

20. Officers shall notify their supervisor when they have placed a hold on any video. Supervisors shall download and burn a copy of the video to be placed into evidence in accordance with agency policy. Once a copy has been retained in evidence the original video hold shall be removed by the supervisor to allow routine purging.

D. RECORDING MEDIA CONTROL AND MANAGEMENT

1. MVR and BWC recordings containing information that may be of evidentiary value in a criminal or civil proceeding shall be subject to the security, chain of custody, and storage procedures specified in General Order 1200-01(Evidence Collection).

2. Officers shall note in any incident report, call-slip, citation notes, or other official agency reporting method that there is a BWC recording of the incident, to include a brief description of what was captured by the BWC.

3. MVR and BWC recordings shall not be disclosed or released to any outside agency or individual, or duplicated for such dissemination, without the prior consent of the Chief of Police, or pursuant to a valid court order.

4. MVR and BWC recordings not held for evidentiary purposes shall be maintained by the Field Operations Bureau for a minimum of sixty days prior to being erased and reissued. All stored recording media shall be labeled in a manner that allows efficient identification and retrieval. All MVR and BWC recordings wirelessly downloaded to departmental servers will automatically be purged 60 days from the date of download unless re-categorized for a longer retention period.

5. Used MVR recording media shall be completely erased by appropriate command personnel utilizing devices approved for this purpose prior to being re-issued for field use by MVR Operators.

E. SUPERVISORY RESPONSIBILITIES

1. Supervisory personnel who manage officers assigned to utilize MVR and BWC equipment will receive documented training on the function, use, and review of all approved equipment. They are responsible for the following:

    (a) Ensure that all officers follow established procedures for the use and maintenance of MVR and BWC equipment, handling of video/audio recordings and the completion of MVR and BWC documentation;

    (b) Conduct a review every 30-days of recordings from MVR and BWC systems assigned to personnel under their supervisory control to assess officer performance, determine whether the MVR and BWC equipment is being fully and properly utilized, and to identify material that may be of value for training purposes. These monthly reviews shall consist of a random selection of a minimum of three distinct and separate recorded events or enforcement actions from each system type. All reviews shall be documented using form KPD-244 and forwarded to the Field Operations Bureau Commander;

    (c) Ensure that repairs and replacement of damaged or nonfunctional MVR and BWC equipment is properly performed and documented; and

    (d) Ensure the completion of all statistical reports necessary to ensure adequate Video Recording program evaluation.

INDEX AS:

In-Car Cameras
Mobile Video Recorders
Body Worn Cameras

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: **900-10**
SUBJECT: TRAFFIC COLLISION INVESTIGATION
DISTRIBUTION All Personnel
EFFECTIVE DATE: 03-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental procedures for the investigation and reporting of traffic collisions.

POLICY

Officers of the Kannapolis Police Department shall have primary responsibility for investigating motor vehicle collisions occurring within the City of Kannapolis and reporting such collisions to the N.C. Division of Motor Vehicles as required by law. Officers responding to the scene of collisions are also required to provide emergency assistance to injured persons and ensure the protection of the accident scene and affected vehicular traffic.

DEFINITIONS

The following definitions are for the limited purposes of this General Order and may not apply in all other cases:

1. DMV-349: the North Carolina Collision Report used by officers to report motor vehicle collisions to the NC Division of Motor Vehicles, including any required supplemental forms, where applicable.

2. Traffic Collision Investigation: the collection of factual information identifying and describing people, roads, and vehicles involved in a collision; description of the results of the collision in terms of damage to vehicles and roadside objects, injuries to people, marks and residue on the road, and final positions of vehicles and bodies; interpretation of these facts in terms of behavior of road users involved; and sometimes, an attempt to specify the peculiar combination of factors required to produce that particular collision.

3. Traffic Collision Reporting: basic data collection to identify and classify a traffic collision and the persons, vehicles, time/location, planned movements involved, and possible contributing factors, such as traffic law violations.

PROCEDURES

A. RESPONSE TO TRAFFIC COLLISIONS

1. Officers shall respond to the scene of reported traffic collisions that involve any of the following:

    (a) Death or personal injury;
    (b) Combined property damage;
    (c) Hit & Run;

(d) Impaired driving;
(e) Damage to city vehicles or city property;
(f) Hazardous materials;
(g) Confrontations between parties involved in the collision;
(h) Major traffic congestion or obstruction of public roadways;
(i) Damage to vehicles to the extent that towing is required.

2. The level of an officer's vehicular response to the scene of a reported collision will be determined by the seriousness of the collision and existing conditions. All emergency responses shall be in accordance with General Order 1100-02 (Non-Routine Vehicle Operation).

3. The first responding officer is in charge of the collision scene until relieved by a supervisor or the assigned investigating officer. The duties of the first responding officer include, but are not limited to:

   (a) Position the police vehicle and use emergency warning lights to protect the scene;
   (b) Determine if there are injuries requiring emergency medical attention, and provide emergency medical aid to the extent practical;
   (c) Summon additional medical, fire, police or other assistance as needed;
   (d) Provide for traffic control to prevent further collisions or injury;
   (e) Protect evidence at the scene;
   (f) Identify and detain witnesses to the collision;
   (g) Arrange for the removal of vehicles from the roadway, if necessary.

4. Officers should remain alert to fire and/or explosion hazards at collision scenes and shall request the dispatch of fire suppression personnel when needed. If an officer is unsure whether or not a fire unit is needed, one should be requested as a precautionary measure. In all cases, the fire department shall be requested to respond to collisions involving overturned vehicles, pinned-in occupants, fuel spills, natural gas leaks, and hazardous materials.

5. Officers responding to the scene of a collision involving or suspected to involve the actual release or spill of hazardous materials shall immediately request the dispatch of the fire department and shall take appropriate precautionary measures regarding personal protection and evacuation of the affected area in accordance with directions specified for the particular chemical or substance in the Emergency Response Guide. The police investigation of the collision will be suspended, and the on-scene fire commander or county emergency management director will have incident command authority until such time as the conditions at the scene are rendered safe for emergency personnel.

B. ASSIGNMENT OF INVESTIGATING OFFICER

1. The investigating officer will normally be the patrol officer initially arriving on the scene and/or dispatched to the call, unless otherwise directed by a field supervisor. Patrol officers have a shared responsibility to investigate traffic collisions as necessary to meet prevailing operational demands, preserve public safety and prevent unnecessary delays, irrespective of their individual duty assignment.

2. Patrol officers will normally be assigned to investigate reported traffic collisions within their assigned zone that involve property damage and/or non-capacitating injuries that do not require removal of the drivers from the scene to a medical facility.

3. Selected patrol officers will receive advanced training in technical collision investigation, and when on duty and available, will be assigned to investigate more serious or complex collision scenes involving one or more of the following:

    (a) Fatality;
    (b) Serious bodily injury likely to result in death;
    (c) Hit and run incidents involving serious personal injury;
    (d) Collisions involving the release of hazardous materials;
    (e) Train-vehicle collisions;
    (f) Collisions involving extensive destruction of property or which are of an unusual nature requiring a more advanced level of technical investigation.

4. An on-duty patrol supervisor shall be notified of and shall, when feasible, respond to any collision involving serious injuries likely to result in death, fatalities, or the release of hazardous materials.

5. Selected patrol officers have received specialized training in traffic collision reconstruction and will be available on a 24-hour basis to assist with the investigation of traffic collisions involving fatalities or life-threatening injuries that may result in criminal charges, particularly alcohol related offenses. A schedule of on-call reconstructionists and contact numbers will be maintained in the Communications Center.

6. All officers operating a marked police vehicle shall have a duty to stop and render reasonable assistance when coming upon the scene of any traffic collision, unless emergency circumstances exist that preclude such action. If the collision is located outside the City of Kannapolis and no other law enforcement officer is present on the scene, the officer shall ensure notification of the proper law enforcement agency of jurisdiction. In all cases, officers should take reasonable and necessary action to render emergency assistance to injured persons at the scene of an accident. Under State law, an officer may not be held liable for civil damages for acts or omissions relating to such services rendered, unless such acts or omissions amount to wanton conduct or intentional wrongdoing.

C. TRAFFIC COLLISION INVESTIGATION AND REPORTING

1. Officers will investigate and complete a DMV-349 report (including supplemental reports where applicable) in accordance with the DMV-349 instruction manual, for traffic collisions involving any of the following:

    (a) Death or personal injury (including complaint of injury or pain);
    (b) Hit and run;
    (c) Impairment of a driver due to alcohol and/or drugs;
    (d) An arrest is made or a citation is issued;
    (e) Hazardous materials;
    (f) City vehicles or city property is involved;
    (g) An intentional act by either driver, utilizing a vehicle, even if a Part I Index Crime is reported (example: aggravated assault with a motor vehicle);
    (h) Combined property damage to an apparent extent of $1,000 or more.

2. Except as otherwise provided in this Order, collisions involving only combined property damage of an apparent extent of less than $1,000 do not require the completion of a DMV-349 or reporting to the Division of Motor Vehicles. Officers responding to such minor collisions may elect to complete a DMV-349 but are not required by law to do so.

3. In all collisions, regardless of whether or not a DMV-349 is completed, the investigating officer shall assist the involved drivers with the exchange of insurance, driver, and ownership information using the "Driver Exchange Form".

4. The investigating officer's responsibility in collecting and recording information at collision scenes includes, but is not limited to:

    (a) Locate and interview principals and witnesses;
    (b) Examine and record vehicle damage;
    (c) Examine and record effects of the collision on the roadway;
    (d) Record appropriate measurements and take necessary photographs;
    (e) Collect and preserve other evidence;
    (f) Exchange information among the principals;
    (g) Secure the personal property and effects of incapacitated victims;
    (h) Search for trauma victim identification and organ donor information, and attachment of body information tags (if applicable).

5. Officers are to include a diagram on each DMV-349 that is submitted. This should be done whether or not the collision occurs on a highway or public vehicular area, and whether or not the vehicles have been moved prior to the officer's arrival. A diagram is simply a representation of the collision that is based upon physical evidence, witness statements, and driver statements. A lack of one or more of these factors is not justification for failing to prepare a diagram. Information such as lane widths and other pertinent measurements should also be recorded on the diagram.

6. Traffic collision reports are to be entered into the RMS system and electronically posted for supervisory review prior to the end of the investigating officer's tour of duty when feasible. In the event that an investigation cannot be completed prior to the end of the duty day, the officer should inform his/her supervisor that the investigation is incomplete. In all cases, every effort should be made to file an initial collision report within 24 hours, with supplemental investigation conducted as necessary.

7. During periods of extreme workloads or unusual occurrences (e.g. weather emergencies or disasters, etc) the dispatching and response to traffic collisions not meeting the minimum threshold for reporting as required by GS 20-166.1 may be temporarily suspended. Such determination will be made by the ranking on-duty patrol supervisor.

D. FOLLOW-UP INVESTIGATIONS

1. When necessary, the investigating officer will complete a follow-up collision investigation in accordance with the following guidelines:

    (a) Complete any necessary supplemental report to the DMV-349. The case number assigned to the original DMV-349 report will be used for all supplemental reports.
    (b) File or amend criminal charges, as appropriate;
    (c) Collect off-scene data (Intoxilyzer results, blood test results, lab reports, etc);
    (d) Obtain and record formal statements from principals and/or witnesses;
    (e) Obtain reconstruction of the collision (if applicable);
    (f) Prepare formal reports to support any criminal charges arising out of the collision.

E. HIT AND RUN INVESTIGATIONS

1. When a collision is confirmed as a hit and run, any available description or other pertinent information about the suspect vehicle/driver should be relayed to the Communications Center for broadcast to other field units and notification of affected outside agencies.

2. Evidence should be gathered and retained for identification of the suspect vehicle, and witnesses should be interviewed to obtain essential information about the collision.

3. Officers assigned to investigate hit and run collisions involving serious injury or death may request the assistance of specialized units or officers with specialized training to process the collision scene for evidence, and to locate and interview suspects and witnesses.

4. Supplemental information not contained in the DMV-349 should be recorded on the appropriate supplemental report and linked to the original case.

F. COLLISIONS ON PRIVATE PROPERTY OR PUBLIC VEHICULAR AREAS

1. Traffic collisions occurring on private property or public vehicular areas will be investigated and reported using the same procedures as for collisions occurring on public streets and highways. An important distinction, however, is that enforcement actions on private property and public vehicular areas are limited by state law. Therefore, officers should become familiar with those charges that can be filed pursuant to traffic collisions occurring in these areas.

G. LATE REPORTING OF COLLISIONS

1. On occasion, individuals report collisions that occurred at an earlier time or date, thus prohibiting on-scene investigation. In such cases, the following procedures will apply:

   (a) Officers are to determine if the nature and circumstances of the alleged collision were such that police personnel would have responded. If so, the officer will conduct an investigation.

   (b) The investigating officer shall attempt to conduct the best possible *ex post facto* investigation, to include an examination of the scene and involved vehicles, interview of involved driver(s), and the completion of a DMV-349 report.

   (c) The investigative officer shall preface the narrative section of the report with the wording, “Late Reported Collision – Not Reported at Scene.”

   (d) When the actual location of a traffic collision cannot be determined, the investigating officer will complete an incident report instead of a DMV-349. Such report should be classified as “Miscellaneous-Damage to Vehicle.”

H. ENFORCEMENT ACTIONS ARISING FROM TRAFFIC COLLISIONS

1. Enforcement actions arising out of traffic collision investigations should be taken based upon probable cause and in accordance with NCGS 15A-401 and other applicable laws. Investigating officers must evaluate the particular elements, circumstances, and available evidence in each case and determine the appropriate level of enforcement action (if any) based on their training, experience and judgment. Officers should refer to General Order 900-04 (Traffic Law Enforcement) and/or seek supervisory assistance, if necessary, for additional guidance on enforcement actions arising from traffic collisions.

2. Charges involving serious crimes (e.g. felony hit and run, death by vehicle, etc) require more in-depth investigative efforts and documentation. These additional investigative measures should be conducted in the same manner as officers would conduct other criminal casework (e.g. consultation with district attorney, preparation of felony case report, etc).

3. It shall be the policy of the Kannapolis Police Department to file charges for infractions and criminal violations, based upon probable cause, in collisions involving:

    (a) Death or serious bodily injury to any person;
    (b) Hit and run;
    (c) Impaired driving;
    (d) Driving while license revoked or suspended;
    (e) No operator's license;
    (f) Violations of the financial responsibility laws;
    (g) Railroad crossing violations;
    (h) Speed Competition;
    (i) Reckless driving;
    (j) Speeding to elude arrest or apprehension;
    (k) Illegal transportation of hazardous materials.

I. COLLISION INVESTIGATION EQUIPMENT

1. Each patrol officer and patrol supervisor assigned to field duty shall carry the following articles in their assigned vehicle:

    (a) DMV-349 Collision Report Forms;
    (b) Driver Exchange Slips;
    (c) Hi-Visibility Traffic Safety Vest;
    (d) Traffic Whistle.

2. Marked police vehicles used for patrol functions will be equipped with collision investigation materials and emergency equipment that includes, but is not limited to: measuring devices, flares, first aid kit, fire extinguisher, emergency blankets, latex gloves, bag-mask resuscitator, barrier tape, flashlight with traffic wand, Hazardous Materials Response Guide, window punch, and seat belt cutter.

3. The Patrol Division will maintain specialized collision investigation materials accessible to authorized patrol officers for use in conducting more complex or technical investigations.

J. PROPERTY OF COLLISION VICTIMS

1. Investigating officers have a responsibility to protect the property of collision victims. Officers must remain alert for theft problems that may occur at collision scenes. If the officer must handle personal belongings for identification purposes, attempt to do so in the presence of witnesses. Such witnesses should be documented in the collision report or officer's notes.

    (a) When it is appropriate and feasible to turn over a victim's personal property to a third party such as a relative or companion, the officer shall record this person's identity and, if feasible, obtain a signed receipt.

(b) When it is necessary to retain the personal property of a victim, the officer is to enter the item(s) into the department's property control system in accordance with General Order 1200-02 (Property and Evidence Control).

2. Valuable personal property located in vehicles to be towed by rotation wreckers shall be inventoried and secured in accordance with General Order 900-02 (Towing of Vehicles).

K. TRAUMA VICTIM IDENTIFICATION & NOTIFICATION OF NEXT OF KIN

1. North Carolina General Statutes 90-600 through 90-603 impose certain statutory duties on law enforcement officers at collision scenes involving a trauma victim who is near death or deceased. The statute requires law enforcement officers to determine if the person is an organ or tissue donor, tag the person accordingly, and notify next of kin of hospitalization or death. This duty is concurrently imposed on other emergency response personnel at the scene as well.

   (a) Routine Search for Donor Information: Police officers may make a reasonable search for documents or other information identifying the victim as an organ donor, and to assist in ascertaining the victim's identity and notifying the next of kin, including an inquiry on the victim's driver license record through DMV. This search is limited to personal effects where a driver's license reasonably may be stored. Contraband discovered during such a search is not admissible in any subsequent civil or criminal proceeding, unless obtained pursuant to a lawful search on other legal grounds (e.g., inventory search, probable cause search, etc).

   (b) Use of Body Information Tags: A police officer who believes the victim to be near death or deceased has a statutory duty to complete a body information tag for attachment to or transmittal with the victim. The tag shall include (if known) information identifying the victim, identifying whether or not the victim is an organ donor, and providing any information on the next of kin. The body information tag issued by DMV must be used for this purpose and are available from EMS. The preferred method is to attach the tag to an uninjured finger or toe of the victim, rather than to the victim's clothing. Officers should coordinate with EMS personnel in completing and attaching the tag. If the officer is not able to personally complete this tag for any reason, the officer must ensure that another authorized person does so.

2. Police officers are required by law to make a reasonable effort to notify the next of kin of a collision trauma victim if the victim is hospitalized or dead. Whenever possible, a notification of death should be delivered in person and without delay after ensuring positive identification of the victim. If the next of kin resides outside the City, the investigating officer should originate a request with the appropriate law enforcement agency of jurisdiction to effect personal notification. If appropriate under the circumstances, notification of hospitalization may be made by telephone. Hospital staff will be responsible for coordinating with next of kin as necessary to expedite decisions regarding potential organ and tissue recovery.

L. INVESTIGATION OF TRAFFIC COLLISIONS INVOLVING DEPARTMENTAL VEHICLES

1. Collisions involving departmental vehicles, regardless of the extent of damage or nature of any injuries involved, shall be reported immediately to the Communications Center and the on-duty patrol supervisor.

2. If the collision occurs outside the City of Kannapolis, the police driver shall immediately report the collision to the appropriate law enforcement agency of jurisdiction and shall notify their supervisor as soon as practical.

3. If the collision occurs inside the City of Kannapolis, the assigned patrol supervisor will respond to the scene and conduct a thorough and impartial investigation of the collision as required by this Order. When feasible, collisions involving vehicles driven by supervisory personnel shall be investigated by a supervisor of equivalent or higher rank.

4. When the nature or seriousness of the collision warrants investigation by an outside agency, the responding supervisor is authorized to request an investigation by the North Carolina State Highway Patrol (SHP). In such instances, the field supervisor shall have Communications request that an SHP supervisor respond to the scene. Upon arrival, the field supervisor will verbally explain the circumstances and make a formal request for investigation by the SHP. The field supervisor should remain on the scene to render any necessary aid to the investigating Trooper and shall request that a photocopy of the collision investigation report be provided to the Chief of Police as soon as possible.

5. A DMV-349 report shall be completed by the investigating supervisor and submitted prior to ending the tour of duty on which the collision occurred. An informational copy of the collision report will be forwarded to the Field Operations Commander, Departmental Safety Coordinator, and the Chief of Police. The investigation shall, when feasible, include photographs of the damage sustained by each involved vehicle and any other property damaged.

6. When the collision meets the reporting criteria specified in GS 20-166.1, records personnel will forward the completed DMV-349 report to the NC Division of Motor Vehicles (DMV). Collision reports not meeting the criteria for submission to DMV will be marked as “I.O.” (internal only) by the investigating supervisor.

7. Officers shall furnish truthful and factual information regarding the collision to the assigned investigator. However, officers shall not assume any obligation to discuss who is at fault with any other driver, insurance representative, or witness.

8. Enforcement actions arising from the investigation of collisions involving departmental vehicles shall be determined by the investigating officer in accordance with prevailing law and the policies of the investigating agency.

9. The investigating supervisor shall request the police driver to submit to administrative drug testing and/or alcohol testing as soon as practical following the collision if any one of the factors listed below apply:

    (a) The police driver reports that they fell asleep, blacked out, or can’t remember what happened; or

    (b) There is reasonable suspicion that the police driver has consumed or is under the influence of an alcoholic beverage and/or any other impairing substance; or

    (c) The collision resulted in serious bodily injury or death to any person.

M. COLLISION REVIEW BOARD

1. All traffic collisions involving departmental vehicles that result in personal injury and/or combined property damage of $3,500 or more will be reviewed by the Collision Review Board (CRB). The purpose and function of this Board is to conduct an administrative review of the facts and circumstances surrounding the collision, make certain determinations and findings as set forth in this Order, and formulate recommendations to the Chief of Police for an appropriate agency response. Meetings will be convened by the by the CRB chairman as soon as practical and within thirty (30) calendar days following the collision. Exceptions to the 30-day requirement must be approved by the Chief of Police. The CRB chairman will be responsible for ensuring that all relevant documentation (e.g., collision report, internal memoranda, photographs, audio/video recordings, etc) is assembled for presentation and review by Board members, and that the police driver is notified in advance to attend. The CRB will consist of the following agency representatives.

    (a) Field Operations Bureau Commander (Board Chairman);
    (b) Field Operations Division Commander;
    (c) Field Operations Sergeant:
    (d) Investigating Officer (unless investigated by an outside agency);
    (e) Reconstructionist (if applicable);
    (f) Departmental Safety Coordinator;
    (g) A non-supervisory police officer designated at large by the Board.

2. The relevant issues and areas of inquiry to be considered by the Collision Review Board will include the following:

    (a) Specific circumstances of the collision and contributing factors;
    (b) Determination of responsibility/fault of the police driver;
    (c) Determination of compliance with departmental directives by the police driver;
    (d) Determination of loss or damages resulting from the collision;
    (e) Driving history of the police driver;
    (f) Sufficiency and quality of the collision investigation;
    (g) Indications of needed changes in training, equipment, or policy.

3. The Collision Review Board shall conduct a general interview of the police driver as part of its administrative review of the collision. Interviews that focus on specific misconduct or violations of departmental policy that, if sustained, could result in disciplinary action, shall be conducted in accordance with the applicable provisions of General Order 500-02 (Internal Affairs). In all cases, the police driver will be given the opportunity to offer comments and other relevant information to the CRB concerning the collision.

4. Upon completion of the review, the CRB chairman will submit a written report to the Chief of Police detailing the boards findings on the relevant issues and areas of inquiry, as well as recommendations for an agency response from one or more of the following alternatives:

    (a) No further action;
    (b) Non-disciplinary administration action (e.g. remedial training, etc);
    (c) Disciplinary Action;
    (d) Enforcement action (i.e., filing of charges for criminal violations or infractions)
    (e) Recommended changes in departmental training, equipment or policy.

5. The Chief of Police will review the findings and recommendations of the Collision Review Board and make a final determination as to the agency's response and action taken.

6. Administrative sanctions may be imposed for a violation of departmental directives governing the operation of police vehicles, regardless of whether or not any enforcement action is taken by the investigating officer. Internal records will be maintained for statistical and administrative purposes by the Chief of Police on all collisions involving departmental vehicles.

N. COLLISIONS INVOLVING OTHER CITY VEHICLES OR DAMAGE TO CITY PROPERTY

1. All collisions involving city owned vehicles other than police vehicles shall be investigated and reported on a DMV-349 form. The investigating officer shall furnish a copy of the completed collision report to the appropriate Department Head of the involved employee.

2. If any city owned property (e.g. street signs, fire hydrants, city building, etc) is damaged as a result of a traffic collision, the investigating officer shall record such damage on the collision report along with an estimate of damages. The investigating officer will provide this information to the City's designated risk manager for insurance claims purposes.

O. COLLISIONS INVOLVING POLICE VEHICLES FROM OUTSIDE AGENCIES

1. The Kannapolis Police Department has primary investigative jurisdiction for all traffic collisions occurring within the City of Kannapolis, including those involving law enforcement vehicles from outside agencies. In such instances, a DMV-349 shall be completed in accordance with the provisions of this Order, and a copy forwarded to the affected outside agency head as soon as possible upon completion.

2. Collision investigations that involve law enforcement vehicles from outside agencies will be conducted by supervisory personnel, when feasible.

3. In the event of a collision involving a North Carolina State Highway Patrol vehicle, the assigned Kannapolis officer should request that an SHP supervisor respond to the scene. Upon arrival, the Kannapolis officer will confer with the SHP supervisor to ascertain if they wish to exercise investigative responsibility for the collision.

    (a) If the SHP elects to investigate the collision, the Kannapolis officer will ensure that this information is included with the call record and shall render any needed assistance to the investigating SHP official.

    (b) If the SHP does not wish to investigate the collision, the investigation will be conducted by the Kannapolis Police Department in accordance with this Order.

4. Should an outside law enforcement or other government agency request that the SHP investigate a collision occurring within the City that involves a vehicle assigned to their agency, Kannapolis officers should follow the procedure described in paragraph 3 above.

P. SUPERVISORY RESPONSIBILITIES

1. Patrol supervisors and commanders are responsible for coordinating police response to reported traffic collisions to ensure that such incidents are handled in an expedient, safe and efficient manner. This responsibility specifically includes the direction and coordination of assignment of investigating officers and assisting units as required to prevent unnecessary delays, minimize disruption of traffic flow, and ensure the effective utilization of agency resources.

2. A patrol supervisor shall respond to the scene of major collisions and ensure that all necessary assistance is provided to the investigating officer. In such instances, the patrol supervisor shall remain on the scene to provide support until the situation is stabilized.

3. Patrol supervisors are responsible for monitoring collisions assigned to patrol officers to determine if a more advanced level of investigation is required. If so, the supervisor should request technical assistance from officers with the requisite specialized training.

4. Supervisors at all levels are responsible for reviewing collision investigation reports completed by officers under their command to ensure that such investigations are competently conducted and reported in accordance with law and departmental policy.

INDEX AS:

Body Information Tags
Collision Review Board
Notification of Next of Kin
Police Vehicle Collisions
Traffic Collision Investigation
Traffic Collision Reconstruction
Traffic Collision Reporting

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 900-11

SUBJECT: TRAFFIC DIRECTION & CONTROL
DISTRIBUTION All Personnel
EFFECTIVE DATE: 05-01-2001
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish policy and procedure to assist personnel in their duties pertaining to traffic direction and control.

POLICY

The major objective of the Department in providing traffic direction and control is to maintain or restore the safe and efficient movement of vehicular and pedestrian traffic. The need for such service exists at varying locations and times, and under different circumstances. Many requirements for traffic direction and control are predictable, but emergency situations often arise requiring contingency plans in order to fulfill these duties and responsibilities. The Police Department will carry out its traffic control responsibilities by providing and managing appropriate personnel and resources adequate to deal with reasonable expectations concerning the need for traffic control services.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Funeral Procession: two or more vehicles accompanying the remains of a deceased person, and traveling to the church, chapel, cemetery, or other location at which the funeral services are to be held (see NCGS 20-157.1 for the statutory definition).

2. Manual Traffic Direction and Control: the actual physical presence of personnel who give instructions using uniform signals and gestures to drivers and pedestrians to control traffic flow.

3. Special Events: situations at which a high volume of vehicular and/or pedestrian traffic is anticipated and hostile crowds are not expected. Special events may include parades, sporting events, highway construction and maintenance activities, picketing, etc.

4. Temporary Traffic Control Devices: any apparatus intended for temporary deployment to assist the safe and efficient movement and control of vehicular and/or pedestrian traffic, to include moveable barricades and portable signs.

5. Traffic Direction and Control: in general terms this includes all functions, procedures, apparatus, markings, etc. designed to promote and ensure the safe and efficient movement of vehicles and pedestrians.

PROCEDURES

A. MANUAL TRAFFIC DIRECTION AND CONTROL

1. Members will at all times give due consideration to their own safety while carrying out manual traffic direction and control activities. Officers should position themselves so that they can be clearly seen by approaching traffic, usually in the center of an intersection or street.

2. Officers conducting manual traffic direction and control will wear the full uniform as prescribed by Department policy. Any personnel directing traffic, or in the roadway controlling traffic, will wear the reflective safety vest issued by the Department at all times.

3. Officers shall employ uniform procedures (signals, gestures, etc.) to enhance driver and pedestrian recognition and response to their direction as follows:

   (a) To Stop Traffic: The officer should first extend his arm and index finger toward and look directly at the person to be stopped until the person is aware or it can be reasonably assumed that he is aware of the officer's gesture. Second, the pointing hand is raised at the wrist so that its palm is toward the person to be stopped and the palm is held in this position until the person is observed to stop. To stop traffic from both directions on a two-way street the procedure is then repeated for traffic coming from the other direction while continuing to maintain the raised arm and palm toward the traffic previously stopped.

   (b) To Start Traffic: The officer should first stand with shoulder and side toward the traffic to be started, extend his arm and index finger toward and look directly at the person to be started until that person is aware or it can be reasonably assumed that he is aware of the officer's gesture. Second, with palm up, the pointing arm is swung from the elbow only, through a vertical semi-circle until the hand is adjacent to the chin. If necessary, this gesture is repeated until traffic begins to move. To start traffic from both directions on a two-way street, the procedure is then repeated for traffic coming from the other direction.

   (c) Right Turns: Drivers usually effect their turns without the necessity of being directed by the officer. When directing a right turn becomes necessary, the officer should proceed as follows: if the driver is approaching from the officer's right side his extended right arm and index finger and gaze are first directed toward the driver, followed by swinging the extended arm and index finger in the direction of the driver's intended turn; if the driver is approaching from the officer's left side, either the same procedure may be followed utilizing the left arm extended or the extended left forearm may be raised to a vertical position from the elbow while closing the fingers so that the remaining extended thumb points in the direction of the driver's intended turn.

   (d) Left Turns: Drivers should not be directed to effect their movement while the officer is also directing oncoming traffic to proceed; therefore, the officer should either direct opposing vehicles to start while avoiding left turn gestures directed at turning drivers, which will lead them to complete their turn only when there is a gap in the oncoming

traffic, or to stop or hold oncoming drivers, after which the left turning driver can be directed into his turn. The officer's right side and arm should be toward the oncoming traffic, and the left side and arm should be toward the left turning driver. After stopping oncoming traffic by using the right arm and hand, the right hand should remain in the halt gesture, then the extended left arm and index finger and officer's gaze is directed toward the driver who intends to affect a left turn. When the driver's attention has been gained, the extended left arm and index finger are swung to point in the direction the driver intends to go.

4. The police whistle may be used to get the attention of drivers and pedestrians; however, the whistle should be used judiciously.

   (a) To Stop: One long blast
   (b) To Start: Two short blasts
   (c) To Gain Attention: Several Short Blasts

5. Occasionally a driver or pedestrian will not understand the officer's directions. When this happens, the officer should move reasonably close to the person and politely and briefly explain his directions. No officer shall exhibit loss of temper by shouting or otherwise indicate antagonism toward those who do not understand or who do not respond appropriately to the officer's directions.

6. A flashlight may be used to signal traffic to halt. Flashlight cones shall be used at night to improve visibility of the signals to affected motorists. To stop traffic, slowly swing the beam of the light across the path of oncoming traffic so that the beam of the light strikes the pavement as an elongated spot of illumination. After the driver has stopped, arm signals may be given in the usual manner with the headlights of the vehicle providing illumination.

7. When a traffic control signal (e.g. traffic light) is determined to be malfunctioning and a delay in the arrival of repair crews would be detrimental to traffic conditions, officers are authorized to place the signal in a flashing only mode.

   (a) Supervisory or other authorized personnel should be summoned to the scene in order to access the affected signal control box and make the necessary adjustments to employ a flashing mode.

   (b) Police personnel are not authorized to employ manual operation of signal devices beyond that of placing the signal into a flashing mode. Should further manual operation be required, traffic engineering personnel should be summoned.

8. When practical, officers should position their vehicle, with emergency lights activated, in such a manner so as to provide a greater warning to on-coming traffic.

9. Situations that may require numerous points of traffic direction for a temporary period (e.g. power outage) should be governed by such factors as traffic volume, absence or malfunction of existing traffic signals, and weather conditions. The on-duty field supervisor will be responsible for determining the points of traffic control.

B. TRAFFIC CONTROL AT COLLISION SCENES AND OTHER EMERGENCIES

1. Officers responding to the scene of a traffic collision or an emergency situation will immediately assess the need for emergency medical assistance.

2. As soon as practical, the responding officer will notify the Communications Center of existing conditions and request assistance from other agencies or other personnel as needed, including but not limited to:

   (a) Fire Department;
   (b) Traffic Engineering Authorities;
   (c) Street Department Authorities;
   (d) Other Law Enforcement Personnel;
   (e) Wrecker Services.

3. The responding officer will assume responsibility of traffic direction and control until relief personnel are available, following procedures set forth in this General Order.

4. Road flares are an excellent visibility tool and may be used to prevent possible injury to citizens and damage to property. Because of the flammable nature of road flares, the following guidelines will be employed:

   (a) Flares should be placed on the ground and used for fixed-point traffic control. Flares <u>WILL NOT</u> be used as a hand-held traffic control device.

   (b) Flares will be used <u>ONLY</u> after the officer has surveyed the area for fire hazards and has determined that flares can be safely deployed.

   (c) Officers will ensure that any deployed flares are fully extinguished and residual waste cleared from the roadway for proper disposal before leaving the incident scene.

C. TRAFFIC CONTROL AT FIRE SCENES

1. The responding officer will determine if a fire hazard exists or if there is a potential hazard and will notify the Communications Center and request Fire Department assistance. The officer should also attempt to determine if hazardous materials are involved and, if so, ensure the notification of the appropriate agencies and personnel. If potential danger exists, the officer should notify the on-duty field supervisor.

2. The responding officer will establish crowd and vehicle control at the scene to prevent injuries. Back-up support will be called, if needed, to assist in traffic and crowd control.

3. Police personnel will maintain access to and egress from the scene by fire units and other emergency vehicles and will provide such other traffic control assistance as deemed necessary in support of firefighting operations.

4. The Field Operations Bureau Commander will be responsible for conducting studies with the Fire Department and other agencies, to establish protocols, specific plans, and procedures for providing traffic direction and control support during fire scene operations.

D. TRAFFIC CONTROL FOR ADVERSE ROAD AND WEATHER CONDITIONS

1. Upon discovering an adverse road or weather condition, officers should contact the Communications Center and have the appropriate agencies and persons notified for the purpose of correcting the condition.

2. Officers will provide traffic direction and control services and scene protection in the vicinity of adverse road and weather conditions, as appropriate.

3. Temporary traffic control devices may be deployed in support of traffic direction and control services with approval of the on-duty field supervisor.

4. It shall be the responsibility of the Field Operations Bureau Commander to develop and implement mutual assistance policies, procedures and programs with relative agencies prior to and during periods of adverse road and weather conditions.

E. TRAFFIC CONTROL AT SPECIAL EVENTS

1. Upon notification of a special event, a command level officer will be assigned to coordinate planning for the event.

2. If the event is a parade, the route will be determined and coordinated with other public service and transportation agencies.

3. The perimeter streets of the special event shall be used to maximum advantage by eliminating or increasing parking space, making temporary one-way streets, and assigning officers to key intersections.

4. Adequate emergency service access will be provided to the scene of the event, including fire and ambulance services.

5. The Department will provide for adequate crowd control. If the event is a parade, ropes or other appropriate barriers may be used along the parade route with officers stationed at intervals as needed.

6. The Department will ensure adequate publicity of any changes or alterations in street use, parking availability, public transportation services, and location of the event.

7. Provisions will be made for identifying persons working directly with the event to assist them in crossing police lines. This includes promoters of the event, vendors and media personnel.

8. Consistent with the duration of the need for traffic direction and control services, provision is to be made for scheduling adequate breaks for assigned personnel.

9. When performing manual traffic control, officers are to adhere to the traffic control guidelines specified in this directive.

10. As soon as practical following termination of the need for temporary traffic control devices, the supervisor authorizing deployment will see to their removal.

F. TRAFFIC CONTROL DURING FUNERAL ESCORTS

1. All requests for funeral escorts will be received by the Communications Center and promptly logged into CAD as a 'planned' call. Requests for funeral escorts must include all necessary information regarding the departure point, scheduled departure time, destination, route information, and a contact number for the funeral director. Funeral escorts will normally be limited to one section per funeral.

2. Funeral escort information will be promptly forwarded upon receipt by the Communications Center to the appropriate on-duty patrol supervisor, who will designate an escorting officer. Approximately 10 minutes prior to the scheduled departure time, the Communications Center will dispatch the funeral escort via radio and confirm the assigned unit in CAD. In addition, a copy of the call dispatch will be transmitted via mobile data to the assigned unit and appropriate field supervisor (if their vehicles are so equipped).

3. Officers assigned to escort funeral processions will be expected to be on-station at the departure point approximately 10 minutes before the scheduled departure time, unless the officer is required to respond to a higher priority call.

4. Upon arriving on-station at the escort departure point, the assigned officer shall check 10-23 by radio with the Communications Center. Prior to departure, the officer should confirm the departure time, destination and desired route with the attending funeral director.

5. The scheduled departure time is simply a professional estimate by the funeral director. Actual departure times can vary somewhat depending on the duration of funeral service activities and the size of the procession. Assigned officers should remain on-station and coordinate with the on-site funeral director and their field supervisor if an extended delay past the scheduled departure time is anticipated.

6. If for any reason the assigned officer is unable to report to or remain at the departure point, the officer shall notify the Communications Center by radio. The Communications Center will then reassign the escort to the closest available marked unit. The Communications Center shall promptly call the funeral director at the designated contact number if any officer delay past the anticipated departure time is anticipated, or if there are no units available to provide the escort.

7. Funeral escorts will normally be assigned to patrol officers operating marked police vehicles. Escorts should not be assigned to K9 vehicles or other specialized units unless regular patrol and traffic units are not available.

8. When escorting a funeral procession, officers shall continuously operate their emergency blue lights and headlight flashers. The officer shall lead from the front of the procession and should maintain a relatively low speed to help reduce gaps in the procession. Officers working alone should not "leap-frog" the procession from one intersection to the next. On multi-lane highways, the officer should use the outermost or right hand lane, unless use of other lanes is necessary to prepare for turns in the specified route.

9. Escorting officers shall use the siren as an audible warning at signal controlled intersections and other hazardous locations in order to gain the attention of approaching motorists and ensure that all cross traffic has stopped and yielded the right of way. Once traffic has yielded, the officer should progress though the intersection. All vehicles in the process may then follow the officer and proceed through the intersection without stopping, exercising reasonable care (see NCGS 20-157.1(c)).

10. In the event of an unusually long funeral procession, field supervisors may assign additional units to provide supplemental traffic direction and control at major intersections and other hazardous points along the intended route.

11. Funeral processions may sometimes have a final destination that extends a short distance into an adjoining jurisdiction. Funeral Directors try to coordinate with the appropriate law enforcement agencies to ensure the continuity of the escort as it passes from one jurisdiction to another. However, there are situations when this is not always possible or practical. In such cases, the assigned officer is authorized to continue leading the escort to the final destination, provided that the escort does not extend beyond the officer's extra-territorial jurisdiction.

12. Upon arrival at the destination, the escorting officer should position the patrol vehicle in the roadway to protect the turning procession from oncoming traffic. Unless circumstances require the officer to manually direct traffic, the officer should exit the vehicle and stand at parade rest with uniform cover held over the left breast while the procession enters the final destination area. Under no circumstances should an officer attempt to manually direct traffic from inside the vehicle.

13. Upon completion of the escort, the assigned officer shall check 10-24 by radio with the Communications Center.

G. TRAFFIC SURVEYS

1. The Patrol Division will conduct an annual survey, in conjunction with appropriate traffic engineering officials, to determine locations that require point traffic control. Factors to be considered in such determination include.

    (a) Traffic volume/speed;
    (b) Number of turning movements;
    (c) Number of pedestrians present;
    (d) Duration of congestion;
    (e) Presence or absence of traffic control devices.

2. The Patrol Division will conduct an annual survey, in conjunction with appropriate traffic engineering officials, to determine locations where parking control is required. The survey is intended to identify specific needs and/or deficiencies regarding tow-away zones, loading zones, non-parking areas, and restricted parking areas.

INDEX AS:

Funeral Escorts
Traffic Direction and Control
Traffic Surveys

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 900-12

SUBJECT: TRAFFIC STOPS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 08-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this policy is to establish Departmental guidelines for conducting traffic stops in a manner that promotes public confidence in the agency, complies with legal requirements, and enhances safety.

POLICY

Although stopping motorists on the highway for traffic violations or other lawful purposes is a common function of police officers, it is one that has been demonstrated to be potentially dangerous for both officers and motorists even during apparently "routine" situations. Therefore, it is the policy of this department that traffic stops shall be performed professionally and courteously, and with a view towards educating the public about proper driving procedures while consistently recognizing and taking the necessary steps to minimize the dangers involved in this activity for the officer, the motorist and other users of the highway. Officers shall conduct traffic stops only when they have sufficient legal grounds to do so. All searches and/or enforcement actions conducted pursuant to traffic stops must be conducted in accordance with prevailing law and departmental policy.

PROCEDURES

A. UNKNOWN-RISK VEHICLE STOPS

1. LEGAL BASIS: Stopping a vehicle requires only “reasonable suspicion” that the driver or an occupant of the vehicle has committed or is committed a criminal offense or motor vehicle infraction, not probable cause to arrest. In addition, officers may stop a vehicle without reasonable suspicion that the driver or an occupant has committed a criminal offense in order to serve a legal process (summons, subpoena, etc), limit or restrict the movement of persons during public emergencies, and during systematic stops at lawful traffic checkpoints.

2. LOCATION: The location of any traffic stop is critical and should be carefully selected. When possible, officers should be patient in choosing a safe location to initiate the stop. Factors considered in selecting a location include, but are not limited to, traffic congestion, pedestrians, road conditions, and illumination (if at night), visibility to oncoming or trailing traffic, and escape route(s) for the officer/suspect.

3. CALLING IN THE STOP: Officers should notify the Communications Center by radio when conducting traffic stops. Information provided by the officer should include the location of the stop, license number and description of the vehicle, and number of occupants. Whenever possible, this information should be transmitted before activating any emergency equipment.

4. POSITION OF PATROL VEHICLE: Officers should position the patrol vehicle about 10-15 feet to the rear of the suspect vehicle. Patrol vehicles may be positioned offset several feet to the right or left, depending on environmental conditions, to offer a "buffer" or safety zone for the officer from traffic and/or the suspect vehicle. Front wheels should be turned sharply to the left.

5. APPROACHING: Care should be taken in exiting the patrol vehicle due to traffic. During night stops, officers may use takedown lights or other appropriate equipment to illuminate the suspect vehicle. Approach will be governed by prevailing conditions:

   (a) Driver's Side Approach: the normal approach is from the driver side when the patrol vehicle is parked directly behind or offset to the left of the suspect vehicle. Officers should not go beyond the most rear passenger when approaching the driver's door.

   (b) Passenger Side Approach: this approach is usually conducted when the patrol vehicle is offset to the right. Officers should exit and walk behind their patrol vehicle and approach on the passenger side of the suspect vehicle to establish verbal contact.

6. DRIVER CONTACT: Officer interaction with the motorist during traffic stops is critical in achieving the goal of the stop, establishing positive public perception of our agency, and for affirming our agency's commitment to impartial and professional police practices. To that end, officers should employ the following general strategies in their driver contacts:

   (a) Be courteous, polite, and professional;

   (b) Explain the reason for the stop before asking the driver for his/her license and registration, unless providing this information will compromise the safety of officers or other persons;

   (c) Ensure that the duration of the stop is no longer than necessary to take appropriate action for the known or suspected offense;

   (d) Answer questions the citizen may have, including explaining the options for the disposition of the traffic citation, if relevant;

   (e) Provide his/her name and agency information when requested, in writing or on a business card;

   (f) Explain the information that led to the stop when it is determined that the basis for the stopping the motorist was unfounded (e.g. after a BOLO bulletin, etc).

7. ROADSIDE INTERVIEWS / FIELD SOBRIETY TESTING: Should it become necessary to remove the driver from the vehicle to conduct interviews or field sobriety testing officers should avoid standing between both vehicles during contact. Contact with the driver outside the vehicle should take place near the right front of the patrol vehicle, near the shoulder, if possible.

8. ISSUING CITATIONS OR WARNING TICKETS: Officers must be careful not to lose focus of the driver and/or occupants while writing a citation or warning ticket. Officers must carefully

weigh the particular circumstances and nature of the stop in deciding how best to position him/herself and the driver being cited.

9. MULTIPLE OCCUPANTS: Stopping vehicles with multiple occupants poses additional risks to officers. Officers should refrain from going forward of the most rear passenger to avoid placing themselves at a tactical disadvantage. Officers should try to keep all occupants seated inside the vehicle unless the situation dictates otherwise. Officers should always have a back-up unit on scene before attempting to direct multiple occupants out of a vehicle.

10. VEHICLE SEARCHES: Searches pose an additional safety hazard, as it places them in a position of tactical disadvantage. Prior to conducting a vehicle search, the officer should ensure that any arrestees or detainees are properly restrained (preferably locked in the patrol vehicle behind a prisoner partition) AND/OR that adequate backup is present on the scene. At least one officer should be responsible for watching the driver and any passenger(s) while the other officer searches the vehicle. Officers should remove ALL occupants of the vehicle before conducting the search, and should frisk them for weapons, if justified. Officers should then systematically search the vehicle within the lawful scope of the search, exercising caution when reaching into any hidden area.

11. CONTACT WITH CONCEALED WEAPON PERMITTEES: When in the presence of a law enforcement officer, the permittee is legally bound to disclose to the officer that he or she has a Concealed Carry Permit and that they are armed. If the permittee informs the officer that he/she is legally armed, the officer should ask the permittee to keep their hands in plain view and determine the exact location of the weapon. The officer must then decide on an appropriate course of action based on the particular nature and circumstances of the stop. Available options include, but are not limited to, the following:

    (a) The officer can complete the traffic stop in a normal manner, requesting relevant documentation, and allowing the permittee to retain custody of the weapon;

    (b) The officer may ask the permitee to carefully place the weapon in plain view and step out of the vehicle (away from the weapon) while the stop is completed. This option is not recommended if there are multiple occupants in the vehicle;

    (c) The officer may ask the permittee to voluntarily turn over custody of the weapon to the officer until the stop is completed. If this option is selected, extreme caution must be exercised in how the weapon is transferred in order to prevent accidental discharge;

    (d) The officer may temporarily seize the weapon during the stop if the officer reasonably believes that the permittee poses a danger to the officer.

12. STOPS BY UNIFORMED OFFICERS DRIVING UNMARKED VEHICLES: Uniformed officers operating unmarked police vehicles may conduct traffic stops in accordance with this General Order. Because of periodic and highly publicized events involving the unlawful use of dash-mounted blue lights by suspects impersonating police officers, greater discretion must be exercised in conducting the stop and establishing the officer's legitimate authority. Blue lights and audible siren should be used to signal the motorist being stopped. Motorists must be afforded additional time to identify and respond to emergency warning signals and should be allowed to proceed at a safe speed and reasonable distance to a well-illuminated and/or public area before stopping during nighttime hours. In all cases, officers should take whatever action

is reasonably necessary to clearly establish their identity as police officers, including requesting a marked unit to respond to their location, if needed.

13. STOPS BY PLAIN-CLOTHES OFFICERS: Plain-clothes officers operating police vehicles (marked or otherwise) should not make traffic stops except in situations involving crimes dangerous to life or other serious circumstances that require immediate law enforcement intervention. In such situations, the officer should contact the Communications Center by radio to request a marked patrol unit to respond to their location and may activate blue lights and siren to initiate the stop. Officers must use extreme caution and must clearly establish their identity as a police officer prior to undertaking any enforcement action.

B. HIGH RISK VEHICLE STOPS

1. BASIS FOR STOP: High-risk vehicle stops (also referred to as felony stops) will be conducted only when the officer has probable cause to believe that one or more occupant(s) has committed a serious criminal offense AND is armed and/or dangerous.

2. CALLING IN THE STOP: Prior to activating any emergency equipment, the officer shall notify the Communications Center by radio of the nature or reason for the intended stop. The officer will provide a vehicle description, tag number and number of occupants; and will request adequate backup to make the stop. An officer shall not individually initiate a high-risk vehicle stop unless back-up units are not available and immediate police action is necessary to eliminate an imminent threat of death or serious injury to a person.

3. LOCATION: The location of a high-risk traffic stop should be carefully selected to afford the involved officer's tactical advantage. Factors considered in selecting a location include, but are not limited to, traffic congestion, pedestrians, road conditions, surrounding terrain, illumination (if at night), visibility to oncoming or trailing traffic, and escape route(s) for the suspect(s).

4. POSITION OF POLICE VEHICLES: After selecting an appropriate location and with adequate back-up units in position to assist, the primary officer will initiate the stop. Once the suspect vehicle has stopped, the primary officer should position the command vehicle approximately 20 feet behind the suspect vehicle and turned at a 45-degree angle to the left. The front wheels should be turned sharply to the left. The back-up officer vehicle should be stopped at the rear of the command vehicle at no angle. If more than two police vehicles are used, additional cars and officers should be positioned to provide additional protection for the primary and secondary officers, without obstructing their line of fire, field of view, or maneuvering area.

5. POSITION OF POLICE OFFICERS: The officer that initiates the stop and drives the police vehicle positioned at an angle will be the primary officer.

    (a) The primary officer should take a crouched position in the open door on the driver's side of the patrol vehicle, ensuring good visibility of the driver's side of the suspect vehicle, plus immediate access to both the radio and PA system.

    (b) The backup officer will be the cuffing officer and should take a position of cover at the right rear of the command vehicle.

6. COMMANDS: Commands are a critical aspect of the high-risk stop and must be kept clear and simple. The primary officer will issue verbal commands to vehicle occupants (using the

public address system if necessary). To avoid confusing the suspect(s), only one officer will normally issue commands. The following general guidelines should be followed whenever practical:

(a) Identify: If the driver's window is closed, the driver should be instructed to lower it to ensure that all commands can be heard. The primary officer will identify him/herself as police and advise the occupants of the suspect vehicle that they are considered to be armed and/or dangerous. Occupants should be advised that they are under arrest (if this is the case), to move only on command, and that all commands must be obeyed.

(b) Hands-Up: occupants should be instructed to place their hands behind their heads with fingers interlocked.

(c) Engine Off: the driver will be ordered to turn off the ignition off. Officers should listen for engine noise, watch the exhaust pipe or antenna for vibration, or look for other indicators to confirm that the vehicle is turned off.

(d) Remove Keys: the driver will be ordered to remove the keys and throw them out of the open driver's window onto the ground.

(e) Removing Driver: Normally, the driver will be removed first. The suspect will be instructed to open the door and to exit slowly, with arms fully extended, and facing the front of the suspect vehicle. Now have the suspect take two steps to the left and turn around slowly with arms fully extended. Visually look for weapons. If the primary officer spots a weapon, the backup officer should be advised of the weapon and its location. The suspect should then be instructed to walk backwards toward the patrol vehicle very slowly and directed down the right or passenger side of the command vehicle. Once he or she reaches the front of the command vehicle, the backup officer will take over and direct them back down the right or passenger side of the command vehicle. The primary officer will maintain surveillance of the suspect vehicle. As the suspect approaches the backup officer's position, the officer should move back and left, directing the suspect to move to a position behind the trunk of the command vehicle. There, the suspect will be placed in a prone position, handcuffed, and searched for weapons. The backup officer will then secure the suspect in the rear seat of the command vehicle from the left (driver) side. The backup officer will obtain an additional set of cuffs from the primary officer, if needed, and assume the same cover position as taken when the stop was initiated.

(f) Removing Passengers: The passenger in the front seat should be told to slide across and exit the driver's door, with both arms fully extended and facing the front of the suspect vehicle. If passengers are not able to slide to the driver's side to exit because of a center console, they must be removed via the passenger door. This passenger is then secured in the same manner as the driver. Once the front seat passenger is secured, any rear seat passengers are ordered out using the same procedures used for the front seat driver and passenger.

(g) Securing the Vehicle: Once all visible occupants have been secured, the command officer should broadcast an order for any unseen passengers to sit up. If no other passengers are observed, the cuffing officer will approach the vehicle from the

passenger side, carefully checking for any hidden occupants. Once the passenger area of the vehicle has been secured, officers should check the trunk.

7. SPECIAL SITUATIONS:

   (a) Occupant Flees on Foot: If an occupant exits the vehicle and runs, the preferred response is to call in a request for additional assistance, giving a description and direction of travel. The command and cuffing officers should not leave their position of cover until all occupants have been secured and the vehicle checked. Foot pursuits should be conducted in accordance with General Order 1100-07 (Foot Pursuits). Any use of a police K9 or deadly force to stop a fleeing suspect must be in accordance with the applicable provisions of General Order 600-01 (Use of Force) and General Order 600-15 (Canine Operations).

   (b) Occupant Refuses to Obey Commands: Time is on the side of the officer. The officer should not be concerned with how long it takes to complete the task. If compliance is not achieved in a reasonable period of time, however, tactical support should be requested.

   (c) Van and SUV Stops: Vans and sport utility vehicles can pose an additional problem due to the number and configuration of doors and windows. In such cases, the back-up vehicle should be angled and positioned far enough to the right of the command vehicle to observe the passenger side doors. When removing the driver, the command officer should order the driver to open the rear door(s) or hatchback prior to being secured. This will afford officers a better view of the vehicle interior.

   (d) Care for Minor Children: In the event that an officer arrests an adult who is supervising minor children who are present at the time of the arrest, the minor children shall be placed with a responsible adult approved by a parent or guardian of the minor children. If it is not possible to place the minor children with a responsible adult approved by a parent or guardian within a reasonable period of time, the arresting officer shall contact the appropriate County Department of Social Services.

C. TRAFFIC STOP REPORTING

1. N.C. General Statute 14-110 requires that all traffic stops be reported to the State Bureau of Investigation. This may be accomplished electronically by using the officer's Mobile Computer Terminal or by using form SBI-122 (Traffic Stop Report). The police officer initiating the stop will be responsible for the reporting. If multiple officers are involved in the same traffic stop, only the primary or initiating officer shall complete the required report. Exceptions to this reporting requirement are as follows:

   (a) A traffic stop report is not required when stopping vehicles at DWI checkpoints conducted pursuant to NCGS §20-16.3, or at other types of lawful traffic checkpoints UNLESS the stop results in a warning, search, seizure, citation, or arrest of the driver or any occupant of the vehicle. If so, a traffic stop report must be completed.

(b) A traffic stop report is NOT required when stopping a vehicle for a non-traffic offense.

2. Officers shall use their assigned employee ID number when completing the traffic stop report. If their ID number has less than four digits, zeros shall be used (Examples: ID# 108 would be entered as 0108, ID# 96 would be entered as 0096, etc.).

3. Completed SBI-122 Traffic Stop Reports shall be submitted to Central Records at the conclusion of the tour of duty during which the traffic stop was conducted.

4. Records Clerks and/or other designated personnel will enter the data from SBI-122 forms into the SBI database via an Internet interface. Only those personnel who have been specifically authorized by the Chief of Police, and who have been provided with the required USER ID and PASSWORD may enter traffic stop data on behalf of the Police Department.

5. Electronic submission of Traffic Stop Reporting completed by officers using Mobile Computer Terminals shall be submitted to the SBI electronically by the Support Services Bureau Commander, or his designee, using the approved method. All traffic stop reports originated by the Department must be entered into the SBI database by the 10th day of each month for stops conducted during the previous month.

6. Once the traffic stop report has been entered via the Internet, the original form will be scanned into the agency's document imaging system and retained for a period of two (2) years. The original paper form will be destroyed.

7. Members of the public who request traffic stop data shall be referred to the SBI's Internet web page, where a link has been created that allows certain search capabilities on the database. The search capabilities are limited to information that is deemed public record.

8. Restricted (non-public) traffic stop data (e.g. individual officer data) is available to all agency supervisors and commanders and may be obtained from authorized traffic data entry clerks.

D. IMPARTIAL POLICING

1. Supervisors are to remain alert for any language or practices by individual officers during traffic stops that appear questionable in terms of bias-based profiling (See General Order 800-02, Constitutional Procedures).

2. As part of the periodic performance evaluation of officers under their command, supervisors are to include a review of individual officer traffic stop data for any indication of bias. Additional training or counseling may be appropriate responses to instances that strongly suggest possible bias. Clear, intentional violations will result in more severe disciplinary action.

3. Central Records will compile traffic stop data collected by the Police Department on a semi-annual basis for review by the Chief of Police and senior command staff. The purpose of the review and analysis will be to identify any data that may suggest bias-based profiling, given the nature of the officer's assignment.

E. FALSE IDENTITY PROBLEMS IN TRAFFIC STOPS

1. A false identity problem can occur when a police officer conducts a traffic stop and the driver of the vehicle is unable to produce positive identification. The driver may falsely represent

himself as John Doe and convinces the officer accordingly. The officer then issues John Doe a traffic citation. Sometime later, the real John Doe discovers that there is a problem with his driver's license occurring from the fraudulent use of his identity. Fortunately, there is some recourse for the victim/defendant who can demonstrate to the court that he was not the person who was originally charged by the officer on the citation {see NCGS 20-24.1(b)(2)}.

2. When a police officer is contacted by a victim/defendant for assistance in clearing up a false identity problem, the officer should have the person obtain a true copy of the citation from the Clerk of Court in order to determine the most recent disposition of the case, and to have the case added to the charging officer's next court date. The charging officer should then contact the District Attorney to coordinate the following action, as appropriate:

   (a) If the citation HAS NOT been paid:

      (1) Once in court, the District Attorney may ask if the charging officer can identify the victim/defendant as the person originally charged on the citation. If the officer is unable to make a positive identification, the District Attorney may then take a voluntary dismissal in the case and note that the wrong person was charged.
      (2) The Clerk of Court is responsible for forwarding the necessary forms to the NC Division of Motor Vehicles (DMV) noting the reason for the dismissal (i.e., wrong person charged).

   (b) If the citation HAS already been paid and a conviction entered in the record:

      (1) Once in court, the District Attorney may ask if the charging officer can identify the victim/defendant as the person originally charged on the citation. If the officer is unable to make a positive identification, the victim/defendant may make a motion for appropriate relief before the presiding Judge, if the Judge so allows.

      (2) If an oral motion is allowed, the Judge can set the original verdict aside. At this point, the District Attorney may enter a voluntary dismissal in the case and note that the wrong person was charged. The Clerk will then forward the necessary forms to DMV.

      (3) If the presiding Judge will not allow the victim/defendant to make an oral motion for appropriate relief and instead requires a written motion, the victim/defendant will have to hire a private attorney to prepare the motion and present the matter to the court for disposition.

INDEX AS:

False Identity Problems in Traffic Stops
Felony Stops
High Risk Vehicle Stops
Impartial Policing
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Traffic Stop Reporting
Unknown Risk Vehicle Stops
Unmarked Vehicles (Traffic Stops)

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: **1000-01**
SUBJECT: COURT APPEARANCES
DISTRIBUTION All Personnel
EFFECTIVE DATE: 11-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish uniform procedures governing the attendance of police personnel at judicial and administrative proceedings.

POLICY

It shall be the policy of the Kannapolis Police Department that all police personnel appear in court and other official proceedings as lawfully required or directed by competent authority. Appearing and testifying in such proceedings is an integral part of the duties and responsibilities of police employees, and as such, shall be considered a required work assignment.

PROCEDURES

A. GENERAL REQUIREMENTS

1. Individual officers are responsible for ascertaining the scheduled court date and appearing as required at any court or administrative proceeding which occurs as the result of an officer-initiated charge, regardless of whether or not a formal subpoena is issued for the officer.

2. Individual officers are responsible for notifying the District Attorney's office of any anticipated or extended leaves of absence away from work due to sickness, injury, FMLA leave, military leave, or other leaves that will affect their ability to appear in court on pending cases. Such notice should be made in writing on department letterhead and a copy retained by the officer and his/her immediate supervisor.

3. Subpoenas directed to officers will be forwarded to the appropriate supervisor, who will expedite service of the subpoena on the officer prior to the indicated court date. The preferred method of service is by delivering a copy of the subpoena to the officer personally. However, telephone service is authorized if the court date would occur before personal service could be made, and a copy of the subpoena is forwarded to the officer as soon thereafter as practical.

4. Officers appearing in court or at other administrative hearings shall be adequately prepared to testify truthfully and completely and will be responsible for insuring that all relevant reports, documents, and evidence are available for use at trial. Officers shall, at all times, conduct themselves in a professional and competent manner during court appearances and their interaction with others in the judicial process.

B. DISTRICT COURT, JUVENILE COURT, AND ADMINISTRATIVE HEARINGS

1. Officers lawfully subpoenaed or otherwise notified by competent authority shall appear as directed on the date and time indicated and shall remain present until the case is properly disposed of, or the officer is otherwise released by the District Attorney or presiding official.

C. GRAND JURY

1. Grand Jury subpoenas are valid for that entire session and do not expire at the end of the day listed on the subpoena. Officers shall appear as directed on the date and time indicated and shall remain present until the case is disposed of, or the officer is otherwise released by the acting District Attorney or presiding official for that day.

D. SUPERIOR COURT

1. Superior court subpoenas are valid for that entire term of court and do not expire at the end of the day listed on the subpoena. Officers subpoenaed or otherwise notified by competent authority shall appear in court as directed on the date and time indicated.

2. The officer should consult with the presiding District Attorney at the earliest practical time to determine whether or not the officer's continued presence on that day is required. If the officer is advised by the presiding District Attorney to remain on telephone standby, the officer shall remain continuously available via telephone and/or radio with the Department during normal court hours (9:30 AM - 5:00 PM Monday-Friday). The officer shall be required to provide the Police Department or District Attorney's office with a number where he can be reached if he must be away from home.

3. Officers on court-standby must remain within a reasonable geographic proximity that enables them to appear in court within one (1) hour following notification. The Department's ability to contact the officer MUST remain continuous and uninterrupted during normal court hours. If the Department receives notification that an officer's presence is required in a proceeding, the officer will be advised by the appropriate on-duty supervisor or his designee and must promptly appear as directed.

E. OFF-DUTY COURT APPEARANCES

1. Whenever an officer is required to appear in a court or proceeding in an official capacity when in an "off-duty" status, the officer shall notify the Communications Center immediately upon leaving for court, and again immediately upon his/her direct return. The officer shall provide the dispatcher with the following information:

    (a) Name and squad/assignment;
    (b) Type and location of court or proceeding; and
    (c) Case involved.

2. The telecommunicator will enter the relevant information into CAD for tracking until the officer clears. The officer will be responsible for submitted an Unscheduled Work Report (KPD-234) to his/her immediate supervisor for timekeeping purposes.

F. TRANSPORTATION AND PARKING

1. Officers required to appear in court or official proceedings during hours that they are "on-duty" may drive their assigned patrol vehicles to and from the designated location.

2. Departmental vehicles will not be utilized by "off-duty" officers who are required to appear in court unless a police vehicle has been individually assigned to that officer for their exclusive use. Off-duty officers without individually assigned police vehicles must furnish their own transportation to and from court. Commensurate with the large number of officers normally under subpoena at any given time, and the limited number of police vehicles that are available, this procedure is necessary to ensure that an adequate number of police vehicles are accessible to the Department for on-duty use.

3. Officers driving police vehicles or privately owned vehicles to court shall observe designated parking restrictions at the respective facility applicable to the type of vehicle they are driving. Privately owned vehicles may not be parked in areas designated for law enforcement vehicles only. The operator of a police vehicle is responsible for ensuring that the vehicle is legally parked and properly secured while attending court proceedings.

G. MANNER OF DRESS

1. Official Capacity: All personnel who are required to appear in an official capacity at any court or administrative proceeding as a representative of the Kannapolis Police Department shall be dressed as required by current assignment. Uniformed officers shall wear a clean uniform and plainclothes officers shall wear appropriate business attire. This dress requirement applies regardless of duty status.

2. Private Capacity: Employees are prohibited from wearing any Kannapolis Police Department uniform or equipment when appearing in any court or proceeding in a private or non-official capacity.

H. COURT SECURITY PROCEDURES

1. Officers are prohibited from carrying any weapon into a courthouse when appearing in a private or non-official capacity.

2. State and Federal court facilities may be governed by security plans designed to ensure a safe and contraband-free environment. All officers and employees of the Police Department shall fully comply with the established security requirements of such facilities.

3. All officers will be provided with a copy of the security plan for the Cabarrus County and Rowan County court facilities, as applicable. Supervisors at all levels will be responsible for ensuring that their subordinate personnel have been properly instructed in the procedures outlined therein. These security plans, including any future updates or addendums will be automatically incorporated into this directive by reference. The Chief of Police will maintain liaison with the respective Sheriff's Departments to coordinate administration of the security plan as it pertains to Kannapolis Police Department personnel.

4. Supervisors are to monitor compliance of their personnel with established court security plans and shall make competent inquiry and take appropriate corrective action in the event that

violations of security plans are detected or reported. Violations, which come to the attention of any officer or supervisor of this agency, shall be promptly reported in writing to the involved officer's immediate supervisor, and a copy forwarded to the respective Bureau Commander.

5. Willful failure to adhere to established court security procedures will subject an employee to the disciplinary procedures of the Department.

I. AFFIDAVITS

1. When permitted by the Court, officers shall provide written reports and/or sworn affidavits at preliminary court proceedings in lieu of attendance. Some examples include, but are not limited to, Affidavits of Towing (NCGS 20-219.11), and the use of a Chemical Analyst Affidavit at the District Court level in DWI cases (or at the Superior Court level when the defense is given prior written notice by the District Attorney).

INDEX AS:

Court Appearances
Court Security

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: **1000-02**
SUBJECT: PRISONER TRANSPORTATION & PROCESSING
DISTRIBUTION All Personnel
EFFECTIVE DATE: 11-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental guidelines for the transportation of persons in police custody.

POLICY

The handling, processing, and transportation of prisoners and other persons in custody is one of the single most dangerous functions that a police officer performs. Accordingly, the restraint, search, and transportation of persons in police custody shall be conducted in accordance with the provisions of this General Order and with the safety and security of the prisoner, the transporting officer, and the public as the foremost consideration. All persons in police custody are to be considered as posing a potential danger to the transporting officer(s).

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Prisoner: a person who has been deprived of his or her liberty and freedom of movement and kept under involuntary restraint, confinement or custody.

2. Restraining Devices: equipment that is used to restrain the movement of the prisoner, such as handcuffs, waist chains, leg irons, flex-cuffs, leg restraints, etc.

3. Security Hazard: any threat to the security of the prisoner, to the facility in which he or she is held, or to others with whom the prisoner may come into contact. Estimations of the degree of security hazard will govern the means of transport, the kinds of restraining devices to be used, and other actions to be taken by the officer to provide proper protection for the security of the prisoner.

4. Transporting Officer: a sworn law enforcement officer who is responsible for transporting a prisoner from one point to another.

5. Transport Vehicle: the vehicle used for transporting a prisoner from one point to another. This term does not refer to commercial vehicles such as buses, trains, or airplanes that may be used for prisoner transport.

6. Body Cavity Search: the intrusive search of a person's anal, vaginal, or other internal body cavity for the purpose of detecting concealed evidence or contraband. However, this term shall not apply to searches of a person's mouth, nostrils, or outer ears.

PROCEDURES

A. SEARCH OF PRISONERS

1. In all instances, prisoners will be searched incident to arrest or initial custody, and again by any transporting officer who is accepting responsibility for the prisoner. It should never be assumed by an officer that someone else has searched the prisoner.

2. A thorough field search of a prisoner will be conducted by officers of the same sex as the prisoner upon assuming custody. Field search of a prisoner of the opposite sex may be conducted, using reasonable discretion to avoid direct contact with the genital area, as well as the breast area of females.

3. In the event there is reasonable cause to believe a suspect or prisoner is concealing a deadly weapon, and circumstances preclude an officer of the same sex from conducting a field search, the retrieval of such weapon by an officer of the opposite sex is authorized even from normally restricted body areas.

4. Any strip search of a prisoner must be authorized by a supervisor and may be conducted only when there is reasonable cause to believe that such a search is necessary to locate and recover a concealed weapon or contraband. Strip searches must be conducted in a private area by officers of the same gender or gender identity as the prisoner. Officers of the opposite sex shall not be immediately present at the time such procedures are conducted.

5. Body cavity searches shall be conducted only with a valid search warrant or court order and shall be performed ONLY by qualified medical personnel. Officers of the opposite sex shall not be immediately present at the time such procedures are conducted.

B. SEARCH OF POLICE VEHICLES

1. Officers are to conduct a search of their police vehicle at the beginning of each tour of duty, upon any change in vehicle assignment, and after each prisoner transport. At a minimum, this is to include visual examination of the interior of the vehicle. Officers are cautioned against placing their hands into the area where the seat back and bench meet, as this could result in the officer being injured by sharp objects (e.g. needles or edged weapons) that may have been discarded or hidden by prisoners. Officers should use a flashlight, baton, or other object to depress the seat bench and allow visual inspection.

C. USE OF TRANSPORT VEHICLES

1. The transportation of prisoners will primarily be conducted using marked patrol vehicles assigned to the Patrol Division. These vehicles will be equipped with a protective shield and will be modified to minimize opportunities for the prisoner to exit from the rear compartment of the vehicle without the aid of the transporting officer. Modifications shall include prisoner

transport safety seats and steel window bars. All officers are encouraged to utilize patrol vehicles equipped with these features for the transport of prisoners whenever practical.

2. When transporting prisoners in vehicles equipped with protective shields, the following procedures will be observed:

   (a) Units consisting of one officer will transport no more than (2) prisoners. All prisoners will be placed in the rear of the vehicle

   (b) Units consisting of two officers may transport up to three (3) prisoners. All prisoners will be placed in the rear of the vehicle

3. When transporting prisoners in vehicles without protective shields, the following procedures will be observed:

   (a) Units consisting of one officer will not attempt to transport more than one (1) prisoner without supervisory approval. The prisoner should be restrained and placed in the right front seat, with lap and shoulder belt secured;

   (b) Units consisting of two officers are to utilize the following procedures when operating a vehicle without a protective shield:

      (1) One prisoner: the prisoner should be restrained and placed in the right front seat with lap/shoulder belt secured; the second officer will occupy the right rear seat;

      (2) Two prisoners: one prisoner should be restrained and placed in the right front seat with lap/shoulder belt secured; the second prisoner should be restrained and placed in the right rear seat. The second officer will occupy the left rear seat.

      (3) Three prisoners: all prisoners should be restrained and placed in the rear seat; the second officer will occupy the right front seat and maintain observation of all prisoners. Units consisting of two officers will not attempt to transport more than two prisoners without supervisory approval

4. When transportation of a large number of prisoners is required (e.g. mass arrest situations), outside agencies such as the North Carolina Department of Corrections may be requested to provide assistance. Special buses are available which have been modified for the secure transportation of multiple prisoners.

D. TRANSPORT OPERATIONS

1. When feasible and appropriate, prisoners are to be transported separately, as follows: male adults, female adults, male juveniles, and female juveniles.

2. For safety reasons, visual observation of prisoners is to be maintained by the transporting officer(s), except as may be necessary to provide certain medical treatment requiring privacy, or to allow the prisoner reasonable opportunity to use toilet facilities. In all cases, however, opportunities for escape or an attack on the transporting officers must be minimized. When the use of toilet facilities by a prisoner is required, the following guidelines should be observed:

(a) Male officers may escort male prisoners inside a toilet facility at the officer's discretion;

(b) Officers of either sex are to remain outside the toilet facility when a female prisoner is occupying it, unless circumstances indicate that the prisoner poses a security hazard, or may destroy evidence or contraband. In such instances, a female officer will escort the prisoner inside the toilet facility;

(c) Direct visual observation of prisoners of either sex utilizing toilet facilities is to be conducted only when there is reason to believe that the prisoner poses a security hazard, or may destroy evidence or contraband concealed on their person.

3. Under no circumstances may a prisoner in custody be left unattended in a transport vehicle or other non-secure area.

4. Safety aspects of the transport function require that the prisoner's right to communicate with attorneys and others will not be exercised during the period that the prisoner is being transported.

5. Individual officers may transport prisoners of the opposite sex. The Communications Center is to be notified by radio at the beginning of such transport and at the completion. Both the beginning and ending odometer reading of the transport vehicle must be provided to the Communications Center for documentation.

E. DIVERSION OF ROUTES DURING PRISONER TRANSPORT

1. The primary duty of the transporting officer is the safe delivery of the prisoner. Therefore, transporting officers may not divert their route or stop to respond to the need for law enforcement services except in life threatening situations. When such instances occur, the transporting officer will assure that the risk to the prisoner is minimized. Officers are prohibited from engaging in high-speed emergency vehicle operation while transporting a prisoner.

F. SPECIAL TRANSPORT SITUATIONS

1. If a prisoner becomes sick or is injured incident to arrest and is in need of medical treatment, the arresting officer shall seek medical attention for the prisoner at that time. Prisoners with life threatening medical conditions or injuries should be transported to a medical facility by ambulance. In such instances, an officer should be designated to accompany the prisoner during transport. The need for restraining devices is to be determined upon consultation with medical personnel.

2. Prisoners who are sick or injured and require medical attention must be treated and released from a medical facility before transporting them to the county jail or detention facility. When required for acceptance by a detention facility, prisoners who have been subdued with a chemical agent will be afforded medical attention prior to transport to such facilities.

3. Officers are to advise the magistrate and receiving jailer of any medical problems of the prisoner of which the officer has knowledge (e.g. heart condition, taking medication, diabetic, etc.). If the prisoner was subdued with a chemical agent, the officer should advise the receiving jailer accordingly.

4. Physically handicapped prisoners may be transported in either the front or rear of the police vehicle, depending upon the individual's condition. Ambulance or rescue vehicles may be requested to assist in transporting handicapped persons whose condition would preclude transport in police vehicles. Officer discretion should be used in determining whether restraints are required. The use of restraints on a handicapped prisoner is authorized in circumstances where the individual is violent, combative, presents a security hazard, or poses a danger to himself or others.

G. SECURITY & CONTROL OF PRISONERS AT MEDICAL FACILITIES

1. When a prisoner is to be treated at a medical facility, officers are to exercise the utmost cooperation with attending medical personnel. Every effort should be made to avoid the disruption of normal hospital operations.

2. In order to allow for such medical care to be administered, normal security practices may need to be altered. Some medical procedures may require the removal of restraints and/or privacy with the prisoner. However, the safety of the officer and the public is not to be compromised. Officers becoming aware of security hazards created by medical treatment procedures are to consult with the attending physician and, if necessary, relay such information to a field supervisor.

3. Whenever feasible and appropriate, the arrest of individuals who are to be hospitalized will be delayed in order to eliminate the need for continuous guard duty. In appropriate instances, the field supervisor may request the magistrate's presence at the hospital to affect a custody release. However, if the prisoner is in custody for a violent felony offense or poses a significant security hazard, continuous custody should be maintained.

4. When a prisoner in custody is admitted to a hospital, the transporting officer will remain with the prisoner and notify their supervisor. If the prisoner is in custody for a misdemeanor offense only, the officer may issue a citation and release the person from custody. If the prisoner is in custody for a felony offense and/or cannot be otherwise released from custody for security or legal reasons, the field supervisor shall ensure the continued security of the prisoner and notify the Field Operations Bureau Commander as soon as practical.

5. Hospital staff will be advised of the circumstances and a private or unoccupied semi-private room will be requested. In order to maintain security of the prisoner. A request will be made that the telephone in the room assigned to the prisoner be disabled by the hospital switchboard.

6. The Field Operations Bureau Commander shall develop a schedule of off-duty personnel to provided continuous 24-hour coverage of the prisoner. Personnel assigned to this duty will be rotated at least every six hours to reduce the possibility of fatigue. Supervisory staff shall routinely monitor the officers assigned in ensure that they do not become lax in their duties.

7. All officers shall remain vigilant and take every precaution to prevent placing himself or his weapon in a position where it may be grabbed by the inmate. All safety precautions normally observed by agency personnel will be in effect. Officers assigned to this duty will not fraternize with the prisoner.

8. The prisoner shall not be left unattended, and the officer shall not leave his post without being properly relieved. Officers may eat while at their assigned post. During the meal hours an

additional "patient meal tray" may be ordered from the hospital for each officer assigned to the security of the hospitalized prisoner. The additional meal tray(s) will be billed directly to the prisoner's room.

9. The initial officer assigned to this detail will start a detailed information log that shall be maintained by all officers assigned to security. It shall be the responsibility of all officers assigned to hospital guard duty to make entries in the log, when applicable. This log shall list all special instructions, changes in security detail staffing, hospital staff visits, and any other information that may be pertinent.

10. The initiating officer, as well as each relief officer, will conduct a thorough check of the room and immediate surrounding area to ensure no security breaches are present. The officer will look for and remove any weapons, potential weapons, contraband, medicine or other objects that could be used by the prisoner to injure himself, the officer or hospital staff. Each officer shall inquire as to the present condition of the inmate, any special orders which are to be carried out and review the information log.

11. Visitation will be limited to the prisoner's attorney and will be recorded in the information log. Visits will be non-contact in nature and the officer will be present at all times. To protect the attorney client relationship the officer will position himself so that he can observe the visit, but not overhear the conversation. Attorneys wishing to take their briefcase into the room will be advised that they must first open the briefcase for inspection of contents by the officer. If the attorney refuses to allow the inspection, the briefcase will not be permitted in the room. The attorney will also be advised not to give the inmate any items without prior approval.

12. All meals shall be provided to inmates as directed by the inmate's physician. The officer shall check all meal trays provided to the inmate. A request will be made to hospital staff that plastic utensils be provided if available. The officer will look for and remove any weapons, potential weapons, contraband, or other object that could be used by the inmate to injure himself, the officer or hospital staff. All utensils shall be accounted for prior to the meal tray being removed.

13. Upon release of the prisoner from hospitalization, the officer last assigned to the security of the hospitalized prisoner or, when applicable, the transporting officer shall collect all medical instructions, forms and/or documentation. The prisoner will be transported to the magistrate or detention facility as appropriate. All forms and documents shall be immediately turned over to the receiving detention facility and copies retained with the information log for departmental records.

H. USE OF RESTRAINING DEVICES

1. All prisoners should be considered as posing a potential danger to the transporting officer and should be restrained during transport. However, the decision to use restraining devices will be based upon the officer's evaluation of the threat posed by the prisoner, the circumstances of the arrest or custody, and the public perception of the police activity. In all instances, the physical security of the prisoner and the safety of the transporting officer(s) must remain the primary consideration.

2. When utilizing handcuffs, the following procedures are to be employed:

(a) Apply handcuffs with prisoner's hands behind the back, palms out, keyholes facing upward, and engage double-lock. These steps may be altered, as necessary, when cuffing a prisoner who is combative or when applying under adverse conditions;

(b) Care should be exercised to avoid unnecessary injury to the prisoner from the use of restraints. The handcuffs should be tightened only enough to effectively secure the prisoner's wrists;

(c) Securing prisoners to stationary objects should be done only in extreme circumstances; such prisoners should not be left unattended;

(d) Prisoners are not to be handcuffed to any part of a motor vehicle, except when the vehicle is specifically equipped for this purpose, or when compelling emergency circumstances exist;

(e) When the use of regular handcuffs is not feasible (e.g. mass arrests), flex-cuffs may be used as a restraining device. Flex-cuffs are to be removed using an approved cutting tool.

3. If the prisoner is to be transported over long distances, or must be restrained for extended periods of time, the officer may apply the handcuffs with the prisoner's hands in front and fastened to an approved waist belt or lead chain designed for this purpose. The prisoner should be made as comfortable as possible, given the length of the trip or detention, and yet secured to the maximum degree feasible.

4. The use of leg restraints is authorized for prisoners who pose a security hazard, who display violent or combative behavior, or who pose a danger to himself or herself, the transporting officer, or the transport vehicle. In cases where a "hobble" device is used (legs restrained and secured to handcuffs behind the back), officers should avoid placing the prisoner in a face down position during transport, as this creates a potential danger of positional asphyxia. The prisoner should be placed on his/her side and closely monitored for any signs of respiratory distress or vomiting during transport.

5. Mentally disturbed prisoners may pose a significant threat to themselves and/or the transporting officers. Special restraints (e.g. padded restraints) may be applied to such prisoners where appropriate and available to provide security and prevent injury. The use of special restraints under this section does not preclude the use of handcuffs or leg restraints when special restraints are not available or feasible. If the mentally disturbed prisoner is violent or uncontrollable, and may cause injury to himself or others, an ambulance or rescue unit should be requested to assist in transporting the person using a tie-down stretcher.

I. ENTERING POLICE HEADQUARTERS WITH PRISONERS FOR PROCESSING & TESTING

1. The prisoner processing and testing area of the police facility is designated as a Restricted Access Area as defined in General Order 600-10 (Security Procedures). Access is strictly limited to authorized agency personnel and individuals in police custody. No non-law enforcement personnel shall be granted access to the area or to any prisoner unless authorized under law.

2. All sworn personnel will be provided initial training on the use of the prisoner processing and testing areas as part of the Field Training Program. The Department shall provide documented retraining on the use of these areas at least once every four years.

3. Officers transporting prisoners will enter the headquarters building through the security door located within the sally port. Under normal circumstances only vehicles being used for prisoner transport are to be parked within the sally port area.

4. Officers will ensure that all entrances and exits of the sally port are secure before removing prisoners from vehicles.

5. In the event they are needed, emergency decontamination facilities are available both in the sally port area and within the restroom area of the secure processing area.

6. Prisoners are to remain under constant observation and supervision while in police custody. Prisoners shall not to be left unattended anywhere, anytime, or for any reason.

7. Immediately upon entering the police facility, and prior to any processing or interview, the prisoner will be thoroughly searched for weapons and contraband in accordance with law and departmental policies. This search will be conducted <u>in addition to</u> any field search conducted prior to transport, and will include the use of a hand-held metal detector.

8. The booking of prisoners includes fingerprinting and photographing and will be completed in the designated adult processing area. As with any prisoner, officers utilizing the Chemical Analysis Room or the processing area will take every precaution to prevent the escape of the prisoner.

9. While no prisoner shall ever be left unattended within the processing and testing area, officers shall make every effort to insure the sight and sound separation of male and female prisoners. This may be accomplished through the use of the designated interview and chemical analysis room as necessary. Male and female prisoners shall never be co-mingled in the adult observation room.

10. Chemical testing for persons arrested for implied consent offenses shall be completed in the Chemical Analysis room.

11. When performing booking or chemical testing procedures, officers are to secure their weapons in the provided lock boxes. Under normal circumstances prisoners should not be taken from the secured processing and testing area to other parts of the police facility. The movement of a prisoner out of the secured processing and testing area and into the main police facility must be approved in advance by a supervisor. Designated rooms are available within the processing and testing area for interviews and personal needs. Under no circumstances are prisoners to be left unattended in any area of the police facility.

12. When performing booking or chemical testing procedures officers are to notify communications and insure that their portable radios are functioning. In the event that officers need immediate assistance due to a combative or disruptive individual the officer shall utilize the emergency call buttons located within the facility. In addition, officers may declare an emergency by pressing the emergency (orange color) button on their assigned portable radio.

13. Officers may temporarily secure a combative or disruptive prisoner in the designated adult observation room to facilitate the safe processing of multiple arrestees. However, the prisoner must be continuously monitored. **Prisoners shall NOT be left unattended at any time or for any reason**.

14. When securing a prisoner in the adult observation room it shall be fully documented on the designated monthly adult detention log.

15. Officers shall insure that prisoners are provided access to water and restroom facilities utilizing the designated restroom facilities.

16. Prior to allowing prisoners to use the designated restroom facilities officers shall insure that the toilet is clear from any prior use and that the controls are set to ensure the prisoner cannot dispose of any contraband. After use the officer shall again inspect for contraband and clear the facilities using the designated controls.

17. There are special procedures and restrictions that apply to the presence of JUVENILES in the police adult processing area and their restraint during booking procedures. Officers should refer to General Order 600-12 (Juvenile Operations) Section E for detailed guidance.

18. Prior to exiting the secured processing and testing area with a prisoner, officers are to retrieve their weapon and shall insure all sally port entrances and exits are closed. Prisoners must be secured in police vehicles prior to opening the sally port gates.

19. The prisoner processing and testing area is equipped with fire suppression equipment and agency personnel shall abide by any fire prevention and suppression protocols established by the City's Risk Manager. In the event of a fire or a fire alarm activation any officer within the prisoner processing and testing area shall immediately secure their prisoner and evacuate them and any police vehicle from the sally-port area.

20. The Field Operations Bureau Commander shall complete a documented monthly inspection of the prisoner processing and testing area to insure it is properly maintained and all security and safety equipment and devices are operational. On an annual basis the Field Operations Bureau Commander shall complete and submit to the Chief of Police a comprehensive review of this area to include and specific recommendations as to needed policy, procedural, training, or facility changes.

J. ENTERING JAIL & DETENTION FACILITIES

1. Upon arrival at a county jail or other detention facility, the transporting officer shall leave any restraining devices on the prisoner until safely inside a secure area of the facility.

2. Prior to entering a secure detention area, the transporting officer shall secure his firearm and other weapons (including knives) in the provided lock box, or as otherwise required by the facility. Officers are strictly prohibited from taking <u>any</u> weapon into the secure area of a jail or detention facility.

3. After securing all weapons, the transporting officer will remain in the receiving area with the prisoner until the prisoner has been searched, examined for injuries, and accepted by the detention officer.

4. The transporting officer will deliver to the detention officer all necessary documentation pertaining to the prisoner, including any information about the prisoner's escape or suicide potential, or other traits of a security nature.

5. The name of the receiving detention facility and the name of the receiving detention officer will be recorded on the arrest or custody report documenting the prisoner transaction. The signature of the detention officer indicating receipt of the prisoner will be obtained on any legal process requiring such documentation.

6. In the event that a prisoner in the custody of the Kannapolis Police Department is found in possession of a concealed firearm or other deadly weapon by the receiving detention officer, the transporting officer shall notify his/her immediate supervisor and submit a written report of the incident prior to ending the tour of duty on which the incident occurred. The supervisor shall investigate the matter and take appropriate corrective action where warranted. All such reports are to be forwarded via the chain of command to the Chief of Police.

K. TRANSPORT OF PRISONERS TO AND FROM OUTSIDE JURISDICTIONS

1. N.C.G.S. 15A-402(c) authorizes city police officers to transport persons in custody to or from any place within the State for the purpose of criminal proceedings, and in doing so, may arrest persons at any place within the State for crimes that occur in connection with and incident to the transportation of prisoners.

(Note: The intent of this law is to give officers legal authority to enforce the continued custody of their prisoner during transport outside the officer's normal territorial jurisdiction, as well as the authority to arrest persons who may try to obstruct that transport or assist in the escape of a prisoner. This law relates to 'transportation' only and should not be construed as giving officers state-wide arrest powers for crimes leading to the initial custody of the prisoner, or for offenses unrelated to the prisoner transportation).

2. Upon retrieving a prisoner from a jail or other facility, transporting officers are to ensure positive identification of the prisoner through verification of available documentation (e.g. photographs, booking records, identification records).

3. Appropriate documentation must accompany a prisoner being transported between facilities. This documentation may include a properly executed warrant, any necessary commitment papers, personal property, medical records, and other items that the jail or police facility may deliver to the transporting officers.

4. Interstate transports (extraditions) must be approved by the Chief of Police and coordinated in advance with the Support Services Bureau Commander and the NCDOC Fugitive Extradition Section to ensure that all legal requirements are met.

5. Should a meal be required during transport, the selection of the place for such meal is to be conducted by the transporting officer(s) at random.

6. Transporting officers are to inquire about any escape or suicide potential of the prisoner, unusual illnesses, or any other personal traits of a security nature. Such information, if received, shall be included with any documentation that accompanies the prisoner during transport.

7. When the transportation of a prisoner involves travel outside of Cabarrus or Rowan County, a minimum of two (2) transporting officers will normally be required. Whenever feasible, at least one of the transporting officers should be the same sex as the prisoner.

L. ESCAPES FROM CUSTODY

1. In the event that a prisoner escapes from lawful custody, the transporting officer shall:

   (a) Immediately notify the Communications Center and provide the pertinent details so that all necessary personnel and agencies may be informed;

   (b) Notify the on-duty patrol field supervisor;

   (c) Take appropriate action to recover the prisoner;

   (d) Charge the prisoner with the appropriate criminal violation(s) related to the escape.

2. If the escape occurs outside the City of Kannapolis, the transporting officer shall

   (a) Immediately notify and request assistance from the law enforcement agency having territorial jurisdiction;

   (b) Notify the Communications Center of the Kannapolis Police Department and the on-duty patrol field supervisor as soon as practical;

   (c) Prior to leaving the jurisdiction where the escape occurred, charge the prisoner with the appropriate criminal violation(s) related to the escape.

3. The on-duty supervisor of the transporting officer shall conduct an investigation into the circumstances of the escape and submit a full written report via the chain of command to the Chief of Police. The supervisor's report will include a detailed written statement of the transporting officer(s) and shall be submitted prior to ending the tour of duty on which the escape occurred.

M. TRANSPORTING FOR UNOFFICIAL PURPOSES

1. Officers of the Kannapolis Police Department are to transport prisoners only as required to accomplish legitimate police objectives. Officers shall not retrieve or transport prisoners for the purpose of attending funerals, visiting relatives in hospitals, or other personal reasons. The decision to transport a prisoner for such purposes, as well as the security and control of the prisoner, will be the responsibility of the county sheriff or other detention facility where the prisoner has been formally committed.

N. REPORTING PROBLEMS WITH PRISONERS

1. When an officer experiences problems with a prisoner, the officer is to document such problems and any action taken. Any application of the use of force is to be documented according to departmental policy. Such procedures will also apply to post-arrest situations such as during an interview or transport to an interview facility.

2. Any officer becoming aware of any prisoner who may present a security hazard in a court environment is to immediately notify the Sheriff's Department and any other agency responsible for the custody of the prisoner and/or security of the court facility.

O. DEATHS IN CUSTODY

1. The sudden death of a prisoner in custody can occur at any time for a variety of reasons. Consequently, officer awareness and recognition of risk indicators are necessary to ensure prisoner safety and minimize the risk of sudden custody death. Diligent observation and monitoring of prisoners displaying any one or a combination of the following risk indicators is warranted:

   (a) Bizarre and/or unusually violent behavior;
   (b) Obesity - especially "big bellies;"
   (c) Drug and/or alcohol intoxication;
   (d) Apparent ineffectiveness of chemical agent or insensitivity to pain.

2. Positional Asphyxia: Positional asphyxia can occur when the body position of the prisoner interferes with breathing, resulting in asphyxia (suffocation). This tends to occur when a combative prisoner is under maximum prone restraint (e.g., "hog-tied"), and placed in a face down position. Certain factors can render prisoners more susceptible to positional asphyxia, including drug or alcohol intoxication, obesity, and violent muscular activity. Officers should employ restraint methods that provide for an upright, seated position of the prisoner whenever feasible. In situations where maximal prone restraint is necessary, the prisoner must be closely monitored for signs of respiratory distress during transport.

3. Cocaine Toxicity: Cocaine stimulates the central nervous and cardiovascular systems and can produce seizures and fatal heart arrhythmia. The use of alcohol substantially increases the risk of sudden death when combined with cocaine. Officers should be aware of the potential lethal effects of cocaine use and monitor such prisoners accordingly. Prisoners who swallow cocaine in an attempt to avoid arrest or display symptoms of acute cocaine intoxication should be monitored carefully and if necessary, transported immediately to a medical facility for evaluation.

4. Cocaine-Induced Excited Delirium: Excited delirium is an acute mental disorder that may be characterized by bizarre and/or aggressive behavior, panic, disorientation, intense paranoia, visual hallucinations and illusions. The person's behavior is purposeless and often violent. Excited delirium may result from acute drug intoxication (cocaine, PCP, or amphetamines) and should be considered a potentially lethal medical emergency. Subjects may appear psychotic, exhibit great strength and appear to have a significantly diminished sense of pain. Prisoners exhibiting these symptoms should be transported immediately to a medical facility.

5. Neuroleptic Malignant Syndrome (NMS): This syndrome can result in sudden, unexpected death and presents symptoms very similar to cocaine-induced excited delirium. NMS generally occurs in psychiatric patients who are taking anti-psychotic drugs but may also occur in individuals not being treated with medication. In effect, psychological stress can induce fatal

heart arrhythmia. Any prisoner exhibiting symptoms of NMS should be transported immediately to a medical facility for evaluation.

P. INVESTIGATION OF DEATH IN CUSTODY INCIDENTS

1. PRELIMINARY RESPONSE: The preliminary response to a death in custody incident involving a department member is the responsibility of the ranking on-duty patrol supervisor. This responsibility includes responding directly to the incident location, summoning necessary medical aid, securing the scene, and notifying higher command authorities. Once initial measures have been taken to eliminate any existing threat and/or provide emergency medical aid, the scene shall be secured and officers posted to provide perimeter security pending the arrival of higher command authorities. Witnesses should be identified and detained for questioning by the assigned investigators.

2. CRIMINAL INVESTIGATION: The Chief of Police will request that the State Bureau of Investigation (SBI) conduct an independent criminal investigation of any death in custody incident. The Director of the SBI has established procedures for that agency's investigation of such incidents. These procedures are designed to ensure the public's confidence in the objectivity and integrity of such investigations.

   (a) The Police Department will turn over all aspects of the investigation to the SBI. The SBI will assume responsibility for all scene processing, evidence handling, and witness interviews. The role of the SBI will be to obtain all the facts so that the District Attorney can make a determination as to any criminal liability on the part of the involved law enforcement officer(s).

   (b) Any internal administrative investigation conducted by the Police Department will be conducted <u>separately</u> from the criminal investigation and initiated <u>after</u> the SBI criminal investigation has been completed;

   (c) It will be standard practice for our agency to release the name of the involved officer(s) to the news media, and to confirm that the SBI has been requested to investigate the matter;

   (d) When involved officers are interviewed by the SBI, the officer will be advised that the investigation is <u>criminal</u> in nature and advised of his/her constitutional rights accordingly. Unless the officer specifically requests an attorney and/or someone else to be present during the interview, no one other than SBI personnel will participate in the interview;

   (e) Upon completion of their investigation, the SBI will submit a written report to the District Attorney, without a conclusion or recommendation, for his review and decision if further investigation or prosecution is warranted. Officers should remain aware that in such cases, the submission of the SBI's final report to the District Attorney might be delayed pending receipt of laboratory reports and/or medical examiner findings.

3. INTERNAL INVESTIGATION: An internal administrative investigation shall be conducted into the death of any person while in the custody of the Kannapolis Police Department. The investigation will be the responsibility of a designee of the Chief of Police and shall be conducted in accordance with the applicable provisions of General Order 500-02 (Internal Affairs).

4. ADMINISTRATIVE LEAVE: Any officer directly involved in a death in custody incident may, at the discretion of the Chief of Police, be placed on administrative leave. This leave shall not be interpreted to imply or indicate that the officer has acted improperly. While on administrative leave, the officer shall remain available for official department business, including interviews and statements regarding the incident, and may be recalled to duty at any time. Upon returning to duty, the officer may be assigned to administrative duties for a period of time deemed appropriate by the Chief of Police.

5. CRITICAL INCIDENT DEBRIEFING: Officers who are directly involved in a death in custody incident will be offered the opportunity for critical incident debriefing as soon as practical. The purpose of this debriefing will be to assist the officer in dealing with any emotional and/or psychological after-effects of the incident. The debriefing will not be related to any criminal or administrative investigation and will remain confidential.

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KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: **1000-03**
SUBJECT: SERVICE OF LEGAL PROCESS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 09-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental policy and procedure for the service of legal process documents.

POLICY

The functioning of the criminal justice system is dependent upon the effective and timely service of legal process documents by law enforcement agencies. It is essential, therefore, that procedures be established to ensure the proper handling and prompt execution of such legal process. It shall be the policy of the Kannapolis Police Department to effectively and efficiently execute all legal process documents issued to its care and custody in accordance with existing law and statutory authority.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Citation: a directive, issued by a law enforcement officer or other person authorized by statute, that a person appear in court and answer a misdemeanor or infraction charge or charges.

2. Criminal Process: writs, summonses, orders, warrants, or other processes issued by a judicial official compelling a person to answer for a felony or misdemeanor violation of the law. The term also includes processes issued to aid in crime detection or suppression, such as search warrants.

3. Criminal Summons: a criminal process notifying a person to appear in a court of law to answer charges of a criminal violation.

4. Legal Process: a document of civil or criminal process, whether original, intermediate, or final, that is valid on its face and is to be served or executed by a law enforcement officer.

5. Search Warrant: a legal process initiating an authorized search of persons, places, or property.

6. Subpoena: a legal process notifying a person to appear in a court of law or furnish certain materials or documents.

7. Warrant/Order for Arrest: a criminal process issued by a justice, judge, clerk of court, or magistrate to initiate a person being taken into custody and restrained pending review by a judicial official.

8. NCAWARE: a web-based warrant repository system that was implemented by the North Carolina Administrative Office of the Courts that maintains detailed information on statewide criminal processes.

PROCEDURES

A. ORGANIZATION & ADMINISTRATION

1. The Records Unit will have primary responsibility for the receipt, logging, maintenance, and forwarding of legal processes to patrol and investigative components for service.

2. The primary responsibility for the service of criminal process shall be assigned to the Patrol Division and the Criminal Investigation Division.

3. The primary responsibility for the service of legal processes, notification of persons served, and the filing of requisite reports shall rest with the officer to whom the process is assigned.

B. LEGAL PROCESS RECORDS

1. NCAWARE is the official electronic repository of all arrest processes in the State of North Carolina and is maintained by the North Carolina Judicial Branch. No paper criminal summons, warrants, or orders for arrest are maintained at the local level. All legal arrest documents are automatically created and maintained within the system when approved by the magistrate or other judicial official. The distribution of information on wanted individuals within the City of Kannapolis is provided electronically to all personnel authorized to access the NCAWARE system.

2. Other legal process documents are to be recorded and maintained by personnel of the Records Unit of the Staff Services Division. This records system will be maintained in such a manner so as to permit 24-hour access.

3. Information to be recorded will include, as applicable, the following:

   (a) Date and time received;
   (b) Type of process;
   (c) Nature of document;
   (d) Source of document;
   (e) Name of complainant or defendant;
   (f) Personnel assigned for service;
   (g) Date of assignment;
   (h) Court file number;
   (i) Date service due.

4. A record of attempts to serve each legal process will be maintained. Such recording will be conducted through procedures established by the Support Services Bureau Commander. At a minimum, the following information will be recorded:

(a) Location of service attempt;
(b) Date and time of service attempt;
(c) Name of person attempting service;
(d) Reason for non-service.

5. Records on the service or execution of legal process documents will include the following:

   (a) Date and time served;
   (b) Name of serving member;
   (c) Person on whom the process was served or executed;
   (d) Method of service;
   (e) Location of service.

6. When an officer executes a warrant/order for arrest, criminal summons, magistrate's order, or when the North Carolina Uniform Citation is used to charge a misdemeanor offense where a custodial arrest is made, the officer will complete an Arrest Report and submit it through the supervisory chain-of-command for review.

7. To ensure accuracy within the NCAWARE and NCIC databases, when an officer executes any felony warrant from NCAWARE, they will ensure that the arrested individual has not been entered into the NCIC records database.

C. CRIMINAL PROCESS

1. Only sworn officers shall execute criminal process on behalf of the Kannapolis Police Department. Such documents will include arrest warrants, orders for arrest, criminal summonses, and search warrants.

2. The execution of criminal process documents will be conducted by Department personnel only within their legal jurisdiction, and within any time limitations set forth by a process and relevant statute.

3. Upon the execution of an arrest warrant, officers shall fulfill all post-arrest processing requirements and shall transport the person arrested to a judicial official without unnecessary delay.

4. Officers may arrest violators without a warrant, as provided by law. Upon arrest, the officer shall transport the arrested person to a judicial official to obtain the necessary legal process, providing that a criminal citation may be issued, at the officer's discretion, for misdemeanor violations.

5. When executing criminal process documents, or making arrests without a warrant, the use of force shall be limited to that which is reasonable and necessary to affect the arrest. Applicable state law and departmental policies and procedures govern the use of force.

6. Pursuant to an arrest, officers may search the arrested person and the immediate area of the arrest. Further search of areas or property must be conducted with permission of persons in control or by means of a search warrant or other lawful basis.

7. Immunity guaranteed by federal law must be considered in any arrest situation. Supervisory personnel are to be notified in such circumstances.

8. Criminal process execution in locations outside Departmental jurisdiction must be conducted in accordance with requirements of state law and the governing agencies involved. When necessary to arrest persons outside the Department's jurisdiction, officers of the agency having jurisdiction are to be utilized for the actual execution of the criminal process.

D. PRIORITY OF SERVICE

1. Division Commanders and Sergeants will establish priorities regarding the service of criminal processes assigned to their personnel in order to facilitate the prompt apprehension of persons who pose a threat to the community and those who may attempt to flee to avoid arrest or prosecution.

2. Criminal process that require a higher priority for service include, but are not limited to, those that involve the following offenses:
   (a) Homicide;
   (b) Rape;
   (c) Robbery;
   (d) Aggravated assault or other violent offense;
   (e) Failure to appear in court;
   (f) Other charges against persons who may be expected to flee from prosecution.

3. All felony criminal processes issued by the magistrate’s office at the request of the agency will be entered into NCIC within seventy-two hours of the issue date.

E. MENTAL COMMITMENTS

1. The service of mental commitment process documents will be conducted in accordance with the procedures outlined in General Order 1000-04.

F. SUBPOENAES

1. Upon receipt from the Clerk of Court, subpoenas will be date-stamped and logged, and the applicable information required by section B-2 of this policy, including the name of the person to be served, will be recorded.

2. Subpoenas will be categorized and processed for service in the following manner:

   (a) Records personnel will attempt to serve subpoenas by telephone for a period of three (3) days following receipt before forwarding the process to Patrol for service;

   (b) Subpoenas will be assigned to the Patrol Division for service by the appropriate zone officer based on the address;

   (c) Subpoenas directed to KPD officers and employees will be assigned to the member's immediate supervisor for service;

   (d) Upon service, or upon determining that service is not possible, subpoenas are to be returned to Staff Services for disposition;

(e) Out-dated (expired) subpoenas received by the Department will be date-stamped and returned to the Clerk of Court's office;

(f) Subpoenas received for persons located outside the jurisdiction of the Department will be returned to the Clerk's office or the forwarding agency.

G. PROPERTY RECEIVED THROUGH SERVICE OF LEGAL PROCESS

1. Property received or confiscated through the service or execution of legal process will be disposed of in accordance with relevant North Carolina General Statutes 15-11.1 through 15-17 and General Order 1200-01.

2. Property received through the service of legal process is to be documented by appropriate Departmental report. If the property is returned to the owner prior to entry into the Departmental evidence/property system, it is to be noted in such report.

3. Property retained is to be entered into the Departmental property control system in accordance with the provisions of General Order 1200-01.

4. Disposal of property will be coordinated through the departmental evidence custodian. Disposal may be accomplished through return to the rightful owner, physical destruction, or public sale.

5. Any proceeds from sold properties shall be dispensed as provided by state law. Records of property disposition will be maintained by the central records and the evidence custodian.

INDEX AS:

Legal Process

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 1000-04

SUBJECT: MENTAL HEALTH ISSUES
DISTRIBUTION All Personnel
EFFECTIVE DATE: 05-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish guidelines for the recognition and handling of persons suspected of suffering from mental illness and developmental disabilities. The Americans with Disabilities Act (ADA) entitles people with mental illnesses or disabilities to the same services and protections that law enforcement agencies provide to anyone else. They may not be excluded from services or otherwise be provided with lesser services or protection.

POLICY

This policy is intended to address the varying role police officers play in their encounters with people who may be mentally ill or developmentally disabled. As first responders and law enforcers, officers may encounter victims, witnesses, or suspects who suffer from mental illness or disabilities. As service providers, officers may be called upon to help such people obtain psychiatric attention or other needed services. Helping people with mental illnesses or disabilities obtain the services of mental health organizations, hospitals, clinics, and shelters have become a prominent role for police. Accordingly, it is the policy of this agency that officers understand the symptomatic behavior of persons with mental illness or developmental disabilities and be trained to deal with them in a manner that will best serve their needs and the Police Department's law enforcement mission.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Developmental Disability: a potentially severe, chronic disability attributable to a physical or mental impairment (or combination of impairments), resulting in substantial functional limitations to major life activities such as understanding and expression of language, learning, mobility, self-direction, self-care, capacity for independent living, and economic self-sufficiency.

2. Mental Illness: any of various conditions characterized by impairment of an individual's normal cognitive, emotional, or behavioral functioning, and caused by social, psychological, biochemical, genetic, or other factors such as infection or head trauma.

3. Mental Commitment: the taking into custody and transporting of a person in need of mental health evaluation and treatment. All involuntary commitment orders are to be served by sworn officers.

4. Involuntary Emergency Commitment: a mental commitment executed by an officer without an existing commitment order, pick-up order, or petition on file.

5. Involuntary Non-Emergency Commitment: a mental commitment executed by an officer pursuant to an involuntary commitment order issued by a magistrate or clerk of court.

6. Voluntary Commitment: mental commitment of a person who voluntarily consents to be admitted to a mental health treatment facility.

7. 24-Hour Facility: an in-patient mental health facility that provides a structured living environment and services for a period of 24 consecutive hours.

8. Respondent: the person named in the commitment or transportation order.

PROCEDURES

A. TRAINING

1. The Police Department will provide training to sworn officers and other employees who, during the course of performing their duties, may have to assist or deal with persons who are mentally ill or developmentally disabled. This training will be provided at the entry level during Basic Law Enforcement Training, with documented refresher training provided annually. Training topics may include, but are not limited to, access to the court system, policy review and applicable case law.

2. Annual refresher training may be provided at the Unit level as part of planned shift briefings or in more formal agency wide in-service training.

B. RECOGNIZING CHARACTERISTICS OF MENTAL ILLNESS

1. While many people with mental illness control symptoms successfully with the use of medications, others who do not have access to mental health services fail to take their medications, or do not recognize that they are ill and can experience psychiatric difficulties. Officers and other personnel must be prepared to deal with situations involving persons who suffer from mental illness and know how to respond to these situations in an appropriate and sensitive manner.

2. Symptoms of mental illness may include, but are not limited to:

   (a) Loss of memory;
   (b) Delusions;
   (c) Depression, deep feelings of sadness, hopelessness, or uselessness;
   (d) Hallucinations;
   (e) Manic behavior, accelerated thinking and speaking, or hyperactivity;
   (f) Confusion;
   (g) Incoherence; and
   (h) Extreme paranoia.

3. The degree to which these symptoms exist varies from person to person according to the type and severity of the mental illness. Many of these symptoms represent internal, emotional states that are not readily observable from a distance but are noticeable in conversation with the individual. The call taker or officer responding to the scene is not expected to diagnose a mental illness, but to decide on the appropriate response to the individual and situation. Recognizing symptoms that may indicate mental illness will help officers decide on an appropriate response and disposition.

4. Obtaining relevant information from family members, friends or others at the scene who know the individual and his/her history, or seeking advice from mental health professionals, can also assist officers in taking the appropriate action. Officers on the scene will also have to determine the severity of the behavior, the potential for change in the behavior, and the potential for danger presented by the individual to themselves or to others.

C. COMMUNICATIONS RESPONSIBILITIES

1. The quality of information gathered and shared by call takers can affect the way officers respond to and resolve a call for service. This includes those calls involving persons who have mental illness or developmental disabilities. Gathering information is critical at all stages in assessing these situations but is particularly critical at the onset.

2. When the Police Department receives a call concerning the actions or behavior of someone who is suffering from mental illness or developmental disability, it is essential that the call taker collect information that will assist the responding officer. This information might include:

   (a) The nature of the problem behavior;

   (b) Events that may have precipitated the persons behavior; and

   (c) The presence or threatened use of weapons.

3. A family member, friend, or concerned party called about someone who needs help in accessing mental health treatment may volunteer additional information such as:

   (a) Past occurrences of this or other abnormal behaviors;

   (b) Past incidents involving injury or harm to the individual or others;

   (c) Prior suicide threats;

   (d) Reliance on medication or failure to take medication;

   (e) Relatives, friends or neighbors available to assist officers; and

   (f) Physicians or mental health professionals available to assist officers.

4. When dispatching calls for service involving people who have mental illnesses or developmental disability, the call taker should provide all relevant background information to responding officers.

5. Communications personnel will have ready access to contact and referral information for available community mental health resources and will, upon request, provide such information to officers or citizens.

D. RESPONSE TO CALLS FOR SERVICE INVOLVING PEOPLE WITH MENTAL ILLNESS

1. When responding to a call that involves a person who has, or exhibits symptoms of, mental illness, police officers should obtain as much information as possible to assess and stabilize the situation. In particular, officers should gather information regarding the nature of the problem behavior and/or events that may have precipitated the person's behavior and particularly the presence of weapons.

2. The following specific guidelines detail how to approach and interact with a person who may have mental illness and who may be a crime victim, witness, or suspect. These guidelines should be followed in all contacts, whether on the street or during more formal interviews and interrogations. Officers, while protecting their own safety, the safety of the person with mental illness and others at the scene should:

   (a) Remain calm and avoid overreacting;

   (b) Be helpful and professional;

   (c) Provide or obtain on-scene emergency aid when treatment of an injury is urgent;

   (d) Check for and follow procedures indicated on medical alert bracelets or necklaces;

   (e) Indicate a willingness to understand and help;

   (f) Speak simply and briefly, and move slowly;

   (g) Remove distractions, upsetting influences and disruptive people from the scene;

   (h) Understand that a rational discussion may not take place;

   (i) Recognize that the person may be overwhelmed by sensations, thoughts, frightening beliefs, sounds ("voices") or the environment;

   (j) Be aware that their uniform, duty weapons, and handcuffs may frighten the person with mental illness, who should be reassured that no harm is intended;

   (k) Recognize and acknowledge that a person's delusional or hallucinatory experience is real to him or her;

   (l) Announce actions before initiating them;

   (m) Gather information from family or bystanders; and

   (n) If the person is experiencing a psychiatric crisis, attempt to have a local mental health professional respond to the scene.

3. While each incident will be different, when dealing with a person who may have a mental illness, officers should be aware that their own actions may have an adverse effect on the situation. Actions that officers should generally avoid include:

    (a) Moving suddenly, giving rapid orders or shouting;

    (b) Forcing discussion;

    (c) Direct, continuous eye contact;

    (d) Touching the person (unless essential to safety);

    (e) Crowding the person or moving into his or her zone of comfort;

    (f) Expressing anger, impatience or irritation;

    (g) Assuming that a person who does not respond cannot hear;

    (h) Using inflammatory language, such as “mental” or “mental subject.”

    (i) Challenging delusional or hallucinatory statements; and

    (j) Misleading the person to believe that officers on the scene think or feel the same way the person does.

4. Once sufficient information has been collected about the nature of the situation, and the situation has been stabilized, there is a range of options officers should consider when selecting an appropriate disposition. These options include the following:

    (a) Refer or transport the person for medical attention if he or she is injured or abused;

    (b) Outright release;

    (c) Release to care of family, care giver, or mental health provider;

    (d) Refer or transport to mental health services;

    (e) Refer or transport to substance abuse services;

    (f) Assist in arranging voluntary admission to a mental health facility, if requested;

    (g) Transport for involuntary emergency psychiatric evaluation, if the person’s behavior meets the criteria for this action; or

    (h) Arrest, if a crime has been committed.

5. Officers should remember that having a mental illness is not a crime. No individual should be arrested for behavioral manifestations of mental illness that are not criminal in nature. Taking a person who has a mental illness into custody can occur only when:

    (a) The person has committed a crime; or

(b) The person presents a danger to the life and safety of him/herself or others and meets the state's criteria for involuntary emergency evaluation; or

(c) In response to a court order or directive of a mental health or medical practitioner who has legal authority to commit a person to a mental health facility.

E. INVOLUNTARY COMMITMENT ORDERS

1. An involuntary commitment order may be issued by a magistrate or clerk of court for any person (respondent) who requires immediate treatment to prevent harm to himself or others, to prevent further disability or deterioration that would predictably result in dangerousness, or if the person is unable to care for himself due to mental illness or substance abuse. Upon receipt of such an order, the person should be taken into custody without unnecessary delay. Involuntary commitment orders must be served within 24 hours of the time the order is signed.

2. Under NCGS §122C-251, Kannapolis police officers have the duty to provide transportation for the initial assessment of a respondent named in an involuntary commitment order who is a resident of the City of Kannapolis OR who is taken into custody in the City limits.

3. An officer taking a person into custody pursuant to an involuntary commitment order may use reasonable force to restrain the respondent if it appears necessary to protect himself, the respondent, or others.

4. When practical, the officer should advise the respondent that they are not under arrest and have not committed a crime but are being transported to receive treatment and for their own safety and that of others.

5. Under state law, transportation of a respondent must include an officer or attendant of the same sex as the respondent. If this is not operationally feasible, the officer may allow a family member of the respondent to accompany the officer during transport.

6. An officer taking custody of a person pursuant to an involuntary commitment shall ensure that the following information is included on the associated CAD record: Respondent's name, address, race, sex, date of birth, and time in/out of KPD custody.

7. Upon taking a respondent into involuntary custody, the following procedures will apply:

   (a) Respondents who are injured, sick, or exhibiting violent behavior will be transported directly to the hospital Emergency Department for medical examination and initial mental assessment. This includes individuals who have overdosed, attempted suicide, are lapsing in and out of consciousness, are unable to talk or walk, are assaultive or combative, or are extremely intoxicated. Otherwise, the officer should proceed as outlined below;

   (b) During the period from 8:00 a.m. until 8:00 p.m. on weekdays (Monday-Friday), all respondents will be transported directly to Daymark Recovery Services for initial assessment.

(c) After hours, persons age 18 or older may be transported directly to the Crisis Recovery Center (CRC) operated by TeleCare at the Cabarrus Health Alliance building for initial assessment. *(Note: Persons 17 or younger must be transported to the hospital Emergency Department for after-hours assessment.)* When transporting a respondent to the CRC after hours, officers are to utilize the entrance (canopy over doorway) at the rear of the Cabarrus Health Alliance building. Officers are to observe any security requirements established by the Crisis Recovery Center for entry into their secure areas, including the securing of firearms and other weapons

(d) If the physician or eligible psychologist determines that the respondent is in need of in-patient treatment at a 24-hour facility, the provider will identify the location of an available bed. If space is not available locally in the CRC, or if commitment of the person to a State Hospital or 24-hour facility in another county is required, the officer will be informed of the location where the respondent must be transported. The officer will then contact the appropriate Sheriff's Office to coordinate transport of the respondent to the 24-hour facility. The officer will remain with the respondent until such time as they are lawfully transferred to the CRC or the custody of the transporting sheriff's department.

(e) If the respondent is NOT committed to the CRC or other 24-hour facility, the officer should transport the respondent back to his/her residence.

F. EMERGENCY COMMITMENTS FOR MENTAL ILLNESS

1. North Carolina law provides that any law enforcement officer who has knowledge that a person is subject to the criteria for involuntary commitment under NCGS §122C-261(a) and requires immediate hospitalization to prevent harm to self or others, may take the person into custody without an order and transport the person directly to an appropriate facility for examination by a physician or eligible psychologist.

2. Emergency involuntary commitments should be used only in the most compelling circumstances. When feasible, officers should confer with their immediate supervisor prior to taking a person into emergency custody. The officer may also call Crisis Recovery Services at 1-800-939-5911 (available on a 24-hour basis) for consultative assistance if needed.

3. Individuals taken into involuntary emergency custody shall be promptly transported for initial assessment in accordance with the procedures for involuntary commitments outlined in Section E of this Order. If the evaluating physician or eligible psychologist recommends inpatient commitment and executes the emergency commitment certificate, appearance before a magistrate is waived.

4. In the event that the examining physician or eligible psychologist finds no basis for involuntary commitment to a 24-hour facility, the person will be released from custody and the proceedings will be terminated. The person should be transported back to their residence.

G. INVOLUNTARY COMMITMENTS DUE TO SUBSTANCE ABUSE

1. The non-emergency involuntary commitment process for substance abuse is substantially similar to that for mental illness. Involuntary commitment orders received from a magistrate or clerk of court should be processed in accordance with the procedures outlined in Section E of this Order.

2. Special Emergency Procedure for Violent Individuals: When a person subject to involuntary commitment due to substance abuse is violent and requires restraint, and when delay in taking him to a physician or eligible psychologist for examination would likely endanger life or property, a law enforcement officer may take the person into custody and take him immediately before a magistrate or clerk. The officer will then be required to execute an affidavit attesting to the facts justifying his action.

3. If the magistrate or clerk finds that the facts in the affidavit are true, he will order the respondent transported directly to a State Hospital or other appropriate 24-hour facility.

H. VOLUNTARY COMMITMENTS & OFFICER REFERRALS

1. Persons wishing to voluntarily commit themselves to a mental health facility for treatment and persons who officers believe would benefit from counseling or treatment should be referred to Daymark or the CRC for free assistance.

2. When feasible, the Kannapolis Police Department will provide transportation for individuals within the City wishing to voluntarily commit themselves to a mental health facility for treatment. If such transportation cannot be provided, the department will make reasonable effort to locate an alternative source of transportation. Such persons should be transported to Daymark or the CRC in accordance with the procedures specified in Section E of this Order.

I. LEGAL CONSIDERATIONS

1. North Carolina courts have determined that a custody order for involuntary commitment is analogous to an arrest warrant. Therefore, a law enforcement officer may enter private premises in the same situations allowed to serve an arrest warrant.

2. Law enforcement officers may also enter buildings, vehicles, or private premises in accordance to NCGS 15A-285, if he reasonably believes that doing so is urgently necessary to save a life, prevent serious bodily harm, or avert or control a public catastrophe.

3. Officers may also enter residences to serve a custody order upon consent given by an appropriate resident as defined by prevailing law.

4. Respondents who are taken into custody must be transported to the appropriate facility for evaluation by a physician or eligible psychologist. In no case may a respondent be held in a jail or other penal facility pending evaluation.

J. ENCOUNTERS WITH THE DEVELOPMENTALLY DISABLED

1. Persons afflicted with developmental disabilities are limited in their ability to effectively communicate, interact with others, and make reasoned decisions on their own. This can make interactions with such persons difficult in enforcement and other encounters and may result in inappropriate or counterproductive police actions if officers are not prepared to recognize and deal with symptomatic behaviors and reactions.

2. Developmental disabilities are not the same as and should not be confused with forms of mental illness such as schizophrenia or the more common mood disorders.

3. There are numerous forms of developmental disabilities. Many of the persons who have such disabilities have other related but distinct disorders as well. Although officers are not in a position to diagnose persons with such disabilities, they should be alert to the symptoms that are suggestive of such disorders. These include but are not limited to the following symptoms in various combinations and degrees of severity:

    (a) Difficulty communicating and expressing oneself;

    (b) Communication by pointing or gestures rather than words;

    (c) Repetition of phrases or words;

    (d) Repetitive body movements such as swaying, spinning, clapping hands, flailing arms, snapping fingers, biting wrists, or banging the head;

    (e) Little or no eye contact;

    (f) Tendency to show distress, laugh or cry for no apparent reason;

    (g) Uneven gross or fine motor skills;

    (h) Unresponsiveness to verbal commands (appearance of being deaf even though their hearing is normal);

    (i) Aversion to touch, loud noise, bright lights, and commotion;

    (j) No real fear of danger;

    (k) Hypersensitivity or lack of sensitivity to pain; and

    (l) Self-injurious behavior.

4. Officers may encounter persons who have developmental disabilities in a variety of situations. However, due to the nature of the developmental disabilities, the following are some of the most common situations in which such persons may be encountered:

    (a) Wandering: Developmentally delayed, autistic, or other developmentally disabled persons sometimes evade their parents, supervisor, caregiver, or institutional setting and may be found wandering aimlessly or engaged in repetitive or bizarre behavior in public places or stores.

    (b) Seizures: Some developmentally disabled persons, such as those suffering from autism, are more subject to seizures and may be encountered by police in response to a medical emergency.

    (c) Disturbances: Situations may develop where a caregiver may be unable to maintain control of the disabled person who is engaging in self-destructive behavior or a tantrum.

    (d) Strange and Bizarre Behavior: Such behavior may take innumerable forms prompting calls for service, such as picking up items in stores (e.g. perceived shoplifting),

repetitively and seemingly nonsensical motions and actions in public places, inappropriate laughing or crying, and personal endangerment.

(e) Offensive or Suspicious Persons: Inappropriate or unacceptable acts, such as ignorance of personal space, annoyance of others, or inappropriate touching of others or oneself, are sometimes associated with the developmentally disabled who often are not conscious of acceptable social behavior.

5. Some persons with developmental disabilities can be easily upset and may engage in tantrums or self-destructive behavior or become aggressive. Fear, frustration, and minor changes in their daily routines and surroundings may trigger such behavior. Therefore, officers should take measures to prevent such reactions and deescalate situations involving such persons in the course of taking enforcement and related actions. These include the following:

(a) Speak calmly. Loud, stern tones will likely have either no effect or a negative effect on the person.

(b) Use non-threatening body language and avoid sudden arm/hand gestures.

(c) Minimize commotion. Eliminate, to the degree feasible, loud sounds, bright lights, sirens, and crowds. Strive for a calm environment.

(d) Keep animals away (especially police canines). Individuals with mental illness or developmental disabilities are often afraid of dogs or other large animals.

(e) Look for personal identification. Medical tags or cards often indicate disability and will supply a contact name and telephone number.

(f) Call the contact person or caregiver. The caregiver is often the best source for specific advice on calming the person and ensuring officer safety until the contact person arrives.

(g) Prepare for a potentially long encounter. Developmentally disabled and mentally ill persons should not be rushed unless there is an emergency.

(h) Repeat short, direct phrases in a calm voice. Too much talking can distract or confuse the individual.

(i) Be attentive to sensory impairments. Many disabled or mentally ill persons have sensory impairments that make it difficult to process information. Officers should not touch the person unless absolutely necessary. Use soft gestures, avoid quick movements, use simple and direct language, and don’t automatically interpret odd behavior as belligerent.

(j) Be aware of different forms of communication. Disabled or mentally ill persons often use signals or gestures instead of words and/or they may demonstrate limited speaking capabilities.

(k) Don’t get angry at antisocial behaviors.

(l) Stay alert and maintain a safe distance.

K. TAKING CUSTODY OF A MENTALLY ILL OR DEVELOPMENTALLY DISABLED PERSON

1. Taking custody of a mentally ill or developmentally disabled person should be avoided whenever possible as it can potentially initiate a severe anxiety response and escalate the situation. Therefore, in minor offense situations, officers should explain the circumstances to the complainant and request that alternative means be taken to remedy the situation. This normally will involve release of the person to an authorized caregiver.

2. In more serious offense situations or where alternatives to arrest are not appropriate or authorized, officers should observe the following guidelines:

   (a) Contact a supervisor for advice;

   (b) Avoid the use of handcuffs and other restraints unless circumstances indicate that the use of restraints is necessary for officer protection;

   (c) Summon the person's caregiver, if available, to accompany the person and to assist in the calming and intervention process;

   (d) Employ calming and reassuring language;

   (e) Until alternative arrangements can be made, put the person in a quiet room with a caregiver or other responsible individual or officer who has experience in dealing with such persons;

   (f) Do not place the person with other prisoners;

   (g) Provide the person with any harmless comfort items that may have been in his or her possession at the time of arrest (e.g., toys, blankets, foam rubber objects).

L. INTERVIEWS AND INTERROGATIONS

1. Officers seeking to conduct a custodial interview or interrogation of a person who is, or who is suspected of being, mentally ill or developmentally disabled should consult with a mental health professional and the District Attorney's office to determine whether the person is competent to understand his or her rights to remain silent and to have an attorney present.

2. During any police interview of a mentally ill or developmentally disabled person, officers should observe the following in order to obtain valid information:

   (a) Do not interpret lack of eye contact and strange actions or responses as indications of deceit, deception, or evasion of questions;

   (b) Use simple, straightforward questions; and

   (c) Do not employ common interrogation techniques, suggest answers, attempt to complete thoughts of persons slow to respond, or pose hypothetical conclusions, recognizing that such persons are easily manipulated and may be highly suggestible.

INDEX AS:

Developmentally Disabled Persons
Involuntary Commitments
Mentally Ill Persons
Mental Commitments
Interview and Interrogation (Mentally Ill)
Prisoner Transportation

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 1000-05

SUBJECT: **DEAF & HARD OF HEARING**
DISTRIBUTION All Personnel
EFFECTIVE DATE: 12-01-2009
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish guidelines for the recognition and handling of persons who are deaf or hard of hearing The Americans with Disabilities Act (ADA) entitles people with hearing disabilities to the same services and protections that law enforcement agencies provide to anyone else. They may not be excluded from services or otherwise be provided with lesser services or protection.

POLICY

This policy is intended to provide individuals who are deaf or hard of hearing with the service equivalent to that provided to other persons. Accordingly, it is the policy of this agency that officers understand the symptomatic behavior of persons with hearing disabilities and be trained to deal with them in a manner that will best serve their needs and the Police Department's law enforcement mission.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Deaf Person: a person whose hearing impairment is so significant that the individual is impaired in processing linguistic information through hearing, with or without amplification.

2. Qualified Interpreter: an interpreter certified and licensed as qualified under standards and procedures promulgated by the Department of Human Resources and in accordance with North Carolina General Statutes 90D.

3. Interpreting: The process of providing accessible communication, between and among persons who are deaf or hard-of-hearing and those who are hearing. This process includes, but is not limited to, communication between American Sign Language and English. It may also involve various other modalities that involve visual, gestural, and tactile methods.

PROCEDURES

A. TRAINING

1. The Police Department will provide training to sworn officers and other employees who, during the course of performing their duties, may have to assist or deal with persons who are deaf or

hard of hearing. This training will be provided at the entry level during Basic Law Enforcement Training, with documented refresher training provided at least every three (3) years.

B. DEAF PERSONS UNDER ARREST

1. While at the scene, the officer shall make a preliminary determination of the person's comprehension and make efforts to determine what appropriate accommodation is required. These efforts may include the use of gestures or visual aids to supplement oral communication including the use of a notepad and pen or pencil to exchange written notes, or use of an assisted listening system or device to amplify sound or the use of a qualified oral or sign language interpreter. Officers and other personnel must be prepared to deal with situations involving persons who suffer from hearing disorders and know how to respond to these situations in an appropriate and sensitive manner.

2. If the officer believes that a person he or she has arrested is deaf, the officer shall notify the Communications Center that a qualified and licensed interpreter is needed. The type of aid or service requested by the person with the hearing disability must be given primary consideration.

3. Qualified and licensed interpreters MUST be used to interview deaf or hard of hearing suspects or arrestees and in any other actions where criminal proceedings are likely to follow. Family, friends, acquaintances, or other unqualified or unlicensed persons shall not be allowed to interpret for the suspect or arrestee.

4. If an officer does not intend to question a deaf or hard of hearing arrestee, the officer should at a minimum inform the magistrate that the arrestee is deaf or hard of hearing or has other communication needs at the time he/she is presented to the magistrate.

5. The arresting officer should also take reasonable measures to assist the deaf or hard of hearing individual in contacting a family member of person of their choosing in order to notify them of their location, charges, and conditions of release.

C. CONTACT WITH DEAF OR HARD OF HEARING INDIVIDUALS NOT UNDER ARREST

1. Officers or Department employees shall not interpret for a deaf person who is a party to or a witness in any civil or criminal proceeding in any superior or district court or proceedings before a magistrate. Officers and Department employees shall not interpret for a deaf person who is a party or witness in any administrative proceeding before any department, board, commission, agency or licensing authority of the State or of any country or city of the State.

2. Effective communication with a person who is deaf or hard of hearing involved in an incident, whether as a victim, suspect, or arrestee, is essential to ascertaining what actually occurred, the urgency of the matter, and the type of situation. Every effort should be made to accommodate the deaf or hard of hearing person's request for an interpreter.

3. Qualified and licensed interpreters should be used in communicating with the complainants or witnesses when court proceedings are likely to occur.

4. In general interaction, the appropriate accommodation for a deaf or hard of hearing person will vary with the length and complexity of the communication involved. In certain circumstances,

oral communication supplemented by gestures and visual aids or an exchange of written notes will be an effective means of communication with people who are deaf or hard of hearing. Ex: In a simple encounter, such as checking a driver's license or giving street directions, a notepad and pencil will normally be sufficient.

D. COMMUNICATIONS RESPONSIBILITIES

1. Communications personnel will be provided a list of qualified and licensed interpreters, including sign language and oral interpreting services, who have previously agreed to provide this service.

2 When a request for an interpreter is received from an officer to accommodate a suspect, arrestee, or witness, communications personnel shall make contact with a licensed and qualified interpreter. If the interpreter cannot confirm that they can be en route within 30 minutes from the time of notification, another licensed interpreter shall be contacted to respond.

3 The communicator will notify the requesting officer of the name of the interpreter and their estimated time of arrival. The officer will be responsible for recording the arrival time and the number of hours expended for interpreting.

4. Any auxiliary aid or service needed for effective communication by a person who is deaf or hard of hearing will be provided to them without charge by the Department.

INDEX AS:

Deaf or Hard of Hearing
Interpreters

"Appendix A"

Practical Suggestions for Communicating Effectively with Persons Who are Deaf or Hard of Hearing

1. Before speaking, get the person's attention with a wave of the hand or gentle tap on the shoulder.

2. Face the person and do not turn away while speaking.

3. Try to converse in a well-lit area.

4. Do not cover your mouth or chew gum.

5. If a person is wearing a hearing aid do not assume the individual can hear you.

6. Minimize background noise and other distractions whenever possible.

7. When you are communicating orally, speak slowly and distinctly. Use gestures and facial expressions to reinforce what you are saying.

8. Use visual aids when possible, such as pointing to printed information on a citation or other document.

9. Remember that only about one third of spoken words can be understood by speech reading.

10. When communicating by writing notes, keep in mind that some individuals who use sign language may lack good English reading and writing skills.

11. If someone with a hearing disability cannot understand you, write a note to ask him or her what communication aid or service is needed.

12. If a sign language interpreter is requested, be sure to ask which language the person uses. American Sign Language (ASL) and Signed English are the most common.

13. When you are interviewing a witness or a suspect or engaging in any complex conversation with a person whose primary language is sign language, a qualified interpreter is usually needed to ensure effective communication.

14. When using an interpreter, look at and speak directly to the deaf person, not the interpreter.

15. Talk at your normal rate, or slightly slower if you normally speak very fast.

16. Only one person should speak at a time.

17. Use short sentences and simple words.

18. Do not use family members or children as interpreters. They may lack the vocabulary or the impartiality needed to interpret effectively.

19. If the individual uses sign language to communicate, consider restraining them in the front rather than the back, if safety considerations permit.

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 1100-01

SUBJECT: EMERGENCY COMMAND NOTIFICATION
DISTRIBUTION All Personnel
EFFECTIVE DATE: 11-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish minimum guidelines for the notification of command level officers in the event of major police incidents.

POLICY

The timely notification of command level officers regarding major police incidents is critical to the effective management and direction of a coordinated police response, and for establishing liaison with external support agencies and City officials as required. It is equally critical that incidents that could potentially expose the agency to liability, or those incidents which may result in heightened community interest, be reported to the Chief of Police without delay. It shall be the policy of the Kannapolis Police Department to ensure that appropriate command level officers are promptly informed of major incidents involving or affecting the Department.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Command Officer: Division Commanders, Bureau Commanders, Deputy Chief, and the Chief of Police.

PROCEDURES

A. MANNER OF NOTIFICATION

1. The ranking on-duty field supervisor will be responsible for ensuring that the appropriate Division and Bureau Commander(s) receive notification as required by this Order.

2. Bureau Commanders will be responsible for ensuring that the Deputy Chief and the Chief of Police receive notification as required by this Order.

3. All necessary means should be used to affect the prompt notification of command officers, including police radio, office telephone, pager, cellular telephone, home telephone, and personal contact at their residence.

4. If initial attempts to contact a command officer fail, subsequent attempts should be continued on a periodic basis until such time as contact has been established or a higher command authority authorizes such attempts to be discontinued.

B. NOTIFICATION OF MAJOR INCIDENTS

1. Emergency notification of appropriate command officers shall be made if any of the following incidents occur:

   (a) Hostage situation or barricaded gunman;

   (b) Confrontations with armed suicidal or mentally deranged persons;

   (c) Civil disorders (e.g., riots, unlawful assemblies, illegal marches or demonstrations)

   (d) Natural or man-made disaster;

   (e) Deployment of the SRT to conduct tactical operations;

   (f) The involvement of any member, regardless of duty status, in a deadly force incident resulting in death or serious physical injury to any person;

   (g) Major incidents resulting in loss of life or multiple serious injuries, or requiring significant police mobilization and intervention (i.e., train derailment, major fire, explosion, aircraft accident);

   (h) The death or serious injury of any person while in police custody;

   (i) Homicides and questioned deaths;

   (j) Crimes involving the use or possession of explosives;

   (k) The serious physical injury or death of any member of the Kannapolis Police Department, regardless of duty status;

   (l) The discovery or apprehension of any departmental member or outside law enforcement officer engaged in criminal activity;

   (m) Vehicular pursuits resulting in death or serious injury to any person, or significant damage to a departmental vehicle.

   (n) When any member is temporarily relieved of duty by supervisory personnel for causes related to personal conduct in order to avoid undue disruption of work, to protect the safety of persons or property, or for other serious reasons;

   (o) Failure of any major technical system necessary to the continuity of police services;

   (p) Any terrorist act or specific threat of a terrorist act affecting the City of Kannapolis or local region;

(q) Any other incident or circumstance in which the ranking on-duty field supervisor determines that immediate notification of command personnel is warranted based on the unique circumstances, potential liability, or public interest.

2. The member making the emergency notification should be prepared to provide basic information concerning the incident and the current status of the police response. To the extent possible, this basic information will include the necessary information to answer the questions who, what, when, where, and how.

C. AVAILABILITY OF COMMAND OFFICERS

1. Command officers will ensure that accurate and updated information is provided to their subordinate supervisory staff and the Communications Center as required to contact them in the event of an emergency. This includes, but is not limited to:

   (a) Radio Call Number;
   (b) Pager Number;
   (c) Cellular telephone number;
   (d) Home telephone number;
   (e) Home address.

2. Command officers should make every reasonable effort to remain accessible for emergency notification via one of the means indicated above during both on-duty and off-duty periods.

3. Whenever a command officer will be unavailable for local emergency contact due to out-of-town travel or other anticipated reason, the following procedure will be observed:

   (a) The command officer will notify their subordinate personnel accordingly and specify that emergency notice be routed directly to the next higher authority;

   (b) The command officer will furnish their immediate supervisor with an emergency contact number (if available) and destination information;

   (c) The command officer should notify the communications supervisor of their anticipated absence from the local area and the expected date of return.

INDEX AS:

Emergency Command Notification

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 1100-02

SUBJECT: NON-ROUTINE VEHICLE OPERATION
DISTRIBUTION All Personnel
EFFECTIVE DATE: 07-15-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental policy and procedures regulating the non-routine operation of police vehicles.

POLICY

Public safety and the protection of human life are our paramount concerns. Occasionally, the need to apprehend a criminal suspect or to provide emergency services may justify driving outside normally applicable laws and rules of the road. However, North Carolina law creates only limited exemptions for emergency vehicle operators. It is the policy of the Department that police vehicle operation shall be within the law, take reasonable account of all facets of public safety, and balance competing risks consistent with the police duty to enforce the law and protect life and property. Police vehicles shall be operated in a reasonable manner and with due regard for the rights and safety of others. Irresponsible, careless and reckless driving is prohibited and will not be tolerated. Police vehicle operation shall at all times be consistent with the concept of "reasonable safety" (as that term is defined herein) and with all other requirements of this Order.

DEFINITIONS

The following definitions are for the limited purposes of this General Order and may not apply in all other cases:

1. Authorized Police Vehicle: an official police vehicle equipped with approved siren, two-way radio, and one or more flashing blue lights in good operating condition.

2. Non-Routine Operation: the operation of a police vehicle under a legal exception to the normal traffic laws and rules of the road.

3. Routine Operation: the operation of a police vehicle in conformance with normal traffic laws and rules of the road.

4. Pursuit and Pursuit Driving: the non-routine operation of a police vehicle in an active attempt by a law enforcement officer to apprehend one or more occupants of another moving motor vehicle, where the driver of the fleeing vehicle is aware of the attempt and is resisting apprehension.

5. Reasonable Safety: circumstances in which the risks associated with non-routine operation are less than the risks created or perpetuated otherwise, considering on balance:

(a) The seriousness and/or dangerousness of the crime or matter warranting police involvement;
(b) Pedestrian and vehicular traffic patterns and volume;
(c) Time of day;
(d) Road conditions, weather conditions, lighting and visibility;
(e) Terrain (curves, hills, buildings, etc);
(f) The type of roadway and speeds involved;
(g) Likely effectiveness or ineffectiveness of audible and visible warning signals;
(h) The capability and limitations of police equipment and vehicle operator;
(i) Involved officer(s) and supervisor(s) familiarity with the area of travel;
(j) The quality of radio communications;
(k) Alternate (safer) methods of problem solving;
(l) Likelihood of apprehending a suspect;
(m) Availability of assistance and back-up;
(n) Type of suspect vehicle, number and nature of occupants;
(o) Any other factors increasing or decreasing risks.

6. Response Driving: the operation of a motor vehicle in response to a call for police service or to a location requiring police presence or service.

PROCEDURES

A. GENERAL STANDARDS FOR ALL NON-ROUTINE OPERATION

1. Only sworn officers driving authorized police vehicles are permitted to engage in non-routine operation. Probationary Officers in field training status may not engage in non-routine operation except under the direction of a field training officer or supervisor who is present in the vehicle.

2. Non-routine operation is specifically prohibited in any vehicle that is not an authorized police vehicle or is in any way unsafe or unsuitable for non-routine operation.

3. Officers transporting prisoners or civilian passengers will not engage in non-routine operation except where absolutely necessary to do so in the most compelling emergency circumstances.

4. Except as otherwise provided in Section D of this Order, officers shall continuously operate both audible and visible warning signals (i.e., blue lights and siren) during any non-routine operation.

5. Non-routine operation is authorized only when it is possible to do so in reasonable safety as defined in this Order, and only when reasonably necessary in order to accomplish one or more of the following objectives:

   (a) Apprehend a person who there is reasonable suspicion to detain or probable cause to arrest for a crime that poses a significant risk of serious bodily injury or death;

(b) Prevent the commission of a crime that poses a significant risk of serious bodily injury or death;

(c) Apprehend a person who there is reasonable suspicion to detain or probable cause to arrest for a felony or serious misdemeanor when the person is resisting or attempting to elude apprehension, and when apprehension of the person without delay is necessary in the interest of public safety;

(d) Provide emergency assistance to persons suffering an imminent threat of death or serious bodily injury; or

(e) Avert or minimize the effect of a public catastrophe or emergency involving the threat of major property damage.

6. Officers shall not proceed through stop lights, pass in no-passing zones, drive the wrong way on one-way streets, or drive in contravention of any traffic control signs or devices without first making reasonably certain that the way is clear and can be safely navigated.

B. SPECIAL ADDITIONAL STANDARDS REGARDING PURSUIT DRIVING

1. Any officer who engages in pursuit driving shall immediately notify the Communications Center that a pursuit is underway, and shall provide the following information:

   (a) Unit Identification;
   (b) Location, speed and direction of travel of the fleeing vehicle;
   (c) Description and license plate number (if known) of the fleeing vehicle;
   (d) Number and description of occupants in the fleeing vehicle, if possible;
   (e) The reason for starting the pursuit;
   (f) Other available information affecting public safety and/or officer safety.

2. Upon receiving notice that a pursuit has begun, communications personnel shall immediately notify the appropriate on-duty field supervisor of the pursuit and the reason(s) for it. Telecommunicators are responsible for coordinating and relaying radio traffic between involved units and the controlling supervisor as required. The pursuit shall have priority over all other non-emergency traffic.

3. The supervisor shall immediately take control of the pursuit and determine whether the basic criteria justifying non-routine operation are present. If not, the supervisor shall immediately order the pursuit terminated and disengaged. If the basic criteria are present, both the involved officer and supervisor shall continuously weigh all available information. When possible, the controlling supervisor should go to the area of the pursuit and respond to the location of any stop following the pursuit.

4. Unless there are extenuating circumstances the controlling supervisor should not be actively involved in any pursuit. In the event a supervisor initiates a pursuit or assumes the secondary pursuit officer position, another on-duty supervisor, even if of lesser rank, should immediately and clearly establish via radio they are assuming supervisory control of the pursuit.

5. ***If at any point the pursuit cannot be conducted in reasonable safety (as that term is defined in this Order), the pursuit shall be immediately terminated and disengaged***.

No officer or supervisor will be disciplined or criticized for a decision, based on this policy and/or state law, not to pursue.

6. The pursuing officer shall communicate his/her location and direction throughout the pursuit. As reasonably possible, the officer shall also communicate other factors affecting "reasonable safety" as defined herein. If there is a secondary pursuit vehicle in position to do so, the operator of the secondary vehicle may take over communication regarding location, direction, speeds, and other available information affecting "reasonable safety."

7. Officers engaged in pursuit driving shall maintain a safe following distance behind the pursued vehicle so as to avoid colliding with it in the event of a sudden stop, accident, or loss of control.

8. If the involved officer cannot maintain continuous radio contact with communications and/or supervisory personnel, pursuit driving shall immediately be terminated, unless absolutely compelling emergency circumstances demand otherwise.

9. Officers initiating a pursuit in an unmarked police vehicle must disengage and cease all non-routine operation once a marked police vehicle has engaged the pursuit. Provided, however, that the controlling supervisor may authorize the unmarked unit to remain engaged when adequate back-up units are not in position to safely effect the arrest and/or custody of an armed and/or dangerous offender(s).

10. Unless otherwise ordered by the controlling supervisor, only two (2) police vehicles (a primary and secondary unit) shall engage in pursuit driving. The secondary unit shall maintain a safe following distance behind the primary pursuit vehicle as to avoid colliding with it should there be a sudden stop, accident, or loss of control. Other units shall not become engaged in the pursuit and shall not leave their assigned areas in order to move with or toward a pursuit unless directed to do so by the controlling supervisor. Rather, they shall stay clear of the pursuit and refrain from non-emergency radio traffic while remaining alert to the location and progress of the pursuit.

11. A secondary pursuit vehicle shall not pass the primary pursuit vehicle except upon a clear request by the primary pursuit vehicle operator or upon the direction of the controlling supervisor.

12. Officers shall not shine lights on or toward the pursued vehicle in any manner as would likely impair the vision and safety of other drivers.

13. <u>Forced Vehicle Stops</u>:

    (a) Intentional contact by police vehicles with the pursued vehicle is likely to be considered deadly force and is prohibited except where deadly force is authorized under State law and departmental use of force policies.

    (b) "Boxing-in", "rolling roadblocks", and other moving techniques designed to physically force the pursued vehicle to slow down and/or stop may contribute to the possibility of collision and are prohibited except when deadly force is authorized.

(c) Stationary roadblocks to force the termination of pursuits are prohibited except as ordered by the controlling supervisor, who shall then bear responsibility for the safe conduct of the roadblock.

(1) No roadblock shall be ordered or set except as clearly allows approaching traffic (including the pursued vehicle) to come to a safe stop at the roadblock, without collision. In allowing for safe stopping distance in advance of the roadblock, the likely or estimated speed of the pursued vehicle shall be carefully considered, along with other factors such as visibility, terrain, road conditions, weather, etc.

(2) Officers participating in the roadblock shall remain in a safe position in case the pursued driver chooses to collide with or attempt to avoid the roadblock.

(3) Once a roadblock is ordered, communications shall immediately broadcast its location to all involved units and assisting agencies. Officers in pursuit shall then reduce speed and increase distance between themselves and the pursued vehicle.

(d) The use of tire deflation devices (e.g. “stop sticks”) shall be governed by sound professional judgment, the provisions of this Order, and the procedures taught during training in the use of the particular device employed. Supervisors who have reason to believe the continued movement of the fleeing vehicle will place the driver and/or others in imminent danger of death or serious bodily injury may authorize the use of stop sticks. The location where the device will be deployed must be a safe and effective location and have reasonably good sight distance to enable the officer deploying the device to observe the approach of traffic and the fleeing vehicle. Pursuing units, including those from outside agencies, should be notified of the planned deployment location. Positioning police vehicles in a travel lane to “channel” a fleeing vehicle toward the device is allowed but must not create an unreasonable risk of collision.

14. If a police aircraft is on station and can maintain aerial surveillance of the pursued vehicle, close pursuit shall immediately be discontinued and further efforts to apprehend shall be directed by the controlling supervisor as aided by aerial surveillance information.

15. On-duty commanders superior to the controlling supervisor shall monitor the pursuit. If at any time it should reasonably appear to them that the pursuit does not satisfy the criteria required for non-routine operation, they shall immediately assume operational control and order the pursuit terminated and disengaged.

16. <u>Pursuits Involving Outside Agencies</u>:

(a) No Kannapolis officer shall become involved in a pursuit being conducted by an outside law enforcement agency unless authorized to do so by a supervisor pursuant to a request for assistance made by the pursuing agency. Kannapolis officers assisting with a pursuit entering Kannapolis that was originated by an outside agency will be governed by the provisions of this General Order.

(b) Kannapolis officers will normally assume the primary or secondary position, as applicable, when the pursuit enters the City of Kannapolis. If two or more outside agency vehicles are already in direct pursuit and elect not to relinquish the primary and secondary position, Kannapolis officers will disengage unless authorized to continue the pursuit by the controlling supervisor. Such authorization may be given when adequate allied back-up units are not in position to safely effect the arrest and/or custody of an armed or dangerous person(s).

(c) In the event that the allied agency relinquishes the primary and secondary position to the Kannapolis Police Department but remains in the pursuit occupying the third or more position(s), the driver of the primary vehicle or controlling supervisor shall request (via the Communications Center) that the allied agency vehicle(s) disengage from the pursuit, unless adequate backup units are not in position to safely effect the arrest and/or custody of an armed or dangerous person(s). The pursuit need not be terminated solely due to the outside agency vehicle(s) refusal to disengage.

17. Pursuits Extending Into Outside Jurisdictions:

(a) Pursuing officers shall notify the Communications Center if the pursuit leaves the City of Kannapolis and enters an adjoining jurisdiction. The telecommunicator shall alert the outside agency of jurisdiction and formally request their assistance with the pursuit.

(b) If officers of the outside jurisdiction are able to assume the primary and secondary position in the pursuit after it leaves the City of Kannapolis, Kannapolis officers shall disengage the pursuit and cease all non-routine operation. Unnecessary "caravanning" of police vehicles is specifically prohibited. Provided, however, that the controlling supervisor may authorize Kannapolis officers to remain engaged in a pursuit when adequate allied backup units are not in position to safely effect the arrest and/or custody of an armed or dangerous person(s).

(c) Officers shall not continue a pursuit outside the State of North Carolina unless expressly authorized to do so by the controlling supervisor. Only the most serious crimes and compelling emergency circumstances would justify continuing a pursuit into another state. It is the responsibility of all police officers and supervisors to understand and adhere to the prevailing legal requirements for continuing a pursuit into a contiguous state, as well as the applicable post-arrest procedures.

18. Upon termination of the pursuit by any means, the driver of the primary or secondary unit will immediately notify the Communication Center. The driver of the primary vehicle will have controlling responsibility at the scene of termination, unless relieved by a higher authority, and shall assure that all appropriate arrests or charges are made.

19. Post-Pursuit Report and Review:

(a) Officers and supervisors involved in a pursuit shall complete and submit a Pursuit Report (KPD-131). This report shall be submitted via the chain of command prior to ending the tour of duty on which the pursuit occurred. Only one report should be submitted per pursuit. In the event that two or more officers are involved in the same pursuit, the driver of the primary vehicle will be responsible for completing

the pursuit report. Statements of participating back up units should be attached to the original report detailing the specific actions taken and observed by those units.

(b) Within a reasonable time following the pursuit, a chain of command review meeting shall be held to determine whether the pursuit was within the law and departmental policy, and what follow-up action (if any) is required. If further investigation of the pursuit appears necessary, it shall be ordered.

(c) The findings of the post-pursuit chain of command review meeting will be documented and submitted with the pursuit report to the Chief of Police.

(d) On an annual basis the department shall complete a comprehensive written analysis of pursuit reports to include a review of agency pursuit policies and reporting procedures.

C. SPECIAL ADDITIONAL STANDARDS FOR RESPONSE DRIVING

1. Levels of Response:

(a) Code 1 Routine Response: a routine response under non-emergency conditions. Calls in this classification include, but are not limited to, property crimes that have already occurred; traffic collisions involving only property damage or minor injuries, and no hazardous situation exists; non-emergency assistance to citizens; and other situations that do not require an emergency police response. Officers in a Code 1 routine response are to obey all traffic laws and respond in routine operation to the scene. Officers should always utilize the most expeditious route when responding to calls for service. If it can be accomplished in reasonable safety, officers are authorized to use their blue lights to aid the response but may not otherwise engage in non-routine operation nor exercise the right-of-way as an emergency vehicle unless the response is upgraded to a Code 2 emergency response.

(b) Code 2 Emergency Response: a full emergency response involving non-routine operation, having priority over all other levels of calls when the immediate presence of police may prevent death or injury, or alleviate the threat of death or injury. Calls in this classification include: officer in trouble; dangerous crimes in progress or having just occurred; traffic collisions with serious injuries and public safety personnel are not present; and other situations wherein the immediate arrival of police could possibly eliminate the threat of, or prevent, death or injury to persons. If it can be accomplished in reasonable safety (as that term is defined in this General Order), Officers initiating a Code 2 emergency response are authorized to engage in non-routine operation of the police vehicle and shall utilize blue lights and siren.

2. Special Circumstances:

(a) Response to Alarms: will be Code 1 routine response unless activated with verification of a crime or other emergency in progress that creates a significant risk of death or serious injury to any person.

(b) Silent Response: some situations such as crimes in progress will warrant an emergency response where use of an audible siren would not be tactically

desirable. When operating in such a manner, officers must use extreme caution, remembering that the use of only blue lights will limit the warning given to other motorists. Additionally, State law and departmental policy require that both blue lights and siren must be used when exercising the right-of-way as an emergency vehicle.

3. Primary Unit Responsibilities:

   (a) It shall be the responsibility of the officer assigned as the primary unit to determine the level of response to a call based on the criteria used to determine "reasonable safety" as defined in this General Order.

   (b) Officers engaged in a Code 1 routine response are not required to indicate their level of response. Officers are required, however, to immediately notify the Communication Center by radio of any Code 2 emergency response, except when making this notification would be detrimental to the safety of the officers or members of the public.

   (c) Primary response units shall notify the Communications Center by radio upon arrival at the scene and shall provide a status report as soon as possible.

   (d) When initiating a response to calls for service not originating through Communications, officers are to follow all applicable policy and procedures as defined in this General Order.

4. Supervisory Responsibilities:

   (a) Evaluate the call and response level of the responding unit(s). When appropriate, supervisors shall intervene and designate units to be involved in the response and may reclassify their response level or terminate such response at any time.

   (b) Verify that no more than the necessary number of police units are involved in the response.

   (c) Ensure that affected agencies are notified of the situation.

   (d) Monitor the situation until it is stabilized or terminated, and exercise control by directing field units as necessary.

5. Communications Center Responsibilities:

   (a) Receive and record all pertinent information on the call for service.

   (b) Dispatch appropriate field units, to include notification of supervisory personnel as necessary.

   (c) Relay any additional information that would indicate a higher level of response is needed (e.g. shots fired, etc).

   (d) Perform necessary record and DMV checks.

(e) Provide coordination of radio communication during the response.

(f) Coordinate assistance as directed by supervisory personnel.

D. SPECIAL EXCEPTION FOR TRAFFIC LAW ENFORCEMENT

1. Because it is impractical, if not impossible, to engage in meaningful enforcement of traffic laws without operating the police vehicle outside the traffic laws and rules of the road applicable to non-emergency vehicles, the following paragraphs establish a limited exception to the requirements of Section A5:

   (a) If it can be accomplished in reasonable safety (as that term is defined in this General Order), officers operating properly marked police vehicles may, as authorized by NCGS 20-145, exceed the applicable speed limit without the use of warning equipment in order to overtake and/or pace (as briefly as possible) an actual or (reasonably) suspected violator of the motor vehicle laws who poses a hazard to other vehicular or pedestrian traffic (e.g. speeding, reckless driving, etc.). This exception shall not apply to minor infractions and non-moving violations.

   (b) In all cases, the speed of the police vehicle must be objectively reasonable based on the prevailing conditions, and the police vehicle operated with due regard for the rights and safety of others. The limited exception defined in paragraph (a) above shall not be construed to give officers the authority to proceed through stop lights, pass in no-passing zones, drive the wrong way on one-way streets, or otherwise attempt to exercise the right-of-way as an emergency vehicle unless operating both the blue lights and audible siren.

E. TRAINING

1. All newly hired sworn personnel will receive documented initial training on the department's Non-Routine Vehicle Operation policy as part of the agency's Field Training Program.

2. A documented annual review of the department's Non-Routine Vehicle Operation policy will be covered with all sworn personnel by one of the department's certified driving instructors.

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Non-Routine Vehicle Operation
Pursuit Driving
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Tire Deflation Devices
Traffic Law Enforcement
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KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 1100-03

SUBJECT: ALARM RESPONSE
DISTRIBUTION All Personnel
EFFECTIVE DATE: 11-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish police procedures for responding to robbery and burglary alarms.

POLICY

Alarms indicating the robbery or burglary of a home or business places the victims, the public, and the responding police officers at an elevated risk of physical harm. The Kannapolis Police Department will establish uniform procedures for alarm response that are designed to minimize the danger to innocent persons and afford the greatest opportunity to apprehend criminal suspect(s).

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Alarm: the activation of an electronic signal to a central monitoring station that indicates a robbery or burglary in progress at a home or business, resulting in a request for police response.

2. Bank: an FDIC insured bank or savings & loan institution located within the City of Kannapolis. Small loan offices, credit unions, consumer credit businesses, check cashing businesses, and similar locations that are not federally insured and that do not process or maintain significant quantities of cash or negotiable securities are not considered as banks within the meaning of this Order.

3. Bank Alarm: the activation of an electronic signal to a central monitoring station that indicates a robbery or burglary in progress at a bank, resulting in a request for police response. The term 'bank alarm' shall also include any direct report of a robbery or burglary in progress at a bank by a citizen or officer.

4. False Alarm: the activation of an Alarm System through mechanical or electronic failure, malfunction, improper installation, or the intentional acts of negligence of the Alarm User, his/her employees, or agents, to summon law enforcement personnel, unless law enforcement response was cancelled by the Alarm Company (designated by the Alarm User) prior to law enforcement personnel arrival on the scene.

PROCEDURES

A. ALARM CLASSIFICATIONS

1. 10-65 (ROBBERY-IN-PROGRESS): Robbery-in-progress (i.e., "hold-up" alarms) activated at a residence, business, or bank will be dispatched using the ten-code 10-65.

2. 10-85 (SILENT ALARM): Burglary alarms activated at homes or businesses (except banks) within the City will be dispatched using the ten-code 10-85.

3. 10-46 (BANK ALARM): Bank alarms activated outside the bank's regular business hours will be dispatched using the ten-code 10-46 and handled as such by the responding officers. Officers should remain alert, however, to the possibility that a bank employee may have been forced to return to the bank outside regular business hours as part of a robbery attempt and should exercise extreme caution irrespective of the alarm designation.

B. JURISDICTION – BANK ROBBERIES

1. The robbery or burglary of a bank is within the original jurisdiction of both the local police department and the Federal Bureau of Investigation (FBI).

2. Officers of the Kannapolis Police Department are to offer their full cooperation and support to the FBI and other agencies jointly involved in responding to bank alarms and/or conducting follow-up investigations.

3. Normally, only the local police will initially respond to bank alarms. Once it has been determined that an actual robbery of a federally insured institution has occurred, the FBI will be notified as soon as possible.

C. PREMISES FAMILIARIZATION

1. Each officer of the Police Department is responsible for becoming familiar with the location and general layout of local businesses and banks within their assigned area.

2. The Field Operations Bureau Commander will coordinate tactical assessments of banks and other selected facilities in the event that a tactical response is required. These tactical assessments will be reviewed at least annually and updated as required.

D. ROBBERY ALARM RESPONSE PROCEDURES

1. Whenever the Police Department receives a ROBBERY alarm, the following initial response procedures will be observed:

    (a) The telecommunicator will activate the radio alert tone and immediately dispatch the nearest available zone car, back-up unit(s), and field supervisor.

    (b) All robbery alarms shall be dispatched using the proper ten-code, the business name (if applicable), and street address of the affected location. The initial response to a robbery alarm shall have priority in the use of radio communications. All non-emergency radio traffic should be temporarily withheld pending completion of the initial alarm response or diverted to an alternate radio channel.

(c) Additional police units may be directed by the field supervisor to respond to the area or take positions enabling them to monitor escape routes that may be used by the suspect(s).

(d) It shall be the responsibility of the patrol field supervisor to direct and control the initial response to robbery alarms. The patrol field supervisor is authorized to make use of any police unit in service, irrespective of assignment, to assist in responding to the alarm.

2. The Communications Center will attempt to establish direct telephone contact with the alarm user in order to verify the alarm status. Based on the result, one of the indications listed below will be broadcast to all responding units. Should the status change for any reason, the telecommunicator will activate the alert tone and broadcast the new status.

   (a) NO ANSWER PUBLIC SERVICE

   (b) ALARM USER (OR MONITORING STATION) INDICATES 10-79

   (c) 10-65 CONFIRMED - SUSPECTS HAVE LEFT THE SCENE

   (d) 10-65 CONFIRMED - IN PROGRESS

3. Assigned police units will be authorized to respond to robbery alarms as emergency vehicles in accordance with General Order 1100-02 (Non-Routine Vehicle Operation), but should downgrade to a Code 2 response, avoiding use of the audible siren when approaching the immediate vicinity of the alarm location. While en route, responding officers should activate their in-car cameras (if so equipped) and be alert for any suspicious vehicles or persons. Due to the time delay that exists in many alarm systems, officers must remain aware of the possibility that the suspect(s) may already be some distance away from the alarm location at the time of the initial dispatch. Officers should also remain alert for possible accomplices and/or getaway vehicles that may be waiting outside or in close proximity to the scene.

4. Police units are to approach the scene in a manner that will minimize the likelihood that any suspect(s) will be alerted to the police presence. Officers are to take positions of cover and concealment <u>outside</u> the scene. This method of response will help ensure the following:

   (a) Reduce the risk to officers, victims and the public;

   (b) Reduce the possibility of hostages being taken;

   (c) Enable officers to select tactically advantageous positions from which to challenge and arrest any suspect(s) leaving the location. Sound tactical positioning will enable officers to know where other officers are located, visually observe the entrances, and minimize the danger of crossfire.

5. If the alarm status is NO ANSWER PUBLIC SERVICE, officers should assume that a 10-65 is in progress and respond in accordance with this Order.

6. If the alarm status is ALARM USER INDICATES 10-79 (false alarm), the field supervisor shall ensure that police units respond to investigate. Such action is necessary in the event that victims are forced to falsify their communication with the police. The resident or business

official will be advised via telephone by the Communications Center to exit the main entrance keeping his/her hands visible, and await the approach or instruction of the responding officers. Telecommunicators are to immediately notify the responding units that a resident or business employee was contacted and is coming outside.

7. If the alarm status is 10-65 CONFIRMED – SUSPECTS HAVE LEFT THE SCENE, the following procedures will be followed:

    (a) The telecommunicator should ascertain and broadcast initial information to all units about the suspect(s) description, suspect vehicle(s), and last direction of travel. A DCI radius message should also be sent notifying surrounding agencies of the initial suspect information.

    (b) The resident or business employee will be advised by the Communications Center that police officers are present and instructed to exit and stand just outside the main entrance, keeping his/her hands visible, and await the approach or instruction of the officers. Telecommunicators are to immediately notify all responding units that a resident or business employee was contacted and is coming outside.

    (c) The first officers at the scene will secure the premises and detain any witnesses. Witnesses should be separated if possible and advised not to discuss the incident among themselves until after they are interviewed by the police. Witnesses should not be allowed to move about or touch anything of evidentiary value.

    (d) The supervisor at the scene should obtain and broadcast an updated description of the suspect(s), any vehicle or weapons used, and the direction of escape. The Communications Center shall immediately alert all surrounding law enforcement agencies of such information via DCI radius message.

    (e) The patrol field supervisor will be responsible for directing and coordinating the efforts of all available field units in locating and apprehending any suspect(s) who have left the scene.

    (f) The patrol field supervisor will determine the need for CID or crime scene search assistance and authorize notification of the appropriate personnel accordingly.

    (g) If the robbery of a bank is confirmed, the patrol field supervisor will direct the Communication Center to notify the local field office of the FBI and the on-duty CID supervisor, who will assume joint control of the robbery scene upon their arrival. The assigned CID supervisor will be responsible for coordinating all investigative efforts with the FBI, including arrest processing, scene processing and witness interviews.

8. If the alarm status is 10-65 CONFIRMED - IN PROGRESS, the following procedure will be observed:

    (a) To the extent possible, the telecommunicator should ascertain and broadcast available information to all units about the number of suspects, their general description, and weapons used. If the caller is unable to stay on the line, the telecommunicator should instruct the caller to lay the phone down without hanging up.

(b) Officers are to wait outside the location in concealed positions of cover for the suspect(s) to exit the home or business. Once the suspect(s) are clearly away from the entrance, officers should verbally challenge the suspect(s) and attempt arrest using sound tactical procedures.

(c) If the suspect(s) offers resistance, or attempts to re-enter the home or business, officers may use whatever force is reasonably necessary to prevent re-entry of the suspect(s) and complete the arrest. Any use of force by officers must be in accordance with the applicable provisions of General Order 600-01 (Use of Force).

(d) If there is reason to believe that hostages have been taken, the primary duty of the responding officers is to protect the safety of the hostages and to isolate and contain the situation pending the notification and arrival of tactical and negotiation units. All officers are to familiarize themselves with the guidelines for responding to high-risk incidents as outlined in General Order 600-11 (Special Operations) and should implement all applicable measures.

(e) Following the arrest of the suspect(s) or their escape from the scene, the field supervisor will ensure that the crime scene and any witnesses are secured pending the arrival of investigators.

(f) If the robbery of a bank is confirmed, the patrol field supervisor will direct the Communication Center to notify the local field office of the FBI and the on-duty CID supervisor, who will assume joint control of the robbery scene upon their arrival. The assigned CID supervisor will be responsible for coordinating all investigative efforts with the FBI, including arrest processing, scene processing and witness interviews.

E. BURGLARY ALARM RESPONSE PROCEDURES

1. Whenever the Police Department receives notice of a BURGLARY alarm, the following initial response procedures will be observed:

(a) The telecommunicator will dispatch the nearest available zone car, back-up unit(s), and field supervisor.

(b) All burglary alarms will be dispatched using the proper ten-code and the specific business name and/or street address of the affected home or business. Residential alarms shall be distinguished from business alarms in the initial dispatch.

Examples: *"10-85 Residential ….. 1233 Anywhere Street"*
"10-85 Bojangles …… 1301 South Cannon Blvd"
"10-46 First Bank …… 815 South Loop Road"

(c) The initial response to a burglary alarm shall have priority in the use of radio communications. All non-emergency radio traffic should be temporarily withheld pending completion of the initial alarm response or diverted to an alternate radio channel.

(d) Additional police units may be directed by the field supervisor to respond to the area or take positions enabling them to monitor escape routes that may be used by the suspect(s).

(e) It shall be the responsibility of the patrol field supervisor to direct and control the initial response to burglary alarms. The patrol field supervisor is authorized to make use of any police unit in service, irrespective of assignment, to assist in responding to the alarm.

2. Assigned police units will be authorized to respond to burglary alarms as emergency vehicles in accordance with General Order 1100-02 (Non-Routine Vehicle Operation), but should downgrade to a Code-2 response, avoiding use of the audible siren when approaching the vicinity of the scene. Police units are to approach the scene in a manner that will minimize the likelihood that any suspect(s) will be alerted to the police presence.

3. While en route, responding officers should activate their in-car cameras (if so equipped) and be alert for any suspicious vehicles or persons. Due to the time delay that exists in many burglary alarm reporting systems, officers must remain aware of the possibility that the suspect(s) may already be some distance away from the location at the time of the initial dispatch. Officers should also remain alert for possible accomplices and/or getaway vehicles that may be positioned outside or in close proximity.

4. If there is reasonable cause to believe that the burglary may still be in progress, officers should take positions of cover and concealment <u>outside</u> the location. This method of response will enable officers to select tactically advantageous positions from which to challenge any suspect(s) leaving the scene. Sound tactical positioning will enable officers to know where other officers are located, visually observe the entrances, and minimize the danger of crossfire.

5. If there is evidence of unlawful entry, but no suspects are observed from outside, sound tactical methods will be used in searching and securing the premises. No entry or search should be undertaken without adequate backup assistance on scene. The responding supervisor will coordinate all search efforts, and may request K9 or tactical support as needed.

6. Following the arrest of the suspect(s) or their escape from the scene, the field supervisor will ensure that the crime scene and any witnesses are secured pending the arrival of the assigned investigator. If the burglary occurs at a bank, the assigned investigator will be responsible for notifying and coordinating investigative efforts with the FBI.

7. In all cases, the telecommunicator shall attempt to verify contact with the appropriate home or business owner to respond to the alarm location.

F. FALSE ALARMS

1. In accordance with Alarm Systems and False Alarms, Chapter 11, Article IV; of the Code of the City of Kannapolis, all alarms installed and operated must be registered and permitted by the City of Kannapolis.

2. The alarm activation will be classified as a false alarm (10-79) when, upon inspection by the responding police officer(s), evidence indicates that no unlawful entry, robbery, or other such crime was committed or attempted in or on the premises which would have activated a properly functioning alarm system.

3. A false alarm shall not include an alarm which can reasonably be determined by the investigating officer to have been caused or activated by a violent condition of nature including but not limited to floods, hurricane, lightning, blizzard or other similar condition outside the alarm user's control.

4. An alarm activated during an alarm system testing procedure shall not be considered a false alarm if the alarm user first notified the Kannapolis Police Department and notified and received permission from the user's alarm company, or designee, to test the system.

5. Upon being dispatched and arriving to an alarm activation, the responding officer must conduct a thorough inspection of the premises to ensure no unlawful entry was made or attempted, or the officer must speak with the person(s) on the premises to determine the cause of the activation.

6. In cases where the alarm activation was the result of an actual criminal occurrence, the appropriate report will be taken and the disposition entered into CAD and/or the department's record management system.

7. In order to effectively track false alarms, telecommunicators (or responding officers if their vehicle is MDT equipped) will ensure that the appropriate code is entered into the CAD disposition field on all false and canceled alarms as follows:

CODE	**DISPOSITION TYPE**
FACA	False Alarm - Canceled: This alarm disposition will apply when the alarm is canceled by the alarm user or monitoring station PRIOR to the arrival of the first responding police officer at the alarm location.
FAEX	False Alarm - External Causes: This alarm disposition will apply when the responding police officer(s) reasonably determine that the alarm was likely caused or activated as a direct result of external events such as storms, area power blackouts, or other extraordinary circumstance not reasonably subject to control by the alarm user.
FAOP	False Alarm - Operator Error: This disposition will apply when the responding police officer(s) reasonably determines that the alarm was caused or activated as a result of improper operation of the alarm system. Operator error includes accidental activations, failure to properly activate or deactivate the system upon entry or exit, activations by pets left in buildings, intentional activations when no emergency or crime in progress exists, and alarm system tests not approved in advance by the police department.
FASY	False Alarm - System Malfunction: This disposition will apply when the responding police officer(s) reasonably determines that the alarm activation was due to an improperly functioning or improperly installed alarm system equipment.
FA	False Alarm - Undetermined Cause: This disposition will apply when, after inspection of the premises, the responding police officer(s) is unable to determine the cause of the alarm activation.

8. Excessive false alarms as defined in the City ordinance, and/or the failure of alarm users to comply with fines imposed for ordinance violations, will result in the revocation of the permit and the discontinuance of law enforcement response to alarm activations that may occur. When this occurs an entry will be made in CAD for those locations until such time as the permit is reinstated.

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KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: **1100-04**
SUBJECT: HAZARD RESPONSE PLAN
DISTRIBUTION All Personnel
EFFECTIVE DATE: 01-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish procedures for police response to critical incidents such as natural and man-made disaster. These critical and hazardous situations include incidents involving mass arrest, civil disturbances, and bomb threats. In addition, this General Order also provides guidance for police officers acting as first responders to hazardous materials emergencies.

POLICY

During disaster situations, law enforcement agencies must expand their normal operations in order to meet the increased need for the protection of life and property, and the restoration and maintenance of public order. In such instances, it is frequently necessary for the police to coordinate their efforts with other public safety organizations and community resources. In addition, in the course of their normal duties, law enforcement officers may be assigned to respond to the scene of a transportation or industrial accident, or other situations in which hazardous substances have been spilled or otherwise released. When confronted with such emergencies, officers are to take appropriate measures to protect their own safety and that of other affected persons, identify the type of substance involved, and ensure the prompt notification of medical and fire suppression personnel and such additional assistance as may be required. The Police Department will maintain liaison with the appropriate local, state, and federal agencies to ensure a comprehensive and coordinated investigation of hazardous materials incidents. The formulation of specific plans applicable to all possible situations is both impractical and undesirable. Incident commanders must be able to exercise discretion and flexibility in dealing with disaster incidents. For this reason, the following plan is presented as a general guide for police response to disaster situations and is intended to facilitate tactical decision making by on-scene commanders in the management of police field operations.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. CHEMTREC: the Chemical Transportation Emergency Center, a 24-hour public service of the Chemical Manufacturers Association that provides immediate advice by telephone for the on-scene fire commander at a hazardous chemical emergency, and then promptly contacts the shipper of the hazardous materials involved for detailed assistance and appropriate response follow-up.

2. Disaster: an incident or situation, generally of an emergency nature, that results from catastrophes, both natural and man-made. Examples include hurricanes, tornadoes, explosions, hazardous materials incidents, flash floods, rail/air transportation accidents, and catastrophic fires.

3. Hazardous Material: any element, compound or combination thereof that is flammable, corrosive, detonable, toxic, radioactive, an oxidizer, an etiological agent, or highly reactive when, because of its handling, storage, processing, or packaging may have detrimental effects upon operating and emergency personnel, the public, equipment, and/or the environment.

4. Incident Command System (ICS): a model tool for the command, control, and coordination of an emergency situation (See General Order 1100-08).

5. Incident Commander: the individual responsible for the overall management of the incident. The incident commander is the head of the command function under the Incident Command System.

6. Staging Area: a location near the event site where officers report for a specific assignment. A location near the event site where equipment or other resources may be brought to support the response at the event site.

PROCEDURES

A. ORGANIZATION & ADMINISTRATION

1. The objectives of the Police Department's Hazard Response Plan are as follows:

   (a) Prepare police personnel to handle and control an incident and bring it to a safe conclusion;

   (b) Facilitate the collection and appraisal of sufficient intelligence data to determine the magnitude of a given incident;

   (c) Provide for the orderly and efficient assembly of necessary manpower, supplies and equipment to ensure the proper and expeditious management of disaster incidents;

   (d) Determine the need for training and education of agency personnel, to include techniques and procedures necessary for effective incident management;

   (e) Provide for the orderly and efficient coordination of all other agencies or organizations considered necessary and appropriate to the successful handling of disaster incidents;

   (f) Provide the means whereby experience gained in the management of such incidents may be used in the prevention or control of future disasters.

2. The responsibility of the police in time of disaster is the same as in routine circumstances: the protection of life and property, and maintenance of public order. Major incidents and disasters do not change the legal responsibilities of the police, but rather increase the need for fulfilling them promptly and adequately under emergency conditions.

3. In the event of a critical incident or disaster within the incorporated City of Kannapolis, governmental responsibility for the initial management of such situation is vested in the Kannapolis Police Department and/or Kannapolis Fire Department, depending on the specific nature of the incident.

4. All emergency management efforts within the City will be subject to coordination by the City Manager and the Emergency Management Director of the county having jurisdiction.

5. Officers should remain aware that during disaster situations, all departmental policies and prevailing law, including those pertaining to arrests, use of force, processing of prisoners, and the collection of evidence, remain in effect. Existing policies regarding the Departmental chain-of-command will apply during the response to and management of a disaster incident.

B. GUIDELINES FOR INITIAL RESPONSE

1. Management of a major incident begins with the arrival of the first uniformed officer. Responsibilities of the First Officer arriving on the scene of the incident include:

   (a) Assess the situation, identify serious hazards; and determine the size of the affected area;

   (b) Take initial steps to secure and isolate the scene if possible;

   (c) Inform a supervisor of the incident and request immediate assistance at the scene;

   (d) Recommend an emergency response route;

   (e) Advise the Communications Center of the location and nature of the incident, and the type and amount of assistance (resources) needed.

2. Responsibilities of the Communications Center personnel include:

   (a) Dispatch support units as requested or indicated;

   (b) Confirm the nature of the incident and the need for support units with the first police supervisor on the scene;

   (c) If instructed by the Incident Commander, designate a special radio talk group for the exclusive use of responding units;

   (d) Inform departmental personnel that radio communication from individual officers shall be for emergency situations only.

3. Responsibilities of the Field Supervisor on the scene of a critical incident include:

   (a) Assume initial command of all police activities at the scene.

   (b) Verify the initial officer's assessment of the situation, and either confirm or revise the request for additional support units;

(c) Establish a temporary Field Command Post and inform the Communications Center of its location;

(d) Designate a staging area for equipment and personnel;

(e) Assess the recommended emergency response route and adjust if needed;

(f) Take appropriate action to contain the incident and ensure the security of persons, property, and public facilities in the area;

(g) Review all actions taken and make necessary adjustments to bring the situation to a swift and safe conclusion;

(h) Notify the Patrol Lieutenant if conditions at the scene or the severity of the incident so warrants.

4. Responsibilities of the Patrol Lieutenant include:

(a) Assume command of all police activities at the scene;

(b) Reassess the situation and identify contingencies;

(c) Activate other components of the Incident Command System as needed;

(d) When practical, develop a preliminary situation map to be used in making decisions regarding the allocation of personnel and resources to high priority situations as they develop;

(e) Determine preliminary goals and objectives (incident action plan);

(f) Identify needed resources;

(g) Initiate the action plan;

(h) Transfer command to higher authority, as applicable.

5. Responsibilities of the Field Operations Bureau Commander include:

(a) If deemed necessary, report to the scene and assume command;

(b) Reassess the initial response;

(c) Identify contingencies;

(d) Make adjustments to the incident action plan as needed;

(e) Assess the need for additional manpower mobilization (response level);

(f) Activate other components of the Incident Command System as needed;

(g) Notify the Chief of Police, if the conditions at the scene or severity of the incident warrants.

6. Responsibilities of the Deputy Chief include:

   (a) If deemed necessary, report to the scene and assume command. If assumption of field command is not required, the Deputy Chief will report to the KPD Command Center at Police Headquarters;

   (b) Assist the Chief of Police as necessary in the coordination and implementation of the incident action plan;

   (c) Assume command of the KPD Command Center at police headquarters in the event that the Chief of Police is required to report to the City's Emergency Operations Center.

7. Responsibilities of the Chief of Police include:

   (a) If deemed necessary, report to the scene and assume command. If assumption of field command is not required, the Chief will report to the KPD Command Center at Police Headquarters;

   (b) Review all action taken and coordinate with the Incident Commander to make any needed adjustments to the incident action plan;

   (c) Authorize activation of additional Incident Command System components as appropriate;

   (d) Notify the City Manager if conditions at the scene or severity of the incident warrants;

   (e) In the event that the City's Emergency Operations Center (EOC) is activated, the Chief of Police will report to that location and serve as law enforcement liaison to the City Manager in coordinating response activities under the Emergency Preparedness Plan. During an EOC activation, the Chief of Police will continue to exercise final authority over all law enforcement operations, however the Field Operations Bureau Commander will assume responsibility as the on-scene Incident Commander.

C. INCIDENT COMMAND

1. The Police Department will employ the Incident Command System (ICS) as a model tool for command, control, and coordination of the response to major incidents. This formal system of event organization and management will enable the agency to effectively use all available resources. The ICS serves as a method to coordinate the efforts of the Police Department and other outside agencies as they work toward the common goals of stabilizing the incident and protecting life, property, and the environment.

2. The ICS will be utilized for all operations requiring a unified command structure, and for operations requiring a Level 2 or Level 3 mobilization. When ICS is needed, the procedures outlined in General Order 1100-08 (Incident Command System) will be followed.

3. The Chief of Police will exercise overall command and control of all civil law enforcement resources committed to disaster response within the City of Kannapolis. This overall command and control includes law enforcement personnel from outside agencies responding pursuant to a mutual aid request. In the absence of the Chief of Police, the protocol for command succession as specified in General Order 200-02 (Command and Supervision) will be observed.

4. When necessary, an emergency Command Center will be established at the police department. The purpose of the KPD Command Center will be to coordinate the exchange of information between Police Headquarters, the Incident Command Post, and the City EOC (as applicable).

5. The Incident Commander will be the officer who assumes responsibility and is in charge of all police personnel and activities at the scene of an incident.

6. During major disaster incidents requiring a citywide response, all City resources and personnel will be coordinated and controlled by the City Manager. The control of individual City Departments will be the responsibility of the Chief Executive Officer of their respective Departments. The various City departments will perform emergency functions related to those they perform in normal operations, as well as any additional duties that may be assigned by the City Manager.

D. ALERT PROCEDURES

1. Disaster incidents may place situational demands on the Police Department that exceeds the routine response capabilities of on-duty field operations personnel. In such instances, the Incident Commander may order that additional agency personnel be alerted to respond. The following alert classifications will be used by the Department.

   Level 1 Alert: is the primary stage of mobilization during emergency incidents of a less serious nature. This level of alert may require the redeployment or reassignment of all on-duty police personnel. On-duty elements of the Support Services Bureau will assist field operations units as directed by the Incident Commander;

   Level 2 Alert: involves a serious incident of such magnitude that the number of available on-duty personnel is inadequate to establish control and must be augmented by additional personnel. A Level 2 Alert requires the partial mobilization of off-duty personnel. Additional field operations personnel, special operations units, and elements of the Support Services Bureau may be mobilized as directed by the Incident Commander. The Field Operations Bureau Commander, Deputy Chief, and Chief of Police must be notified immediately of all Level 2 Alerts;

   Level 3 Alert: involves a major incident that threatens the safety of the City to such an extent that the entire Department must be mobilized for the effective control of the situation. Such alert requires the total mobilization and commitment of the Department's resources. All holiday, vacation, compensatory and training leaves will be automatically canceled for the duration of the Alert. The Deputy Chief and Chief of Police must be notified immediately of all Level 3 Alerts.

E. RESPONSE TO LEVEL 3 ALERTS

NOTE: *Incidents warranting response to a Level 1 Alert or Level 2 Alert may also require implementation of all or part of the mobilization and response procedures described below*

1. Upon receiving notification of a Level 3 Alert, mobilization of all police personnel will commence, beginning at the highest point in the chain of command, whenever possible. Component supervisors will be responsible for mobilizing their subordinate personnel. Supervisors may direct members to relay such notification to other members within the same component in order to speed the mobilization process.

2. Any member receiving mobilization instructions in response to an emergency alert, relayed or otherwise, will consider such instructions to be a direct order from the Chief of Police.

3. All personnel will be notified of the mobilization, the time and place to report, the uniform of the day (if other than regular duty uniform), and special equipment requirements. All personnel will remain on active duty until relieved by higher authority.

4. Members responding to an alert mobilization will meet at the "staging area" designated by the On-Scene Commander. Unless otherwise directed, the primary staging area for a Level 3 Alert will be Police Headquarters. The On-Scene Commander may, dependent upon the circumstances of a particular incident, designate secondary staging areas near the incident scene to which officers will report for equipment distribution and assignment.

5. Responsibilities of the Field Operations Bureau Commander during the response to a Level 3 Alert include:

    (a) Assume command and control of the overall direction and deployment of police field personnel as necessary to restore order;

    (b) Serve as the On-Scene Commander at the Field Command Post;

    (c) Delegate assignments to commanders and supervisors for the following responsibilities as required:

        (1) Control of the operational staging area;
        (2) Maintenance and security of the incident scene;
        (3) Physical security of the field command post;
        (4) Evacuation activities;
        (5) Coordination of arrests and processing of arrestees;
        (6) Transportation of prisoners to designated detention facilities;
        (7) Maintenance of emergency response routes for transporting personnel and equipment to and from the scene of the incident;
        (8) News media liaison.

6. Responsibilities of the Support Services Bureau Commander during the response to a Level 3 Alert include the following:

    (a) Coordinate the deployment and utilization of Support Services Bureau personnel and resources as required;

    (b) Activate a departmental emergency command center;

(c) Designate a primary radio talk group for use by responding units. Establish and maintain a communications link between the Command Post, the Police Communications Center, and the Emergency Operations Center. Assign telecommunications personnel to support the Command Post as required;

(d) Ensure that emergency operation records are maintained for units responding to the incident, including a "duty log" of personnel assigned to the operation, offense/arrest data, damage/casualty estimates, and other information to be utilized in the post-incident critique. Assign records personnel to support the Command Post if this function is required;

(e) Delegate assignments to commanders and supervisors for the following responsibilities as required:

(1) Providing logistical support to field personnel as needed for the duration of the disaster response, to include the procurement and distribution of needed food, supplies and equipment; the receipt and storage of evidence and recovered property; and the maintenance of logistical records;

(2) Providing investigative support to field operations personnel in conducting investigations, identification services, intelligence gathering, and related support activities;

(3) Physical security of Police Headquarters, the Emergency Operations Center, and other critical city facilities.

F. ANTICIPATION OF AN UPCOMING MAJOR EVENT

1. Prior to an anticipated major event, a planning committee will be formed and tasked with gathering intelligence, identifying contingencies, determining objectives, identifying needed resources and developing an action plan.

2. The Incident Command System will be utilized where necessary, and the planning staff should be comprised of personnel that will be responsible and exercise command of the different entities that will be used during the anticipated event.

3. The Criminal Investigation Division will be responsible for gathering and disseminating intelligence information on potential problems, events, groups or organizations, and potential problem areas. During the event, CID members will deploy to maintain an ongoing appraisal by establishing observation posts, infiltrating the crowd, assembling video teams, and forming partnerships with other agencies involved in the situation.

4. The action plan for an upcoming event will dictate the contingent of personnel and resources that will need to be deployed and the appropriate Alert Response Level.

G. NEWS MEDIA AND PUBLIC INFORMATION

1. During disasters, the Chief of Police or his designee will coordinate with the City Manager and City Public Information Officer (PIO) as necessary to respond to news media requests for information and assistance. Where appropriate, news releases and/or media briefings will be provided on an "as-needed" basis for the following purposes:

(a) Informing the public of imminent or present dangers;
(b) Providing casualty information;
(c) Providing property damage reports and estimates of damage;
(d) Providing warnings to potential looters and others involved in criminal acts;
(e) Provide a means to control rumors.

2. All news media releases regarding police response to disaster situations will be in accordance with current policies and directives of the Police Department, the policies of the City of Kannapolis, and the provisions of the City of Kannapolis Emergency Preparedness Plan.

H. MUTUAL AID

1. The Chief of Police shall be responsible for developing and maintaining mutual aid agreements with outside law enforcement agencies whose assistance may be required in disaster or emergency situations.

2. The need for assistance from other law enforcement agencies, military support and/or services from other outside agencies should be determined as soon as possible. In any disaster emergency situation, time is of the essence and the police department must take decisive action.

3. Mutual aid support from other law enforcement agencies will be requested as the need arises, and in accordance with departmental policy.

4. All reasonable efforts will be made to preserve unit integrity of individual agency personnel during the management of the incident. However, exercise of on-scene command and control over all civil law enforcement resources committed to the operation will be under the Incident Commander.

I. COURT & PROSECUTORIAL LIAISON

1. In the event of criminal activity, court and prosecutorial liaison will be established for the purpose of mobilizing any needed court personnel and providing legal advice to law enforcement commanders.

J. LEGAL AUTHORITY

1. Disasters and major incidents can give rise to legal issues for police that in normal operations would not be significant. Such issues may include, but are not limited to:

   (a) Law Enforcement Mutual Aid Assistance;
   (b) Statewide Inter-Governmental Mutual Aid Compact;
   (c) Enforcement measures pursuant to a Declared State of Emergency;
   (d) Military Assistance;
   (e) Dissemination of sensitive or classified intelligence;
   (f) Urgent necessity actions; and
   (g) Actions taken pursuant to emergency management ordinances.

2. The Chief of Police and Incident Commander will be responsible for ensuring that the law enforcement measures carried out as part of the emergency response are legally authorized.

3. Any questions regarding the legality of proposed actions by police personnel will be directed to the City Attorney and/or District Attorney prior to the initiation of such action.

K. EVACUATION

1. Should the circumstances of an incident require the evacuation of residents or other persons from a particular area, officers will conduct such action with the safety of the citizens as the primary concern, giving consideration to their personal needs and concerns as well. Departmental vehicles and other city vehicles may be used for transporting persons during such evacuations.

2. The American Red Cross is the agency responsible for the selection of shelter sites, as well as the opening, operation and termination of evacuation shelters. Once the need for an evacuation of an area has been determined, the Incident Commander will advise the Emergency Operations Center to contact the Red Cross for activation of a shelter.

L. MILITARY SUPPORT (MARTIAL LAW)

1. Major incidents may involve demands that exceed the capabilities of local authorities to control and create a need for assistance from the North Carolina National Guard. Military support to civil authorities in such emergencies for the purpose of preserving life, protecting property, and the maintenance of law and order is an emergency task within the mission of the National Guard.

2. By law, only the Governor can order National Guard personnel to State Active Duty in an emergency and/or declare martial law. The authority for these call-ups is normally exercised through the Secretary of Crime Control and Public Safety. Individual National Guard units should **NOT** be contacted for this purpose.

3. The Chief of Police will assess the need for military support of law enforcement activities and will advise the City Manager accordingly. The City Manager, working in conjunction with the Mayor and Emergency Management Director(s) will ensure that the request is forwarded to the Secretary of Crime Control and Public Safety or the State Warning Point through proper channels.

4. National Guard troops will remain under the command and control of National Guard officers. Liaison will be established with the Commanding Officer of the Guard forces to provide the information necessary to their mission and insure a coordinated effort.

M. TRANSPORTATION OF PERSONNEL & EQUIPMENT

1. All available Departmental vehicles will be utilized for transporting officers and equipment to and from the scene of an incident. If additional transportation is required, the Public Works Director will be contacted and other city vehicles will be requested.

N. TRAFFIC CONTROL

1. Traffic control and security will be established at designated control points throughout the City, utilizing the services of the Patrol Division and supporting units. The selection of traffic control points will be based upon the circumstances arising from the incident.

O. EQUIPMENT REQUIREMENTS

1. Special equipment and/or emergency supplies may be requisitioned on an "as-needed" basis from any of the following agencies:

    (a) Any City of Kannapolis department;
    (b) Rowan or Cabarrus Emergency Management department;
    (c) North Carolina National Guard;
    (d) North Carolina Department of Transportation;
    (e) Other appropriate state, county or municipal agencies.

2. Equipment will be distributed to individuals and units based upon their assignments and duties. The issuing official will be responsible for ensuring that such distribution is properly recorded.

P. DECLARED STATE OF EMERGENCY

1. In the event of a public crisis, disaster, civil disturbance, or similar emergency wherein public safety authorities are unable to maintain public order or afford adequate protection for lives or property, a state of emergency may be declared by proclamation of the Mayor or by resolution of the City Council.

2. During a state of emergency as proclaimed by the Mayor or by resolution of City Council, the following prohibitions or restrictions may be invoked:

    (a) Limitations on the movement of people in public places;

    (b) Limitations on the operation of offices, business establishments and other places to or from which people may travel or at which they may congregate;

    (c) Limitation, restriction or prohibition of the possession, transportation, sale, purchase and consumption of intoxicating liquors;

    (d) Limitation, restriction or prohibition of the possession, transportation, sale, purchase, storage and use of dangerous weapons, substances and gasoline;

    (e) Regulation of the sale or use of scarce supplies which are essential for the public health or safety;

    (f) Regulation of evacuation and shelters which may be reasonably necessary to maintain law and order and protect lives and property;

    (g) Regulation of other activities or conditions, the control of which may be reasonably necessary to maintain order and protect lives or property during the emergency.

Q. DE-ESCALATION PROCEDURES

1. The following actions will be taken to de-escalate adverse conditions that may have resulted from the disaster itself, or the ensuing response and control by public safety agencies:

    (a) Identify areas still affected by the disaster;

(b) Establish priorities for restoration of services;

(c) Coordinate restoration activities with other city and mutual aid agencies;

(d) Provide continued security to the designated areas;

(e) Disengage officers as appropriate. On-duty officers will be returned to normal duties. Officers called back or held over for duty will be relieved;

(f) All special equipment issued will be properly accounted for and returned;

(g) The Command Post will be discontinued.

R. AFTER-ACTION REPORT (POST-INCIDENT CRITIQUE)

1. The Incident Commander will compile an after-action report. Such report will include the following information that is applicable to the particular incident being reported:

   (a) Date and time of initial notification of the disaster or incident;

   (b) Establishment of a field command post, including its location, composition of staff, communications capabilities; and liaison personnel (to include other law enforcement, military and city staff);

   (c) Significant adverse events, and corrective or reactive measures taken, to include:

      (1) Deployment of personnel and equipment;
      (2) Life-saving efforts;
      (3) Evacuation and other relocation efforts;
      (4) Restoration of utilities / rights of way;
      (5) Total casualty figures;
      (6) Location and estimate of property damage.

   (d) Recommendations for future responses.

2. An after-action report will be required for all responses to a Level 2 Alert or Level 3 Alert. The Field Operations Bureau Commander may, in his discretion, require a critique of a Level 1 Alert. The after-action report will include the following:

   (a) A meeting will be held within two (2) weeks following the incident to critique procedures and actions taken. The logistics of the critique will be coordinated by the Field Operations Bureau Commander;

   (b) All Department commanders and supervisors will attend;

   (c) Selected personnel from outside agencies may be invited to attend;

   (d) Minutes of the meeting will be recorded, and a written report compiled and forwarded to the Chief of Police.

S. EMERGENCY PREPAREDNESS MANUAL

1. An Emergency Preparedness Manual has been developed by the City of Kannapolis to provide specific instructions for the coordination of emergency response to disaster situations by all City Departments.

2. Annex "A" of this manual contains operational orders and specific information relevant to the implementation of law enforcement procedures in response to disaster situations and other unusual occurrences.

3. Copies of this manual will be maintained in each major Departmental component for use by command officers and will be reviewed and updated periodically as needed.

T. PLANNING & EVALUATION

1. The Field Operations Bureau Commander shall be responsible for planning for Department's response to natural and man-made disasters and critical incidents. He shall act as principal advisor to the Chief of Police in formulating the Law Enforcement Annex to the City of Kannapolis Emergency Preparedness Plan.

2. The Field Operations Bureau Commander will maintain liaison with agencies affected by emergency response plans. These agencies include but are not limited to: the Kannapolis Fire Department, County Emergency Services Director (Rowan/Cabarrus), and outside law enforcement agencies that could be requested to provide mutual aid assistance.

3. The Field Operations Bureau Commander or his designee shall inspect agency equipment designated for use in disaster situations at least once each month to insure operations readiness.

4. The disaster response plans of the Department will be reviewed and inspected on at least an annual basis to determine if they should be updated, revised or continued in their present form.

5. Drills, exercises and rehearsals of disaster response plans, including emergency mobilization procedures, will be conducted and documented on an annual basis.

U. HAZARDOUS MATERIALS INCIDENTS

1. Major incidents involving the release of hazardous materials may require the implementation of portions or all of the procedures included in the Emergency Preparedness Plan. Commanders and supervisors are expected to refer to this plan when confronted with a hazardous materials emergency, and to implement all applicable procedures.

2. When responding to an incident involving the release of a hazardous substance, officers must exercise extreme caution. The following general guidelines will apply:

   (a) <u>Approach Cautiously</u>: Approach the incident scene from an upwind and upgrade direction, if possible. Resist the urge to rush in. You cannot help others until you know what you are facing. Do not walk into or touch any spilled material. Avoid inhaling fumes, smoke, or vapors. Do not assume that gases or vapors are harmless because of the lack of an odor;

(b) Secure the Scene: Without entering the immediate hazard area, do what you can to isolate the area and assure the safety of people and the environment. Keep people away from the scene and the perimeter. Allow room enough to move or remove your own vehicle and equipment;

(c) Identify the Hazards: As a first responder at the scene of a hazardous materials incident, you must seek specific information about any material in question as soon as you are able;

(d) Obtain Help: Notify the Communications Center and request immediate dispatch of a field supervisor and the Fire Department. Request the notification of emergency medical personnel, if needed;

(e) Decide on Site Entry: Any efforts you make to rescue persons, protect property or the environment, must be weighed against the possibility that you could become part of the problem. Evaluate the known hazards and comply with the advice of trained experts before placing yourself or others at risk.

3. Identifying the substance suspected of being hazardous is of critical importance. Generally, transporters of hazardous materials attach a placard or panel to the vehicle that contains a code number to identify the material. This code number is a four-digit number that may be displayed on the sides and/or ends of the vehicle. The number should also appear on the shipping papers kept in the cab of the vehicle or in possession of the driver, a train crewmember, or other official in charge of the material. The letters “UN” or “NA” will usually precede the four-digit number on the shipping papers.

4. The four-digit code number can be cross-referenced in the North American Emergency Response Guidebook for Initial Response to Hazardous Materials Incidents. A copy of this Guidebook is maintained in the Communications Center, as well as in each Departmental vehicle used for general patrol. The Guidebook provides identifying data, potential hazards of the material, and emergency action to be initiated.

5. Prior to approaching the immediate site of a hazardous material spill, the officer should make an effort to visually identify the four-digit code. The code, if located, should be immediately provided to the ranking Fire Department Officer.

6. Actual containment, control and handling of the hazardous substance are the responsibility of the Fire Department. Upon arrival on the scene, the ranking Fire Official will assume responsibility as the Incident Commander and will be responsible for authorizing the notification of CHEMTREC and/or the County Emergency Management Director. The police supervisor will closely coordinate traffic control, perimeter security, and evacuation activities (if needed) with the ranking Fire Official on the scene.

7. If the Fire Department requests that the police Communications Center establish telephone contact with CHEMTREC, the telecommunicator will treat the identification request as a priority and will relay any information provided by CHEMTREC to the requesting Fire Official without delay.

8. The basic information that should be provided to CHEMTREC when originating a request for technical assistance is as follows:

(a) Name of caller and call-back number;
(b) Identification number or identification of the material involved (if known);
(c) Nature of the incident;
(d) Location of the incident;
(e) Shipper or manufacturer;
(f) Container type;
(g) Rail car or truck number;
(h) Carrier name;
(i) Consignee; and
(j) Local conditions.

9. If the identifying information is not obtainable due to destruction of placards, incapacitation of the driver or operator, or destruction of the bill of lading or other shipping papers, the Fire Official may still elect to contact CHEMTREC and provide them with all available data.

10. If it is determined that the substance poses a hazard to the safety of the officer, actual approach to the site must be avoided if possible. Rescue operations must be conducted with extreme care. A perimeter should be established and evacuation procedures initiated as necessary to avoid further exposure.

11. The Communications Center, upon being notified of a hazardous material incident shall:

    (a) Immediately dispatch the Fire Department to the scene;
    (b) If injuries are reported, dispatch EMS personnel;
    (c) Notify the ranking on-duty field operations supervisor.

12. The Communications Center should provide pertinent information to local authorities when making notifications, to include the following:

    (a) Type of incident (transportation, industrial, etc);
    (b) Basic description (explosion, fire, traffic crash, etc);
    (c) Exact location of the incident and any emergency response routes recommended in approaching the scene.

13. If an extensive or prolonged evacuation is required, the County Emergency Management Director should be contacted to coordinate the assistance of the RED CROSS in establishing and operating emergency shelters in accordance with the City of Kannapolis Emergency Preparedness Plan.

14. If multiple casualties are involved, the Emergency Room of the receiving hospital(s) should be notified to prepare for incoming casualties.

V. SPECIAL PROCEDURES FOR RADIOACTIVE MATERIALS

1. When confronted with an incident involving a substance known or suspected of containing radioactive material, extreme caution should be exercised to avoid contact with the substance and any contaminated areas. An initial exclusion area of at least 1,500 feet or more should be established.

2. If injured persons are present, take necessary measures to save life, but defer any non-critical actions until properly trained and equipped medical or rescue personnel arrive. If EMS or rescue personnel are alerted to respond, they should be immediately informed of the possibility of a radiological hazard. Special de-contamination procedures may be required when transporting the injured to a hospital facility.

3. Do not eat, drink, or smoke in the incident area.

4. The Fire Department has devices that measure radioactivity emission levels. Each fire station is equipped with a device, and have personnel trained to take preliminary readings and provide information to the police on suggested evacuation distances.

5. Avoid taking any non-emergency action until radiation specialists arrive on the scene and assess the level of radiological threat involved.

W. INVESTIGATION OF HAZ-MAT INCIDENTS

1. Police investigation of a hazardous materials incident will be assigned to the appropriate component, depending on the type and severity of incident involved. Normally, the Patrol Division will handle transportation incidents. Should the nature or severity of the incident warrant, CID personnel may be assigned to conduct the investigation.

2. A police investigation is required on all hazardous materials incidents and should be closely coordinated with any concurrent investigation being conducted by the County Emergency Management Director, Fire Department, National Response Center, or other agency of jurisdiction.

3. The completion of a DMV-349 form pursuant to the investigation of traffic collisions involving the release of small quantities (less than 50 gallons) of gasoline or diesel fuel from breached containers will satisfy the requirements of this section.

X. MEDICAL ASSESSMENT OF AFFECTED PERSONNEL

1. All police personnel who respond to an incident scene and who suffer <u>direct exposure</u> to a hazardous substance will be required to undergo a medical assessment to determine if any treatment or follow-up care is needed.

2. A medical assessment will be conducted irrespective of whether or not the officer exhibits overt symptoms or complains of physical distress or injury. The medical assessment will be provided at no cost to the officer, and at the earliest practical time following the exposure.

3. The following general procedure will be followed:

   (a) Medical assessments will be performed by the designated departmental health care provider in accordance with the procedures applicable to worker's compensation injuries;

   (b) The facility where the medical assessment is to be conducted should be informed (prior to the officer's arrival) of the nature of the exposure and the type of substance involved, if known. Any de-contamination or other special procedures of the facility must be communicated to and observed by the officer(s) to be examined;

(c) A field supervisor, or his designee, should accompany affected officers to the medical facility for the purpose of providing detailed information to the attending medical personnel, and to secure duty weapons and equipment during de-contamination and examination procedures.

Y. PROVIDING AID TO OTHER AGENCIES

1. In the event of a disaster or similar incident within another jurisdiction, the Kannapolis Police Department will provide assistance in accordance with existing law and applicable law enforcement mutual aid agreements.

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State of Emergency

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 1100-05

SUBJECT: SPECIAL OPERATIONS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 01-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental guidelines for the conduct of police activities during special operations and unusual occurrences.

POLICY

Law enforcement agencies are often confronted with non-routine incidents or situations that require the commitment of special resources or capabilities. Consistent with the police mission, the primary goals of the Department during any unusual occurrence or special operation will be the preservation of public safety and the apprehension of criminal offenders. In all instances, police operations will be conducted with the protection of human life as the foremost consideration. The policy of the Kannapolis Police Department shall be to respond to non-routine incidents, active threats, or other situations in an expedient manner, taking appropriate actions as necessary to meet operational needs, provide for the protection of life and property, and enforce the law.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Active Threat: any deliberate incident that poses an immediate or imminent danger to others. Although these events often involve the use of firearms by perpetrators, they may also involve the use of other types of weapons or implements with the intent to cause harm.

2. High Risk Incident: any occurrence involving an act of violence or potential act of violence in which the safety or life of a police officer or other person is endangered. Such incidents include but are not limited to: hostage situations, barricaded persons, sniper incidents, pre-planned raids, and arrest situations involving a high level of risk.

3. Incident Commander: the individual officer who assumes responsibility for and is in charge of all police personnel and activities at the scene of a high-risk incident, civil disturbance, special event, or unusual occurrence.

4. Search and Rescue Operation: the organized and detailed search for and/or rescue of individuals in life threatening situations.

5. Special Event: a special activity that requires more than routine planning and operations such as parades, athletic contests, large-scale gatherings, and public demonstrations that result in the need for crowd control, traffic control or other special enforcement tactics.

6. Special Operation: any situation that requires the use of the Special Response Team (SRT), negotiation with hostage-takers or barricaded persons, response to bomb threats or bomb emergencies, tactical coverage of special events, protection of VIP's, or similar situations.

7. Special Response Team (SRT): a team of police officers who have been specially selected, trained and equipped to conduct tactical law enforcement operations.

8. Unusual Occurrence: a non-routine situation that requires the utilization of resources, expertise or capabilities exceeding that of conventional operational components.

9. VIP (Very Important Person): an acronym used to describe dignitaries, famous personalities, or other persons in need of special security.

10. Civil Disturbance: riots, disorders, unlawful assemblages, and/or violence arising from dissident gatherings, protests and marches, political demonstrations, labor disputes, and similar incidents.

PROCEDURES

A. PRE-INCIDENT PLANNING & REVIEW

1. The Field Operations Bureau Commander shall be responsible for the pre-incident planning of departmental response to special operations, unusual occurrences, and critical incidents.

2. Guidelines and plans for the conduct of special operations, the response to civil disturbances, and the handling of special events, will be available to all command personnel. They shall be reviewed on an annual basis to ensure their continued relevancy, and to identify the need for any modifications. The annual review will be conducted by the Bureau Commanders, Division Commanders and such other personnel as may be designated by the Chief of Police.

B. INCIDENT COMMAND

1. The Chief of Police will exercise overall command and control of civil law enforcement resources committed to respond to special operations and unusual occurrences within the City of Kannapolis. This overall command and control includes law enforcement personnel from outside agencies who are providing mutual aid assistance. In the absence of the Chief of Police, the protocol for command succession will be as specified in General Order 200-02 (Command and Supervision).

2. The Incident Commander will be the officer who assumes responsibility and is in charge of all police personnel and activities at the scene of a disaster as follows:

    (a) At the scene of a disaster or hazardous material incident, the highest ranking officer present will be the Incident Commander;

(b) At each change of the Incident Commander, the current Incident Commander will verbally inform the oncoming Incident Commander that command of the situation is being passed to him. In turn, the oncoming Incident Commander will verbally respond that he has assumed command of the situation.

3. Information regarding a change in Incident Command will be disseminated to affected field units through Communications.

4. When necessary, the Police Department will establish a departmental emergency operations center to coordinate the overall police response and facilitate effective communication among field units, support units, mutual aid units, and command personnel.

5. Other City resources and personnel will be coordinated and controlled by the City Manager or his designee. The control of individual City Departments will be the responsibility of the Chief Executive Officer of their respective Departments. The various City departments will perform emergency functions related to those they perform in normal operations, as well as any additional duties that may be assigned by the City Manager.

6. Where applicable, the provisions of the City of Kannapolis Emergency Preparedness Plan will be implemented in response to disasters and other widespread emergencies

C. NEWS MEDIA AND PUBLIC NOTIFICATIONS

1. During active threats, special operations and unusual occurrences the Incident Commander or his designee should coordinate directly with the City's Public Information Officer (PIO) as necessary to respond to news media, and social media requests for information and assistance regarding notifications for awareness and safety. Where appropriate, news releases and/or media briefings will be provided on an "as-needed" basis for the following purposes:

   (a) Inform the public of present or imminent danger;
   (b) Provide casualty information;
   (c) Provide property damage reports;
   (d) Provide warnings to deter looting and other criminal acts;
   (e) Provide a means to control rumors;
   (f) Provide information on incident containment; and
   (g) Provide information on public sheltering locations to include sheltering in place.if required

2. All news media releases will be in accordance with current policies and directives of the Police Department, the policies of the City of Kannapolis, and the provisions of the City of Kannapolis Emergency Preparedness Plan, as applicable.

D. COURT & PROSECUTORIAL LIAISON

1. The District Attorney may be asked to provide legal assistance regarding arrest, incarceration, and court proceedings arising from a special operation or unusual occurrence.

2. The Chief District Court Judge and/or Resident Superior Court Judge, and appropriate court personnel may be asked to assist with any special court needs related to special operations or unusual occurrences. The Chief of Police or his designee will make such request.

E. OUTSIDE ASSISTANCE

1. Mutual Aid:

   (a) The Chief of Police shall be responsible for developing and maintaining mutual aid agreements with outside law enforcement agencies whose assistance may be required in disaster or emergency situations to include active threat incidents;

   (b) The need for assistance from other law enforcement agencies, military support and/or services from other outside agencies should be determined as soon as possible. In any disaster or emergency situation. Time is of the essence and decisive action must be taken by the police department;

   (c) Mutual aid from other law enforcement agencies will be requested as needed in accordance with departmental policy. All reasonable efforts will be made to preserve unit integrity of individual agency personnel during the management of the incident. However, exercise of on-scene command and control over all civil law enforcement resources committed to the operation will be the under the Incident Commander.

2. Military Support:

   (a) Special operations or unusual occurrences may involve demands that exceed the capabilities of local authorities to control and create a need for assistance from the North Carolina National Guard. Military support to civil authorities in such emergencies for the purpose of preserving life, protecting property, and the maintenance of law and order is an emergency task within the mission of the National Guard;

   (b) By law, only the Governor can order National Guard personnel to State Active Duty in an emergency. The authority for these call-ups is normally exercised through the Secretary of Crime Control and Public Safety. Individual National Guard units should **NOT** be contacted for this purpose;

   (c) The Chief of Police will assess the need for military support of law enforcement activities and will advise the City Manager accordingly. The City Manager, working in conjunction with the Mayor and Emergency Management Director(s) will ensure that the request is forwarded to the Secretary of Crime Control and Public Safety or the State Warning Point through proper channels;

   (d) National Guard troops will remain under the command and control of National Guard officers. Liaison will be established with the Commanding Officer of the Guard forces to provide the information necessary to their mission and insure a coordinated effort.

F. TRAFFIC CONTROL

1. Traffic and security checkpoints will be established at each entrance to and exit from the affected area. Only persons on official business will be allowed to enter.

2. Emergency response routes must be established and maintained so as to provide for the transportation of personnel and equipment to and from the incident area. Where public

transportation carrier routes may be affected, officials from the affected carriers will be contacted and alternate routes established.

G. EQUIPMENT & TRANSPORTATION

1. The following equipment will be maintained by the Department for use in support of special operations, unusual occurrences, and critical incidents when needed:

   (a) Riot helmets;
   (b) ASP batons;
   (c) Portable loudspeakers;
   (d) Body armor;
   (e) Chemical munitions;
   (f) Restraining Devices.

2. Equipment intended for use in controlling civil disturbances and other critical incident situations will be inspected for operational readiness on a monthly basis in accordance with General Order 500-04 (Inspections).

3. During special operations and unusual occurrences all available departmental vehicles will be used for transportation of officers and equipment to and from the scene, and for prisoner transportation. If additional vehicles are needed, the Public Works Director will be contacted and a request made for other city vehicles.

H. MASS ARRESTS

1. During the course of a civil disturbance, or other unusual occurrence large numbers of arrests may become a reality, and must be handled quickly and efficiently, providing for transportation, release, arrestee rights, etc. Arrested persons will be removed from the location of the disturbance and brought to a control point designated for initial booking.

2. The Incident Commander will designate a commander or supervisor to be responsible for the staffing and operation of the booking area. The booking area will be treated as a restricted area and officers will be assigned to control access and provide appropriate security.

3. The Incident Commander will establish arrest teams to handle prisoners. Duties of the arrest teams will include:

   (a) Photographing the arrested person with the arresting officer by use of a digital camera. Arrest and identification information will be electronically recorded with the photo. Additional techniques may also be used to aid in the identification of arrested persons;

   (b) Providing transport of prisoners requiring medical attention to an appropriate medical facility for treatment prior to being brought to the booking area;

   (c) Transporting prisoners to the booking area, where formal arrest processing will take place, including the completion of arrest reports, warrant returns, criminal summaries, and identification procedures;

   (d) Transporting prisoners to the county jail or other designated detention facility.

4. Juveniles taken into police custody will be treated as follows:

    (a) Segregate from adult offenders;

    (b) Process in accordance with applicable juvenile identification and booking procedures;

    (c) Release to parents or guardians or arrange for intake or secure custody if the juvenile meets established criteria.

5. Arrested persons will not be detained at the booking area any longer than required to complete the arrest processing and arrange transportation to the county jail or other designated detention facility.

6. The officer-in-charge of the booking area will ensure that necessary food, water, and sanitation are provided for arrestees awaiting processing or transport to detention facilities.

7. Arrested persons will be allowed the opportunity to contact and/or meet with legal counsel upon completion of the arrest processing.

8. Transportation of arrestees may be accomplished by the arrest teams, or other officers specifically assigned for this purpose. If large numbers of prisoners are to be transported, the North Carolina Department of Corrections may be requested to provide prisoner transport buses for this purpose.

9. An evidence custodian will be designated at the booking area for the purpose of receiving any evidence or contraband seized by arresting officers during the course of making the arrests. Transporting officers, however, will be responsible for the custody and proper disposition of any personal belongings accompanying or taken from the prisoner.

10. Whenever possible, advance notice should be provided to the Sheriff of the affected county whenever a mass arrest situation is anticipated, in order that adequate preparation can be made to receive the influx of prisoners.

I. ACTIVE THREATS

1. Situations involving active threats are serious in nature and can occur in any environment. Because of the dynamic and life-threatening nature of these situations the opportunity for detailed planning specific to the event is not practical.

2. Rapid deployment involves swift and immediate deployment of law enforcement resources to ongoing life-threatening situations where delayed deployment could otherwise result in death or serious bodily injury to innocent persons. These may include settings at educational institutions, shopping centers and malls, business and industry locations, parks, governmental buildings, special events, and within the general workplace.

3. Response procedures to active threats are broad in nature and are dependent on the situation and physical characteristics of the structure or location.

4. Initial responding officers shall immediately form two to five-person contact/rescue teams as the situation dictates in order to locate and immediately engage any active threat(s) and to locate and evacuate innocent persons if needed.

5. As soon as ample resources have arrived the Incident Commander shall deploy personnel to ensure incident containment. The decision for public sheltering and/or evacuation will be made based on all known factors.

6. Upon locating, isolating, and neutralizing the active threat(s) the officer(s) will:

   (a) Maintain security of the active threat until properly relieved.

   (b) Contact/Rescue will coordinate their movements to avoid crossfire incidents.

   (c) Transition to rescue operations assisting with the evacuation of wounded and other persons from the scene.

   (d) Maintain scene security

7. Upon conclusion or end of an active threat event the Incident Commander shall ensure the following:

   (a) All persons have been accounted for.

   (b) The crime scene has been preserved.

   (c) Initiation of the incident investigation.

   (d) Critical incident debriefing for all personnel involved.

8. On an annual basis the department shall complete a documented review of active threat response procedures, as well as any related policies and training requirements and make specific recommendations for any needed changes.

J. SURVEILLANCE, DECOY, AND HIGH-RISK WARRANT OPERATIONS

1. Surveillance operations will be conducted in accordance with the applicable provisions of General Order 700-03 (Surveillance Operations).

2. Pre-planned high-risk warrant service operations shall be conducted in accordance with General Order 800-03 (Searches).

3. Due to the risks involved in decoy operations, precautions must be taken prior to initiation. All decoy operations shall be conducted in accordance with departmental directives governing vice and organized crime, and surveillance operations.

K. EMERGENCY MOBILIZATION

1. During a special operation or unusual occurrence requiring the mobilization of off duty personnel the Alert Level 2 or Alert Level 3 procedures set forth in General Order 1100-04 (Disaster Response Plan) shall be followed, as necessary.

L. CIVIL DISTURBANCES

1. During a civil disturbance the ranking on-duty field operations supervisor is authorized to implement procedures outlined in Department policies and procedures related to emergency situations. However, notification of such implementation must be made to the Field Operations Bureau Commander and the Chief of Police.

2. The Chief of Police will be responsible for notifying the City Manager and keeping him informed of the situation. The Chief of Police will exercise overall command and control over all civil law enforcement resources committed to civil disturbance operations within the City.

3. The field operations supervisor implementing the procedures specified in this Order will be responsible as the Incident Commander until relieved by higher authority.

4. The First Officer on the scene of a civil disturbance shall:

   (a) Observe the situation from a safe distance and determine if the crowd is peaceful or potentially violent; and

   (b) Notify Communications as to the severity of the situation and request a field supervisor and additional officers.

5. During a civil disturbance Communications Personnel shall:

   (a) Dispatch support units as requested;

   (b) Confirm the nature of the incident and the need for support units with the first supervisor on the scene; and

   (c) Make appropriate notifications as instructed by the Incident Commander.

6. During a civil disturbance the Field Operations Supervisor shall:

   (a) Assess the situation for seriousness and potential danger. If the situation is of a minor nature, it may be controlled with on-duty personnel and available resources;

   (b) Maintain radio contact with Communications Center, providing such information as:

      (1) Estimate of crowd size and area involved;
      (2) Apparent hostility or mood of the crowd;
      (3) Presence or display of weapons; and
      (4) Estimate of property damaged.

   (c) Establish a temporary command post and designate a radio talk group to be used;

   (d) When necessary, establish a preliminary situation map to be used in making decisions regarding the allocation of personnel and resources to high priority situations as they develop. In situations requiring the development of more detailed situation maps, the incident commander or his designee shall assume this responsibility;

(e) Ensure that police vehicles and equipment located in an area not under immediate control are safeguarded against damage or theft; and

(f) Determine if higher command presence is needed, and notify the Field Operations Bureau Commander, as necessary.

7. During a civil disturbance the Incident Commander shall:

(a) Assume responsibility for and control of all police activities and personnel at the scene;

(b) Determine what additional Departmental resources are required in terms of personnel and/or equipment. Additional personnel may be mobilized in accordance with the Alert procedures specified in the Disaster Response Plan;

(c) For additional equipment needs beyond that readily available to the field operations supervisor, contact should be made with Field Operations Bureau Commander; and

(d) Establish a more formal Command Post, if necessary. The Command Post will be staffed with the Incident Commander, support personnel, and representatives of assisting agencies.

8. Public facilities in the City of Kannapolis shall be afforded security during periods of civil unrest, as directed. Such facilities may include, but are not limited to, the following:

(a) City water supply;
(b) Fire Department facilities;
(c) City Hall;
(d) Police Headquarters;
(e) Emergency Operations Center;
(f) Public Works Operations Center;
(g) Public schools located within the City.

9. Once adequate personnel and equipment are in place, the Incident Commander will ensure that the following steps are implemented:

(a) Approach the crowd and inform the leader(s) that the assembly is unlawful, and the crowd will have to disperse. If the crowd is large, this may be accomplished by use of a public address (PA) system or portable loudspeaker;

(b) A reasonable time limit for dispersal from the area should be established, and no extensions permitted;

(c) If the crowd fails to disperse and continues its unlawful activity, the Incident Commander (after consultation with the Field Operations Bureau Commander or Chief of Police if they are not acting as the Incident Commander) may undertake the following actions:

(1) Order the formation of police lines, and forcibly disperse the crowd through the use of approved crowd control techniques;

(2) Authorize the use of chemical munitions as weather and other conditions allow, if necessary, to overcome violent resistance.

(d) If time and other limitations permit, an officer should be assigned to make audio-video recordings of police activities related to crowd control.

10. Once the disturbance has been brought under control, the Incident Commander will begin de-escalation procedures, to include:

    (a) Ensure that all available evidence is collected;

    (b) Disengage officers, as appropriate;

    (c) On-duty officers will return to normal operations;

    (d) Officers called back or held over will return any special equipment to the command post or other appropriate location;

    (e) Assigned officers will remain in the area of the disturbance in an effort to prevent any recurrence of trouble;

    (f) Ensure that all Department equipment is accounted for or collected;

    (g) Discontinue the command post.

M. BOMB THREATS & EXPLOSIVE DEVICES

1. Communications personnel or other personnel receiving a bomb threat or report of explosive device are to obtain all available information to ensure the appropriate notification and response of Department personnel.

2. A field supervisor shall be dispatched to all bomb threats and reports of explosive devices.

3. The first responding officer shall attempt to validate the complaint, establish a security perimeter, and request the presence of supervisory personnel. The following guidelines should be observed:

    (a) The primary investigating officer is to interview any persons present who may have been the recipient of the call, and collect other pertinent information;

    (b) Officers are to refrain from initiating any search prior to the arrival of a supervisor;

    (c) Officers are to refrain from any radio transmissions (including the use of cellular phones) within the immediate area of the situation. Prior to entering a threatened premise, portable radios should be turned off. When practical, contact with the Communications Center may be established by telephone to relay pertinent information.

4. In bomb threat incidents, the supervisor and investigating officer will confer with the owner or person in charge of the threatened location regarding evacuation. The decision to evacuate will be at the discretion of the owner or person in charge of the premises.

5. If evacuation and search is deemed necessary, the field supervisor will establish a command post, designate search teams for the affected area, and coordinate the search in accordance with the following guidelines:

    (a) Personnel familiar with the building or premises should be requested to assist in the search, when feasible, as they would be most familiar with any foreign items;

    (b) The exterior of a building should be searched first, including the ground adjacent to the building, window areas, outside doorways, stairs, and fire escapes;

    (c) Search all areas available to the public first. Private areas will normally be searched last. Areas searched and cleared should be clearly marked and secured;

6. If a suspected explosive device is located, the following procedures will be followed:

    (a) The locating officer will not allow anyone to touch, move or otherwise disturb the object. The immediate area will be secured, and the on-scene supervisor will be notified immediately;

    (b) The on-scene supervisor will order a mandatory evacuation of all persons to a location no closer than 200 yards from the building. A police line will be established around the safety perimeter by assigning additional officers as necessary;

    (c) Fire Department and EMS personnel will be requested to respond and stand-by at a safe distance from the scene;

    (d) Specially trained bomb disposal units are to be called on to conduct disposal operations. Bomb disposal units are available and may be requested from the U.S. Army Explosive Ordinance Detachment (EOD) at Fort Bragg, the State Bureau of Investigation (SBI), the Bureau of Alcohol, Tobacco & Firearms (ATF), or other mutual aid law enforcement agency having bomb disposal capabilities;

    (e) During the disposal operation, the primary function of police personnel will be to establish and maintain perimeter security;

    (f) If disposal by detonation at the scene has been deemed necessary by bomb disposal personnel, the Chief of Police shall be notified prior to such action, if time permits.

7. The investigation of bomb threats and bomb emergencies will be conducted with the assistance of CID personnel and shall be coordinated with the appropriate State and/or federal agencies of jurisdiction as required.

8. If a device is exploded, the Incident Commander shall initiate all applicable procedures of the Disaster Response Plan.

N. DIGNITARY PROTECTION

1. In situations requiring special security for VIPs or other dignitaries, the Field Operations Bureau Commander or his designee will be responsible for planning and coordinating security

measures on an as-needed basis. A written plan for security operations will be developed prior to implementation.

2. Some dignitaries, such as high-level government leaders, are provided protection by designated agencies (e.g., US Secret Service) or personal security details. In such cases, the Department's coordinator will act as a liaison officer to the agent or officer in charge of the protective detail to provide necessary support and assistance.

3. While each security operation will require a specific plan to accommodate the particular nature of the event or activity, all dignitary protection plans should include, at a minimum, provisions for the following:

   (a) Designation of a supervisor as officer-in-charge of the operation;

   (b) Equipment requirements, to include consideration of the need for vehicles, body armor, radios, weapons and other special materials;

   (c) Planning and reconnoitering travel routes and alternates;

   (d) Advance inspections of relevant sites and facilities;

   (e) Arrangements for gathering intelligence information;

   (f) Coordination of operations within the agency and with outside agencies;

   (g) Identification of emergency first-aid, EMS personnel and medical facilities;

   (h) Radio communications, to include the use of designated frequencies, radio discipline, and coordination with outside agencies; and

   (i) Positive identification of non-uniformed security personnel.

O. SPECIAL EVENTS

1. Special events will require the development of operational plans to ensure adequate coverage by Department personnel. The Field Operations Bureau Commander, or his designee, will be responsible for developing a written plan for the event prior to implementation.

2. The written plan for coverage of a special event should include, at a minimum, provisions for the following:

   (a) Designation of a supervisor as officer-in-charge of the event;
   (b) Use of Special Response Team (SRT) personnel, if any;
   (c) A written estimate of traffic, crowd-control, and crime problems expected for the event;
   (d) Logistical requirements;
   (e) Coordination among units both inside and outside the agency; and
   (f) Designation of a radio talk group for use by personnel assigned to the event.

P. SEARCH AND RESCUE

1. The Kannapolis Police Department will assist in searching for victims of natural and man-made disasters, civil disturbances, missing persons, and any other circumstance necessary for the protection of human life.

2. Search and rescue operations to locate lost or missing individuals that involve deployment of the SRT shall require the development of an operational plan.

3. The Incident Commander shall develop the required operational plan for a search for missing or lost persons. This plan shall include, at a minimum:

   (a) Designation of an Incident Commander;
   (b) The use of any specialized equipment and/or personnel;
   (c) The development of specific search areas;
   (d) Provisions for emergency medical assistance; and
   (e) Logistical requirements.

4. Due to the dangers involved, and special equipment required, search and rescue operations involving hazardous environments and/or materials, confined spaces, elevated structures, and similar hazards should be conducted by persons with specialized training and expertise relevant to the type of SAR operation being attempted.

Q. POST-OCCURRENCE DUTIES

1. A post-incident critique will be performed in any incident involving the use of the SRT. The critique will cover all SRT procedures and actions taken. This critique will be conducted by the SRT Team Leader and Negotiation Team Leader as soon as practical following resolution of the incident and will involve all special operations members involved. A written summary of the critique and any recommendations for changes shall be forwarded to the SRT coordinator.

2. At the conclusion of any special operation, event, or unusual occurrence, a detailed after-action report will be prepared by the incident commander and forwarded to the Chief of Police. The after-action report will contain the following information, where applicable:

   (a) Chronological order of events, to include the following:

      (1) First indication of occurrence;
      (2) Notification of field units, commanders and Chief of Police;
      (3) Establishment of field command post and communications;
      (4) Notification of agency personnel;
      (5) Time and location of assembly, briefing, equipping and committing personnel for riot control;
      (6) Request for assistance from other agencies and organizations;
      (7) Establishment of traffic/security control points;
      (8) Arrival times of assisting agencies and individuals;
      (9) Special equipment requests to supporting agencies and time of arrival;
      (10) Deployment of special operations personnel and equipment.

   (b) Location(s) of occurrence;

   (c) Estimated crowd size;

(d) Reasons(s) for occurrence, if known;

(e) Weapons, if any, used by participants;

(f) Organized groups involved, if any;

(g) Casualty information, to include the number of people killed or injured;

(h) Arrest information;

(i) Date, time and manner in which crowd(s) were dispersed and order restored;

(j) Date and time support agencies were released; and

(k) Recommendations for handling future incidents of this nature, and additional training.

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KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 1100-06

SUBJECT: USE OF ROADBLOCKS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 12-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish Department policy and procedures on the use of roadblocks in emergency situations.

POLICY

The dangers inherent in the use of roadblocks on public streets or highways require that guidelines be established for their use. While roadblocks are necessary at times in order to apprehend a fleeing motorist or capture a suspect evading arrest, any law enforcement agency utilizing such measures must do so in a well-disciplined manner and with due regard for public safety. It shall be the policy of the Kannapolis Police Department to employ roadblocks only after all other reasonable tactics have failed to bring about the desired police objective. When used, roadblocks will be implemented in accordance with the provisions of this General Order.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Moving Roadblock: a tactic that involves two or more moving police vehicles positioned so as to contain an evading motorist in order to slow and ultimately stop the vehicle.

2. Stationary Roadblock: a roadblock that is established in single fixed location for the purpose of stopping a motorist attempting to evade police. Such roadblock may utilize barricades and/or police vehicles.

3. Perimeter Roadblock: a series of stationary roadblocks designed to contain an offender who has fled the scene but may still remain in the general area.

PROCEDURES

A. CIRCUMSTANCES JUSTIFYING ROADBLOCKS

1. A roadblock may be implemented only after all other reasonable efforts have failed or would be impractical under the circumstances. Situations that justify the use of a roadblock include, but are not limited to, the following:

    (a) Armed and/or dangerous felon attempting to flee;

(b) Fleeing motorists demonstrating hazardous driving; and
(c) Situations in which the use of deadly force is authorized by North Carolina law and departmental policy.

2. Moving roadblocks and similar techniques designed to envelop a pursued vehicle and physically force the vehicle to stop involve an increased risk of collision and are prohibited except where the use of deadly force is authorized under North Carolina law and departmental policy.

3. The Field Operations Bureau Commander, Deputy Chief, and Chief of Police will be notified in the event of the use of a Roadblock.

B. SUPERVISORY RESPONSIBILITIES

1. Roadblocks shall not be implemented nor canceled without the express approval of a supervisor or commanding officer.

2. The decision to implement a roadblock should be based on:

   (a) The seriousness of the offense;
   (b) Sufficient information and description of wanted persons and vehicles; and
   (c) The elapsed time between the offense and its discovery.

3. The patrol supervisor will, when possible, assume control of the roadblock at the scene. If the supervisor is unable to do so, an officer-in-charge at the roadblock location shall be designated. Any officer so designated will be granted the discretion to implement the roadblock only in the safest manner possible and may suspend such roadblock if circumstances indicate the situation has progressed to unsafe conditions.

C. ADEQUATE WARNING TO MOTORISTS

1. Adequate warning to approaching traffic is a necessity. No stationary or perimeter roadblock shall be ordered or set except as allows approaching traffic to come to a safe stop. In determining a safe stopping distance, the likely speed of approaching vehicles shall be considered along with other factors such as visibility, terrain, posted speed limit, traffic volume, lighting, and road conditions. A reasonable system of visible warning (e.g. blue lights, signs, traffic cones, etc.) shall be deployed prior to the closing of the roadway.

D. USE OF FIREARMS AT ROADBLOCKS

1. Firearms may be made ready for use at a roadblock but shall only be fired as authorized by North Carolina law and departmental policy governing the use of deadly force.

E. IMPLEMENTATION

1. Upon notification of a situation that may require a roadblock, and after determining that such roadblock is warranted, the supervisor is to:

   (a) Order the type of roadblock to be used;
   (b) Assign the necessary officers; and
   (c) Ensure that appropriate warning devices are utilized.

2. Officers assigned to the roadblock are to take all reasonable steps to ensure both motorist safety and officer safety.

3. Specific locations of roadblocks and the type to be used will be determined by the offense involved and the geography of the area.

4. No vehicles other than those belonging to the City of Kannapolis will be used in a roadblock.

5. No persons are to remain in vehicles that are positioned so as to block the roadway.

F. PLANNING

1. There may be situations that allow for the advance planning of roadblocks. Such plans shall be developed and submitted for supervisory approval prior to implementation in accordance with established departmental procedures.

G. TRAINING

1. The training of officers in the use of roadblocks shall be the responsibility of Division Commanders and Unit Sergeants. The Training Coordinator will be responsible for coordinating the scheduling and delivery of this in-service training in accordance with General Order 400-09 (Training).

INDEX AS:

Moving Roadblocks
Perimeter Roadblocks
Roadblocks
Stationary Roadblocks

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 1100-07

SUBJECT: FOOT PURSUITS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 10-01-2002
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish guidelines for conducting police foot pursuits. This policy is intended to help secure a balance between protecting the lives and safety of officers and upholding the agency's duty to enforce the law and apprehend violators.

POLICY

Pursuing fleeing suspects constitutes a basic function of law enforcement officers and occurs on a relatively frequent basis in the performance of police duties. Chasing suspects on foot is an inherently dangerous activity where suspects can suddenly turn violent or lead officers into prearranged traps or other hazardous locations. By following sound tactical guidelines and procedures, officers can not only improve the chance of successful apprehension, but also enhance their personal safety. Accordingly, it shall be the policy of the Kannapolis Police Department that officers conduct foot pursuits in accordance with this General Order.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Foot Pursuit: the physical attempt by an officer, without the aid of a vehicle or other motorized device, to detain, arrest, or otherwise take physical custody of an individual who attempts to flee on foot.

2. Team Concept: the practice of having two or more officers work in unison during a foot pursuit via direct or indirect communication to coordinate their efforts, remain aware of the location of officers and suspects, and keep abreast of the status of the pursuit.

3. Violator or Suspect: any individual who a police officer reasonably believes has committed a criminal offense or poses an immediate threat to the safety of the public or other officers.

PROCEDURES

A. DECIDING WHEN TO PURSUE

1. Sworn officers acting within the scope of their lawful authority may initiate or participate in a foot pursuit. Police officers will have the authority at all times to attempt to stop any individual who the officer has reasonable suspicion to believe has committed a criminal offense or traffic

infraction. Officers must, however, base their decision on whether to pursue a fleeing suspect on the degree of risk to themselves or others

2. Officers should consider a number of factors in deciding if a foot pursuit can be initiated or continued in reasonable safety. These factors include, but are not limited to, the following:

    (a) The seriousness and/or dangerousness of the crime or matter warranting police involvement;

    (b) The location and nature of the terrain involved;

    (c) The number of violator(s) involved;

    (d) Weather and visibility / lighting conditions;

    (e) The officer's familiarity with the area;

    (f) The quality of radio communication;

    (g) Alternate or safer methods of apprehension;

    (h) Availability of assistance and adequate backup;

    (i) Likelihood of apprehending the suspect;

    (j) The presence of physical hazards;

    (k) The physical condition and abilities of the officer(s) involved;

    (l) The safety of the officers and the general public; and

    (m) Any other factors increasing or decreasing risk.

3. Because unique situations arise in law enforcement, this policy cannot address all possible factors and circumstances. Therefore, officers must exercise sound judgment and discretion in deciding when to initiate, continue, or terminate a foot pursuit.

B. WHEN FOOT PURSUIT SHOULD NOT BE CONDUCTED

1. To aid officers in making decisions about foot pursuits, the Department has determined that officers should NOT conduct foot pursuits in the following circumstances:

    (a) If the suspect is known to be armed and backup units are not on scene to assist the pursuing officer;

    (b) Into vacant or occupied buildings, structures, confined spaces, or wooded/isolated locations without using the team concept or without supervisory authorization, except in the most compelling circumstances such as an immediate threat to the safety of the public or other officers;

(c) If the officer believes that the danger to pursuing officers or the public outweighs the necessity for immediate apprehension;

(d) If the officer is disarmed or loses possession of their service weapon;

(e) If the officer loses radio contact with assisting officers or the agency's Communication Center;

(f) If the officer is physically injured or exhausted and unable to continue the pursuit and/or effect a forcible arrest; or

(g) If the officer loses visual contact with the violator and is unsure of the violator's whereabouts or continued direction of travel.

C. PROCEDURES FOR CONDUCTING A FOOT PURSUIT

1. The officer initiating a pursuit shall immediately notify the Communications Center that a foot pursuit is underway, and shall provide the following information as soon as possible:

   (a) Description of suspect;
   (b) Location and direction of the pursuit;
   (c) Reason for pursuing the violator; and
   (d) Other available information affecting officer safety or public safety.

2. The quality of radio communication during a foot pursuit is critical to officer safety and successful apprehension. Officers should try to maintain control over their voice during radio transmissions to ensure that they are clearly understood.

3. The pursuing officer should communicate location and direction of travel throughout the pursuit. As reasonably possible, the officer should communicate other factors affecting the safety of assisting officers and others. If at any point the pursuing officer determines that the pursuit cannot be continued in reasonable safety, the pursuit should be immediately terminated and all assisting units advised accordingly.

4. Officers should try to follow the same general path as the violator so that the suspect discovers hidden obstacles such as clotheslines, wires, cables, holes, sprinkler heads, etc.

5. Officers should always take their vehicle keys with them to avoid having the violator return to the scene and flee in the police unit or access a vehicle-mounted weapon.

6. Officers should ensure that violators who flee from vehicles do not have accomplices in the vehicle that may attack the officer from behind.

7. Officers should always remain cautious, in control, and alert for additional threats and other changes in the situation.

8. Officers should avoid "tackling" a fleeing suspect. Such a maneuver can easily result in the officer being placed in a position of tactical disadvantage and increases the likelihood of the officer losing control of essential equipment or being disarmed. Whenever possible, officers should attempt to overtake and push the fleeing violator off-balance, while the officer remains on their feet in a position of tactical advantage.

9. Upon termination of the pursuit or apprehension of the violator, the officer shall immediately notify the Communications Center. The primary officer will have controlling responsibility at the scene of any apprehension, unless relieved by higher authority, and shall assure that all appropriate charges are filed against the suspect.

D. EMPLOYING THE TEAM CONCEPT

1. Upon receiving notice that a foot pursuit has begun, communications personnel should ensure that the on-duty field operations supervisor is made aware of the pursuit. Telecommunicators are responsible for coordinating and relaying radio traffic between the pursuing officer, backup units, and the supervisor as necessary. Foot pursuits shall have priority over all other non-emergency traffic.

2. The supervisor should communicate with back-up officers to set up a perimeter in the area to contain the violator, based on information provided by the pursuing officer. Employing the team concept will improve the chance of apprehension and afford greater protection to the officers.

3. The supervisor will monitor all aspects of the pursuit and evaluate whether the benefit of continuing the pursuit outweighs the danger posed to the officer and others. Supervisors will have the authority to order the immediate termination of any foot pursuit if they determine that the pursuit cannot be conducted in reasonable safety. No officer or supervisor will be disciplined or criticized for a decision, based on this policy and/or state law, not to pursue.

4. When possible, the supervisor should go directly to the area of the foot pursuit and respond to the location of arrest if the suspect is apprehended.

E. RE-INSTATEMENT OF PURSUITS

1. Officers should reinstate any previously terminated foot pursuit consistent with the criteria for initiating a new pursuit.

F. INTERJURISDICTIONAL FOOT PURSUITS

1. The pursuing officer should notify the communications center if the foot pursuit leaves the City of Kannapolis and enters an adjoining jurisdiction. Communications personnel will alert the outside agency of jurisdiction and formally request their assistance with the pursuit.

2. No officer should become involved in a foot pursuit being conducted by an outside law enforcement agency unless the officer has legal justification to detain or arrest the person being pursued or is requested to assist in the pursuit by the originating agency. The provisions of this General Order will govern Kannapolis police officers involved in a foot pursuit with an outside agency.

G. USE OF AIR SUPPORT

1. Air support for foot pursuits may be requested if the pursuing officer has reasonable cause to believe that the violator has committed a crime dangerous to life and/or poses an imminent risk of death or serious physical injury to officers or others unless apprehended without delay.

2. Requests for air support must be authorized by a supervisor in accordance with the mutual aid policies of the Department and the protocol established by the assisting agency.

3. Once the aircraft is “on-station”, further efforts to apprehend the suspect will be directed by the pursuing officer and/or controlling supervisor, as aided by air surveillance information.

H. USE OF FORCE DURING FOOT PURSUITS

1. Any use of force by officers during foot pursuits, including the use of warning shots, must be in accordance with General Order 600-01 (Use of Force).

2. A police K9 unit may participate in a foot pursuit as part of the team concept, but the K9 may not be released off-lead to apprehend a fleeing violator except as specifically authorized under the applicable provisions of General Order 600-15 (Canine Operations).

I. POST-PURSUIT REVIEW

1. Within a reasonable time following the foot pursuit, the responsible supervisor shall conduct a review of the pursuit to determine whether the pursuit was conducted in accordance with department policy, and what follow-up action, if any, is indicated, including any needed changes in equipment, training or policy. If further investigation of the matter is warranted, it shall be conducted, and a written report made to the affected Bureau Commander.

INDEX AS:

Foot Pursuits

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 1100-08

SUBJECT: INCIDENT COMMAND SYSTEM
DISTRIBUTION All Personnel
EFFECTIVE DATE: 12-01-2003
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish guidelines for agency use of the Incident Command System (ICS).

POLICY

Emergency situations by nature tend to be dangerous, dynamic, complex, and confusing. Moreover, major incidents may require the response of many different public agencies and private organizations. The National Incident Management System (NIMS) was developed to provide a consistent nationwide template for multiple agencies at all levels of government and the private sector to work together effectively and efficiently to prepare for, prevent, respond to and recover from domestic incidents, regardless of cause, size or complexity, including acts of catastrophic terrorism. Therefore, the Police Department will employ the Incident Command System (ICS) as a model tool for command, control, and coordination of the response to major incidents to ensure compliance with the requirements of NIMS. This formal system of event organization and management will enable the agency to effectively and safely use all available resources. The ICS will serve as a method to coordinate the efforts of the Police Department and other outside agencies as they work toward the common goals of stabilizing the incident and protecting life, property, and the environment.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Incident Command System (ICS): a system for command, control, and coordination of a response that provides a means to coordinate the efforts of individual persons and agencies as they work toward the common goal of stabilizing an incident while protecting life, property and the environment.

2. Incident Commander: the person responsible for the overall management of the incident. The Incident Commander is the head of the command function.

3. Incident Action Plan: the strategic goals, tactical objectives, and support requirements for the incident. All incidents require an action plan. This plan may be verbal or written, according to the seriousness and size of the incident.

4. Operations Officer: the person responsible for directing available resources to accomplish the strategic objectives developed by command. The Operations Officer reports directly to the Incident Commander.

5. Staging Area: a location near the event site where officers report for a specific assignment, and where equipment or other resources may be brought to support the response at the site.

PROCEDURES

A. OVERVIEW

1. The Incident Command System (ICS) allows for a modular organization that can contract or expand depending on the magnitude of the incident or operational necessity. The specific organizational structure for any incident is based on the management needs of that incident.

2. The incident command concept is based on five major functions. These five major functions are as follows:

   (a) Command: the command function manages the incident including establishing strategic objectives and ordering and releasing resources. Resources are defined as the personnel and equipment used to control the incident. Strategic objectives are goals developed from the pre-established priorities of the agency coupled with an effective assessment of the situation. As with any system, command has the ultimate responsibility for the effectiveness and safety of the personnel involved.

   (b) Operations: The operations function directs all incident resources to accomplish the strategic objectives developed by command. The operations function assures that the personnel and equipment at the scene are used to execute the incident action plan.

   (c) Planning: Planning, as an incident function, is responsible for the collection and evaluation of information important to the incident at hand. This information is then used to develop an oral or written action plan.

   (d) Logistics: The logistics function provides the services and supplies needed to support incident operations. Logistical support may be as simple as accounting for all the equipment used at the incident and returning it to a state of readiness for the next incident, or it may be as complicated as feeding hundreds of officers.

   (e) Finance/Administration: The finance/administration function is responsible for helping the agency meet its fiscal or budget needs. This might include tracking expenses and assisting with emergency purchases or renting necessary equipment.

3. If laid out using the traditional organizational model, the incident command structure would appear as shown in Appendix A to this General Order.

B. ACTIVATION CRITERIA

1. In order to gain consistency through practice, the ICS concept should be used for all emergencies and critical incidents. This is not to say that it must be formally activated, but that the general approach should be used. Command is the only function that should be visible on

every incident. Any further expansion or formal activation of the ICS depends solely on the complexity and scale of the emergency.

2. Not all components of ICS need to be activated when the system is placed in operation. Only those components and functions that are needed in a given situation should be used. ICS component activation and deactivation will depend upon the prevailing circumstances. Formal activation of the ICS will be required, however, for major incidents necessitating an Alert Level 2 or Level 3 mobilization (as defined in General Order 1100-04) and/or that involve a multi-agency or multi-jurisdictional response. Less serious incidents may also require implementation of all or part of the mobilization and response procedures described in this Order, as well as other departmental directives governing emergency response.

C. COMMAND

1. The magnitude of an incident will dictate the size and configuration of the command function. The command function within the ICS should be structured as follows:

   (a) Single Command: When the incident is clearly a law enforcement operation and there is no overlapping jurisdiction, a single command structure should be used. This will require that a supervisory or command officer be designated as the Incident Commander and have overall responsibility for the incident.

   (b) Unified Command: When the incident is within a single jurisdiction and more than one agency shares management responsibility, or when it is multi-jurisdictional in nature, a unified command structure should be used. Under a unified command structure, a designated person from each response agency will be appointed to represent that agency's interest and supervise the contribution of its resources for the purpose of incident stabilization and management.

2. Incident Commander: The Incident Commander is the head of the command function (unified or single) and responsible for the overall management of the event. If span of control becomes an issue during an incident, the Incident Commander may delegate responsibilities so that the span of control is not over extended. The size of the event will determine who performs the Incident Commander function. A Lieutenant will typically command events requiring only unit or division level resources. A Deputy Chief or Captain will typically command events requiring multi-division or multi-bureau level resources. The Chief of Police will typically command events requiring total departmental mobilization. The responsibilities of the Incident Commander are as follows:

   (a) *Assume Command:* Establish or report to the incident command post and formally assume command.

   (b) *Assess the situation:* Assess the conditions that currently exist. This includes problem identification and an assessment of the possible consequences.

   (c) *Identify contingencies:* This means thinking about what can happen. Incidents are unplanned and involve danger, risk, and confusion.

   (d) *Determine objectives:* Decide what you want to do based on your assessment and the contingencies identified.

(e) *Identify Needed Resources:* Identify what resources will be needed to accomplish the objectives and begin to mobilize those resources to include mutual aid requests.

(f) *Build a Plan and a Structure:* Develop an incident action plan and management structure based on the objectives and resources.

(g) *Take Action:* Initiate the action plan and continuous monitor the incident for changes.

3. Legal Counsel: During major incidents requiring a Level 3 mobilization, the City Attorney will be requested to report to the KPD Command Center or the City's Emergency Operations Center, as applicable. The City Attorney will act as the Police Department's liaison with other government law offices, including but not limited to the following:

   (a) United States Attorney General;
   (b) North Carolina Attorney General;
   (c) Other Municipal Attorneys;
   (d) County Attorneys; and
   (e) District Attorneys.

4. Public Information Office: The City's Public Information Officer (PIO) will maintain a flow of information between the Police Department and media organizations. During major emergencies, the Incident Commander may assign a staff officer to serve as liaison to the PIO to coordinate the exchange of relevant information. In the event of an activation of the City EOC pursuant to the City's Emergency Preparedness Plan, the public information officer will report to the EOC to provide information on the activities of the City's emergency response to the public. Responsibilities of the PIO include the following:

   (a) Establish press information center and/or press briefing areas as needed. Members of the media should be restricted to those press areas during a major incident;

   (b) Coordinate with the County Emergency Management EOC office to disseminate accurate news releases and to prevent the release of conflicting information;

   (c) Coordinate the release of all significant information with the Incident Commander, and establish specific times for news releases, fact sheets, or updates;

   (d) Prepare and release approved information to the media;

   (e) Monitor and inform the Incident Commander and staff of any pertinent information obtained from the media that could affect the incident or operations; and

   (f) Coordinate and conduct tours of the incident scene as directed and authorized by the Incident Commander. Representatives of the media should be briefed on the hazards of the incident area and should have the proper protective clothing.

5. Liaison Officer: The Liaison officer will be the point of contact between the Incident Commander and management from assisting agencies. The Liaison Officer should hold the rank of Lieutenant or higher, depending on the event level and time of day. The liaison officer will provide a specifically identified location for agencies to report to, work from, and communicate with each other. The Liaison Officer will assist the Incident Commander as necessary in preparing and conveying formal requests for mutual aid assistance.

6. Safety Officer: Depending on the nature and severity of the event, the Incident Commander may assign a safety officer whose sole function is to enhance the safety of responding personnel. The safety officer is responsible for advising the Incident Commander and/or Operations Officer of any safety concerns and for assisting command in maintaining a proper pace of activities. Ensuring proper pace, methods, and use of appropriate safety equipment will help avoid unnecessary injuries or death.

7. As incidents increase in complexity and/or size, it will become necessary for the Incident Commander to delegate major functional responsibilities to a General Staff in order to maintain an effective workload and span of control. During a Level 3 mobilization, the Incident Commander may delegate responsibilities to a General Staff in four functional areas: Operations, Planning, Logistics, and Finance/Administration.

D. OPERATIONS

1. Operations: During a Level 3 mobilization, a Lieutenant will be appointed as the Operations Officer and is responsible for managing the staging area and carrying out the incident action plan developed by command. Responsibilities of the Operations section include:

    (a) Assist the Incident Commander in developing strategic objectives and operational plans for the incident;

    (b) Direct and coordinate police response and operations at the incident scene;

    (c) Establish and maintain inner and outer perimeters to provide for security and a means of access control to the incident site;

    (d) Ensure the security of the command post;

    (e) Request or release resources through the Incident Commander;

    (f) Assign and Supervise the Staging Area Manager(s). The Staging Area Manager will be responsible for the following:

        (1) Establish a check-in procedure;

        (2) Respond to requests for resources by assigning available resources;

        (3) Monitor the status of resources and keep the Operations Officer informed of the status of resources in the staging area;

        (4) Provide situational briefings to all responding KPD and outside agency personnel;

        (5) Issue available equipment to responding personnel.

2. If the incident is of such magnitude that the delegation of responsibility is necessary, the Operations Officer may recruit and assign additional staff to oversee specific tasks to include:

    (a) The evacuation of endangered members of the public;

(b) Traffic Control;

(c) Detainee transportation, processing, and confinement; and

(d) Post incident investigations.

3. The Operations Officer will be responsible for activating and deploying specialized support units that may be needed during the response such as the Special Response Team (SRT) and K9 Units, as well as mutual aid units such as EOD and aviation support.

E. PLANNING

1. During a Level 3 mobilization, the CID Commander will be appointed as the Planning Officer and will be responsible for intelligence and information management issues, and the preparation of a documented action plan. Responsibilities of the Planning section include:

   (a) Collecting information on all aspects of the incident by the use of detectives, undercover officers, video teams, and mutual aid air assets;

      (1) Undercover officers may be used to infiltrate the crowd and provide on-view, real time intelligence; identify instigators, agitators or suspects; and to affect covert apprehensions and questioning.

      (2) Video teams will take recordings from several vantage points of affected areas and property destruction; and should video persons displaying suspicious or unlawful activity in the incident area.

      (3) Mutual-aid aviation units, when available, may be used to provide aerial surveillance of affected areas and serve as an aerial platform for photography, video recording, and/or video down-link.

   (b) Evaluation and dissemination of collected information on potential problem areas, events, groups or organizations to be used by the Incident Commander and Operations Officer;

   (c) Investigation of unlawful acts during the incident;

   (d) Coordination with other agency personnel and organizations to insure the planned continuation of critical police services and City government operations.

   (e) Providing dignitary protection; and

   (f) Planning for the demobilization of resources.

2. The Police Planner will provide GIS services and analytical support.

3. The Planning Officer may assign additional staff members to assist with specific planning tasks and responsibilities as needed.

F. LOGISTICS

1. During a Level 3 mobilization, the Support Services Bureau Commander will be appointed as Logistics Officer and will be responsible for managing all service and support issues during the incident. The Logistics Officer may appoint additional staff to supervise and carry out the various responsibilities of the logistics section as outlined below.

    (a) Communications: the Logistics section is responsible for managing all communications required during an incident. Additional personnel may be assigned as needed to assist with management and supervision of the communications function. Responsibilities of the Communications component include:

        (1) Develop plans for the effective use of incident communications;

        (2) Install and test communications equipment;

        (3) Staff and manage the Communication Center for the incident; and

        (4) Distribute communication equipment as needed to responding personnel.

    (b) Support: the Logistics section is responsible for managing all support activities required during an incident, including:

        (1) *Food*: Determines and coordinates the feeding needs of all personnel at incident scene and at all incident facilities. Acquires, prepares, and serves food and potable water. Maintains food service areas;

        (2) *Facilities*: Provides for rest, sleeping, medical, and sanitation areas, and facilities;

        (3) *Supplies*: Obtains, maintains an inventory, and delivers equipment and supplies. Services non-expendable supplies and equipment. Coordinates transportation for personnel involved in incident and maintains a fleet of emergency vehicles.

G. FINANCE/ADMINISTRATION

1. During a Level 3 mobilization, the Incident Commander will designate a staff officer or administrative employee as the Finance/Administration Officer. The Finance/Administration Officer may appoint additional personnel as required to oversee the various functions of that section. The finance section is to assume responsibility for all cost and financial considerations, and for event related administrative issues involving personnel responding to the incident. Responsibilities of the Finance/Administration section include:

    (a) Purchasing:

        (1) Provide assistance to the Logistics Manager in purchasing items necessary for support of the incident;

        (2) Track equipment, services, and supply costs associated with the incident.

(b) Payroll/Finance/Workers Compensation:

(1) Ensure involved personnel are properly credited for actual time worked for the purpose of compensation;

(2) Track labor costs associated with the incident;

(3) Coordinate with City Finance for any eligible reimbursement of organizations providing equipment, supplies, services, or staffing to the incident;

(4) Coordinate with City Finance regarding any applicable federal and state financial aid associated with the incident, to include the completion of reimbursement documentation;

(5) Coordinate with the Human Resources Director to assist injured personnel with worker's compensation issues.

H. INITIAL RESPONSE PROCEDURES

1. Police personnel responding to a disaster or other incident that may require activation of the Incident Command System should follow the initial response guidelines specified in General Order 1100-04 (Disaster Response Plan).

I. TRANSFERS OF COMMAND

1. All transfers of command under ICS should be accomplished by notification via police radio (using actual radio call number) advising, "3XX to Kannapolis, I have command." If a unified command structure is being used (such as during a multi-agency response), officers should thereafter refer to this person in their radio transmissions as "Command." Transfers of Incident Command should be immediately communicated to all assisting agencies.

2. During a major incident, it may become necessary to staff command and support functions for several days to weeks at a time. The Incident Commander shall utilize the following "Transfer of Command Checklist" when transferring command (this should be accomplished through direct personal contact):

   (a) The incident conditions to include: objectives, hazards, and priorities.

   (b) The incident action plan and current status.

   (c) Safety considerations and concerns.

   (d) Deployment and assignment of operating units, personnel, and equipment.

   (e) Appraisal of the need for additional resources.

J. KPD COMMAND CENTER ACTIVATION

1. The Support Services Bureau is responsible for activation of the KPD Command Center when directed to do so by the Incident Commander or Chief of Police. The KPD Command Center will be located in the Briefing Room at the Police Headquarters unless otherwise directed. The purpose of the KPD Command Center will be to coordinate the exchange of information between Police Headquarters and the Incident Command Post.

2. The Support Services Bureau is responsible for ensuring that the facility is properly equipped and arranged for use as an emergency Command Center, and that appropriate access control and security of the facility is maintained.

K. AFTER-ACTION REPORTS

1. After-action reports for major incidents requiring formal ICS activation will be prepared in accordance with the procedures outlined in General Order 1100-04 (Critical Incident Response).

L. TRAINING & EVALUATION

1. All agency supervisors will be provided with initial and periodic refresher training in use of the Incident Command System. All ICS training will be documented in accordance with prevailing departmental policy and procedures.

2. The Police Department will conduct and document training of the Incident Command System and the department's Hazard Response Plan for affected personnel on an annual basis. This training may take the form of a tabletop exercise, actual field exercise, or multi-agency exercise, and may be conducted in conjunction with the exercise of other emergency response plans. Documentation of the annual ICS and Hazard Response training will be prepared the Field Operations Bureau Commander or his designee and submitted for review to the Chief of Police.

3. At least every two (2) years, the department will provide documented training consisting of a tabletop or full-scale exercise to assess the department's capabilities with the All-Hazards Plan and the Incident Command System.

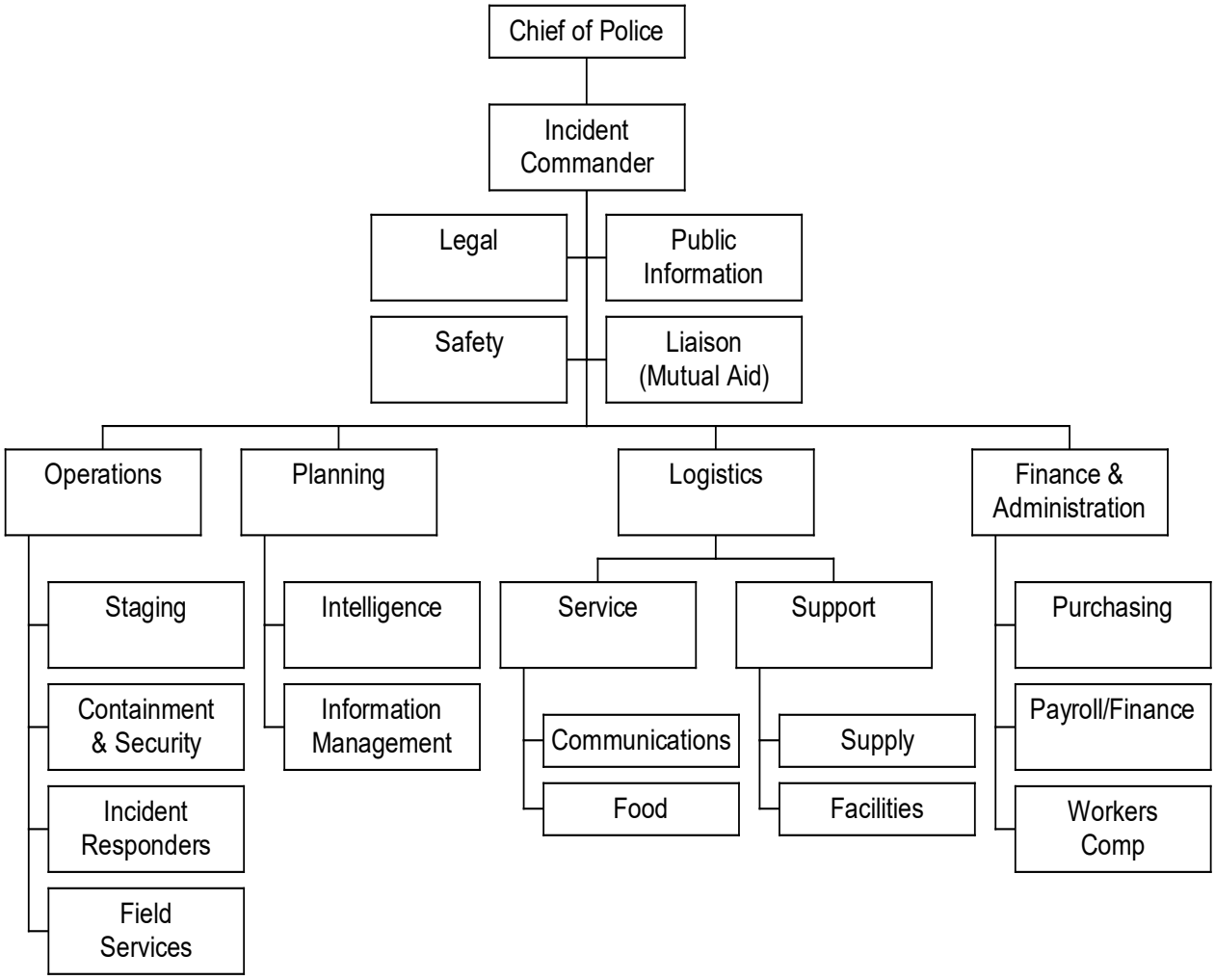
4. At least every three (3) years, the Field Operations Bureau Commander and Support Services Bureau Commander will jointly prepare a written analysis of incidents during the preceding period that required ICS activation, and the overall effectiveness of the police department's ICS procedures and training program.

INDEX AS:

ICS
Incident Command System

APPENDIX A

KANNAPOLIS POLICE DEPARTMENT
INCIDENT COMMAND SYSTEM



KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 1100-09

SUBJECT: **Use of Naloxone**
DISTRIBUTION All Personnel
EFFECTIVE DATE: 07-24-2017
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The Kannapolis Police Department recognizes the serious danger to agency personnel posed by the increased use of opiates by members of the public. In addition to the dangers to those individuals illicitly using these opiates, they also pose a significant health and safety risk to emergency services personnel. These highly toxic narcotics have resulted in accidental exposures and overdoses of law enforcement officers nationwide. The purpose of this General Order is to establish guidelines and regulations governing the utilization of the intranasal opioid antagonist Naloxone. This policy establishes training requirements and protocols for the administration of the treatment in an effort to reduce the effects of an accidental exposure or overdose by agency personnel.

POLICY

It is the policy of the Kannapolis Police Department that all sworn personnel be trained in the use of the intranasal opioid antagonist Naloxone. No officer will carry or administer Naloxone under this policy without first attending required training.

While the purpose of issuing Naloxone is to provide agency personnel an effective treatment for the accidental exposure and/or overdose of themselves or fellow officers, nothing in this policy would prevent the administration of Naloxone to a member of the public for a suspected opioid-related overdose. However, this policy does not create a mandated duty to act for officers of the department. No officer, after attending appropriate training, will be subject to disciplinary action for not administering naloxone as long as appropriate medical responders are summoned to the scene of a suspected opioid-related overdose.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Naloxone: A non-addictive opioid-antagonist drug used to treat opioid overdoses. Commonly known by the brand name NARCAN, it can be used for known or suspected opioid overdose in adults and children.

2. Opioid/Opiate Drug: This group of narcotics includes, but is not limited to, morphine, heroin, fentanyl, oxycodone as found in OxyContin, Percocet, and Percodan, and hydrocodone as found in Vicodin.

3. Opioid Overdose: An acute condition resulting from the consumption, use, or accidental ingestion, inhalation, or absorption of an opioid including, but not limited to, extreme physical illness, decreased level of consciousness, respiratory depression, coma, or death.

PROCEDURES

A. ADMINISTRATION

1. The Kannapolis Police Department is authorized to participate in a Naloxone Administration Program through North Carolina General Statute 90-106.2, the North Carolina Medical Board, the North Carolina Office of Emergency Medical Services, and the Cabarrus County Emergency Medical Services.

2. Cabarrus County Emergency Medical Services (EMS) shall be the administering agency and coordinate the Kannapolis Police Department's Naloxone program. Cabarrus County EMS shall designate a Naloxone Program Coordinator (NPC) for the Department. This coordinator shall provide on behalf of the Kannapolis Police Department:

   (a) Maintenance and storage of documentation concerning Kannapolis Police Department Naloxone use;

   (b) An annual review of the Department's Naloxone Administration Program to include; compliance through training records and officer use via documentation as described in this policy;

   (c) Report missing or damaged drugs to the Cabarrus EMS Program Coordinator; and

   (d) Oversee the Kannapolis Police Department's stock and replacement of Naloxone and peripheral program supplies.

B. TRAINING

1. All training for the Naloxone Administration as treatment for a suspected opioid-overdose will be provided by the Director of Cabarrus County EMS or their designee. Completion of required training shall be documented and maintained in employee training records. Successful completion of training is at the discretion of the instructor administering any cognitive and/or skill based examination(s).

2. At a minimum agency personnel shall receive documented re-training biennially. This re-training may be completed in any fashion approved by the Director of Cabarrus County EMS and the Chief of Police.

C. DEPLOYMENT

1. Only opioid antagonist pharmaceuticals (Naloxone/NARCAN) as provided or approved by Cabarrus County EMS shall be used by the Kannapolis Police Department personnel.

2. Officers must complete the required training as detailed in this policy before carrying or administering any Naloxone as a treatment for a suspected opioid-overdose.

3. It is the individual officer's responsibility to inspect the Naloxone product for expiration dates prior to use to insure quality control. Out-of-date Naloxone should not be administered and shall be returned to the Field Operations Bureau Commander or the Cabarrus EMS NPC for replacement.

D. NALOXONE ADMINISTRATION

1. Any officer authorized to administer Naloxone who suspects an opioid-overdose shall immediately notify the Kannapolis Communications Center and request the dispatch of EMS personnel and medical first responders.

2. Prior to the administration the officer should ensure the scene is safe to initiate patient care and take universal precautions.

3. Officers shall exercise reasonable care in the administration of Naloxone and in good faith believe the other person is experiencing a drug-related overdose. This shall include an assessment of the individual suspected of experiencing the overdose based upon training.

4. Officers shall follow the protocols outlined in the Naloxone Administration Training and found in the **Appendix A** of this policy. Officer and patient safety shall always be the priority while following these established protocols.

5. Officers shall dispose of used Naloxone products by turning them over to Cabarrus County EMS personnel on scene. EMS personnel shall provide the officers with new replacement products.

E. DOCUMENTATION

1. Officers administering Naloxone must document the use by completing the Cabarrus EMS Naloxone Form and submitting it to the EMS NPC.

2. The use of Naloxone shall also be completely documented in any related computer aided dispatch call report and/or law enforcement incident report. This documentation shall include all information captured in the Cabarrus EMS Naloxone Form.

F. LEGAL IMMUNITY

1. Individuals immune from any civil or criminal liability for the administration of Naloxone/NARCAN pursuant to NCGS 90-106.2 are: any practitioner who prescribes, or persons who administers, an opioid antagonist.

2. Pursuant to NCGS 90-96.2, a person acting in good faith who seeks medical assistance for an individual experiencing a drug-related overdose, or an individual experiencing a drug-related overdose, shall not be prosecuted for:

   (a) Misdemeanor possession of any controlled substance;

   (b) Felony possession of less than one gram of cocaine;

(c) Felony possession of less than one gram of heroin; or

(d) Possession of drug paraphernalia, if the evidence for prosecution was obtained as a result of the drug-related overdose and the need for medical assistance.

3. Pursuant to NCGS 18B-302.2 a person under the age of 21 shall not be prosecuted if the possession or consumption was discovered solely because the person was seeking medical assistance on behalf of another and:

   (a) Acted in good faith, upon reasonable belief that he or she was the first to call for assistance;

   (b) Used his or her own name when contacting the authorities;

   (c) Remained with the individual needing medical assistance until help arrived.

G. Police Canines

1. The Kannapolis Police Department shall provide specialized Naloxone products for use by K-9 Handler in the event agency animals are exposed to an opioid.

2. The Department's veterinarian shall provide specific training to K-9 Handler on the administration of Naloxone to agency animals prior to its deployment into the field. Only a certified and trained K-9 Handler shall administer Naloxone to a police canine.

3. Officer and animal safety shall always be a priority. K-9 Handlers shall always take reasonable steps to insure scene safety. They shall follow the protocols for administering Naloxone as taught in training and take universal precautions against pathogens.

4. The K-9 Handler administering Naloxone to canine shall notify the K-9 Coordinator and Field Operations Bureau Commander as soon as practical.

5. The canine shall be immediately transported to the Department's veterinarian for additional care and/or treatment. The K-9 Handler shall remain with the animal during transportation and until relieved or the animal is released.

6. All documentation requirements outlined in Section E of this policy shall be followed in cases of canine Naloxone use.

7. Used canine Naloxone products should be turned over the Cabarrus County EMS personnel for disposal. K-9 Handlers will receive replacement products from the Field Operations Bureau Commander.

INDEX AS:

Naloxone

NARCAN

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 1200-01

SUBJECT: EVIDENCE COLLECTION
DISTRIBUTION All Personnel
EFFECTIVE DATE: 03-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental policy and procedures for the collection and preservation of physical evidence.

POLICY

Proper documentation, collection and preservation of physical evidence at the scene of a crime may provide critical information in a police investigation. It shall be the policy of the Department to collect and preserve evidence in compliance with legal requirements, and in accordance with prevailing and accepted techniques. It will be the responsibility of the officer collecting the evidence to maintain a chain of custody of that evidence to ensure that it is presented to the court in a professional manner and in compliance with legal rules of evidence. The procedures outlined in this directive shall apply to all officers and employees who may be responsible for or involved in the collection and processing of evidence.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Chain of Custody: the continuity of custody of material and items collected as physical evidence.

2. Crime Scene: the location where a crime occurred or where the indication of a crime exists, to include scenes involving traffic accidents or other incidents.

3. Crime Scene Unit: officer(s) of the Department assigned to the Criminal Investigation Division who have received specialized training in duties related to crime scene processing and evidence collection.

4. Evidence: an item of property, substance or material seized, collected or received by the Department that is related to a case under criminal investigation.

5. Identification (ID) Officers: members of patrol squads or other operational units who perform crime scene processing and evidence collection activities for their assigned unit.

6. Evidence/Property Control Technician: a member of the Department designated by the Chief of Police as having responsibility for custody and storage of evidence until such time as it is disposed of in accordance with N.C. General Statutes.

PROCEDURES

A. ADMINISTRATION

1. The processing of crime and incident scenes and the collection of evidence will be available on a 24-hour basis. Such processing will normally be conducted by the Crime Scene Unit and/or by Identification (ID) Officers from operational units. In major cases, crime scene assistance from the N.C. State Bureau of Investigation may be requested. The crime scene processing function includes:

   (a) Photography and/or videography;
   (b) Developing, classifying and identifying fingerprints;
   (c) Diagramming and sketching of crime scenes;
   (d) Evidence searches, preservation, collection, processing, and submission of evidence to crime laboratories for examination/analysis.

2. When it is determined that the services of the Crime Scene Unit are required, notification will be made as soon as possible. When necessary, the Crime Scene Unit will provide instructions on how field officers are to proceed until the arrival of such special assistance. The Crime Scene Unit shall be notified regarding:

   (a) Deaths of a suspicious nature;
   (b) Assaults in which there is a probability of death;
   (c) Robberies of financial institutions;
   (d) Home invasion robberies;
   (e) Arson resulting in significant property damage or personal injury;
   (f) Bombings or explosive incidents;
   (g) Rapes and sexual assaults;
   (h) Any other serious crime that the on-duty field supervisor believes would benefit from more advanced crime scene processing.

3. The on-duty field supervisor must authorize the request for assistance from the Crime Scene Unit. The request will be made directly to the Crime Scene Unit who will be responsible for informing his/her supervisor of call-outs and other assistance provided.

4. The Crime Scene Unit will not respond to requests from other law enforcement agencies outside the Department's territorial jurisdiction without authorization from a Criminal Investigation Division supervisor. Squad level identification officers will likewise not respond to outside requests without authorization from their supervisor.

5. When the Crime Scene Unit or ID officers arrive at the scene, they are to consult with the officer-in-charge, who shall brief them concerning the incident and make specific requests for processing. After consulting with the officer-in-charge, ID personnel assume control and responsibility for processing the scene. If both the Crime Scene Unit and Squad ID officers are utilized, the Crime Scene Unit will be the lead unit.

B. TRAINING

1. Basic training of personnel in evidence handling procedures is provided in Basic Law Enforcement Training. Specific training in departmental procedures and policies shall be accomplished by the assigned Field Training Officer (FTO) during the normal field training period.

2. Personnel assigned to conduct advanced crime scene processing will receive additional specialized training, including but not limited to:

   (a) Recovery of latent fingerprints and palm prints;
   (b) Recovery of foot, tool mark, and tire impressions;
   (c) Photographing crime and accident scenes;
   (d) Preparing crime or accident scene diagrams/sketches;
   (e) Collecting, preserving, and transporting physical evidence, including biological materials, and any item or material that may contain DNA evidence.

3. ID Officers assigned to operational units will be provided periodic refresher training as required to update their knowledge of investigative processes concerning laboratory capabilities and new equipment and evidence collection techniques.

4. Vehicles designated for use by ID officers will be equipped for processing crime scenes, and will have, at a minimum, equipment and supplies to perform the following:

   (a) Recovery of latent prints;
   (b) Photography and videography;
   (c) Crime scene sketching;
   (d) Collection and preservation of physical evidence.

C. RESPONSIBILITIES OF FIRST OFFICER ON THE SCENE

1. Investigating officers who are assigned to the scene of any crime are responsible for the protection, documentation, preservation, and all other needs pertaining to both the scene and any physical evidence that may be located on the scene, unless otherwise directed by a supervisor or relieved by other authorized investigative personnel.

2. Items suspected of containing DNA evidence will be collected only by officers wearing appropriate personal protective equipment.

3. Items suspected of containing DNA materials will be marked to indicate this on the collection packaging and the RMS evidence voucher. All items of evidence containing DNA evidence shall be air dried and packaged in paper containers prior to submission to the evidence/property control technician. Items that are considered as “Sharps” such as bladed weapons and needles shall be air dried and placed in approved sharps containers.

4. Items containing DNA evidence shall be packaged, transported, and maintained in such a manner as to prevent cross contamination.

5. Normally, the first officer on the scene will be a patrol officer. The first responding officer’s responsibilities regarding the crime scene and evidence will be, unless otherwise directed by supervisory personnel, as follows:

(a) Secure and protect the crime scene;
(b) Protect and/or collect perishable evidence;
(c) Document all entries of persons into the scene; and
(d) If assigned ID duties, perform other crime scene processing tasks.

D. PROCESSING EVIDENCE IN THE FIELD

1. Every effort must be made to appropriately preserve the condition of evidence, prevent the introduction of foreign materials or contaminates, and ensure that an adequate sample is collected. The following procedures are intended only as a basic guide. Personnel performing the identification function are to refer to specific procedures provided in the SBI Evidence Manual and are to utilize techniques taught in specialized training courses.

2. Latent Fingerprints: When processing a crime scene for latent fingerprints, the officer should take the following into consideration:

   (a) The size of the item to be processed;
   (b) The type of surface;
   (c) Potential for destruction of latent prints if moved. If movement or transportation of the object will destroy the latent prints, or movement is impractical, the object should be processed at the scene. When possible, a 1:1 scale photograph should be taken of visible or developed latent prints prior to any attempt at lifting.

3. Photographing the Scene: At the end of the preliminary scene survey, overall photographs of the scene should be taken. Both conventional and digital photography are allowed and will be conducted utilizing the same guidelines. Video graphs may also be made.

   (a) Agency owned equipment and devices shall be used for the collection of photographic images. Agency personnel are strongly discouraged from using personally-owned devices for this purpose.
   (b) Overall photos should be taken from several different locations and angles;
   (c) Photograph the surrounding area thoroughly;
   (d) The officer processing the scene will maintain a record of each photo taken at the scene. This record will be included in the crime scene report and may be in the form of a log for conventional photography or through the use of metadata for digital photography. Information to be recorded when taking the photos will include:

      (1) Date, time, location;
      (2) Case number;
      (3) Type of camera and film used;
      (4) Lighting used;
      (5) Person taking photograph;
      (6) Description of object photographed.

   (e) Before moving any item of evidence, close-up photographs will be taken, as follows:

      (1) Fill the entire field of view with item;
      (2) Take close-up shot of the item with a scale reference, such as a ruler.

4. Location of Evidence: Prior to the collection of any item of evidence, the following procedures should be considered:

   (a) Take measurements by use of triangulation or coordinate method so that the officer can place exactly the item at the scene;
   (b) The officer should conduct a close visual examination of the item so he knows exactly what material is being handled.

5. Collection & Packaging of Evidence: When collecting items of evidence, the officer should consider:

   (a) The use of tongs or tweezers where possible. The officer should avoid touching the item of evidence with his hands or anything that might contaminate the evidence;

   (b) Proper order of collection (collect perishable evidence first);

   (c) If destruction of evidence is not a concern, then the officer should work his way through the scene, collecting evidence in a logical sequence, trying to avoid disruption of other items of evidence;

   (d) *Trace Evidence:* When collecting trace evidence (such as hair, fibers, fabric and paint), samples of like material should be collected from known sources, when available, for comparison purposes. When collecting known samples, it is important to note the location from which it was collected;

   (e) *Biological Evidence*: Evidence containing blood, physiological or biological fluids, living vegetable materials, or other materials that may be damaged by sealing in plastic should be air dried if necessary and sealed in a paper bag or other approved container;

   (f) *Infectious Materials/Sharps*: All hypodermic needles and other sharp objects shall be secured in approved rigid containers or packaged so as to prevent accidental injury. Evidence contaminated with potentially infectious materials (e.g. blood, body fluids, etc.), must be properly packaged and labeled with a biohazard label to prevent accidental contamination or exposure;

   (g) *Firearms shall be unloaded*. Semi-automatic weapons should be placed in a locked open or "open chamber" condition if possible, and ammunition clips removed from the weapon. If the firearm cannot be unloaded, it must be hand delivered to the Evidence/Property Control Technician with appropriate warning. If the Evidence/Property Control Technician is not available, and a drop locker is used, a prominent warning label must be attached so as to be immediately visible to the Evidence/Property Control Technician upon opening the locker.

   Special Note: All evidentiary and found/unclaimed firearms, as well as any removable magazines, spent casings, or loaded ammunition recovered with the firearm shall be processed for latent fingerprints. To the extent feasible, latent processing shall be accomplished by trained personnel using methods that are non-destructive to the firearm. (Super glue fuming will permanently etch the

surface of the firearm). If this evidence is not processed at the time of collection or will be submitted for laboratory examination, it should be properly bagged and sealed so as to preserve latent prints or other trace/microscopic evidence. After completion of latent and trace evidence processing, all evidentiary and found/unclaimed firearms, fired bullets, spent casings, and live ammunition recovered with the firearm shall be submitted to a NIBIN terminal for ballistic examination in accordance with General Order 1200-02.

(h) *Controlled Substances*:

(1) Officers are to count, weigh and/or measure controlled substances prior to submission into the property control system. Loose pills or capsules shall be accurately counted in addition to weighing. Pills or capsules that are in pre-sealed containers need not be counted. The weight and count shall be included on the RMS evidence voucher. The controlled substance is to be securely packaged, sealed to prevent tampering, and marked for identification.

(2) In the event an officer has probable cause to believe that the controlled substance is an opioid they should not field test the substance unless absolutely necessary. Suspected opioids should be packaged and submitted to the lab for testing with the minimal amount of handling as possible.

(3) When packaging suspected controlled substances for submission to evidence control or approved labs for testing purposes there shall be two officers in the packaging room. The primary case officer shall prepare and package the evidence while the second individual maintains a safe distance to serve as a safety officer.

(4) The packaging officer shall wear all necessary personal protective equipment (PPE) to include, but not limited to, gloves and a protective mask.

(5) While the designated safety officer shall not participate in the packaging of the evidence, they shall also wear all required PPE to include gloves and a mask in the event the packaging officer is exposed or overcome by the substance.

(6) If any officer exhibits signs of exposure or overdose the second officer shall immediately call for assistance via radio or by calling 911. Naloxone shall be maintained in the evidence packaging area in the event of an accidental overdose and shall be administered, if necessary, in accordance with General Order 1100-09. The officer should be removed from the processing area to a clean environment as soon as possible.

(7) In the event of an accidental overdose or a release of the controlled substance occurs the area in which the release occurred shall be secured as soon as possible until such time as it can be properly evaluated and decontaminated by Fire Department personnel.

(8) When feasible the packaging officer or the safety officer will notify the Communications Center that they will be packaging controlled substances so that the Center can monitor them via security camera.

(i) *Flammable or Explosive Items*: Flammable or explosive items of evidence will not be stored in property control areas unless absolutely necessary, and only when such storage can be safely effected. The Evidence/Property Control Technician shall be contacted for authorization prior to submitting such items of evidence;

(j) Evidence obtained in forgery cases shall be handled the same as all other evidence. Affidavits pertaining to a forgery are not evidence. Only the actual document that was allegedly forged is evidence. A copy of the forged item must be made and attached to the original incident report along with affidavits and other supporting documentation.

(k) Video/Audio Evidence: Video and or audio files that may be of evidentiary value which are captured on police in-car camera systems or body cameras (BWC) will be downloaded by the collecting officer's supervisor who will produce a digital copy of the video on disc to be placed into evidence in accordance with agency policy. Audio and/or video evidence retrieved from a victim or a private surveillance system shall be saved onto a disc or other approved electronic storage medium by the collecting officer and placed into evidence in accordance with agency policy.

6. Tagging of Evidence: Items of evidence should be individually tagged with officer's name, date, time, location of recovery, item number, and case number.

   (a) Evidence which cannot be tagged for identification should be placed in a sealed container and the container marked for identification;
   (b) Items should be placed in separate containers when the possibility of contamination exists;
   (c) Items requiring laboratory analysis or processing should be placed in separate containers. Proper lab request forms must accompany all such containers. Items must be marked individually if multiple items are submitted;
   (d) The officer collecting the item of evidence will be the person responsible for tagging or labeling the item at the time it first comes into custody.

7. Crime Scene Sketch: Detailed crime scene sketches normally are prepared only in major crimes. Minimum detail to be contained in a crime scene sketch include:

   (a) Dimensions of the area being sketched;
   (b) Exact location of incident;
   (c) Location of items of physical evidence recovered;
   (d) Location and names of victims, witnesses, and suspects;
   (e) Relationships of the crime scene to other rooms, buildings, or roads;
   (f) Direction of North;
   (g) Name of person(s) preparing the sketch; and
   (h) Date and time of sketch preparation.

8. Processing Stolen Vehicles: Recovered stolen vehicles will be processed in accordance with the same guidelines as all other evidence once a determination is made that there

may be items of evidentiary value. Once processed the vehicle may be released to the legal owner by the investigating officer. If the owner is unable to claim the vehicle within a reasonable amount of time, the vehicle may be stored for safekeeping. In either case, investigating personnel must complete an Evidence/Property Report showing the appropriate chain of custody, etc. Investigating personnel are to ensure that the reporting agency is promptly notified. This notification shall include the condition of the vehicle and the process that the owner must follow to reclaim the vehicle. It is then the responsibility of the reporting agency to notify the legal owner.

E. REPORTING REQUIREMENTS

1. Personnel who collect evidence for any purpose shall accurately and legibly complete an Evidence/Property Report in accordance with the provisions of General Order 1200-02. The following information must be included:

    (a) A complete description of the item (including quantity, make, serial number, etc);
    (b) The source from whom or where the item was obtained; and
    (c) The name of officer collecting the item.

2. A proper chain of custody must be maintained on all items of evidence and documented on the Evidence/Property Report. The collecting officer is responsible for the submission of items of evidence and while the transfer of custody in the field is discouraged, if it occurs it shall be documented. Each time custody is changed, it must be indicated in the chain of custody portion of the form and appropriate signatures obtained.

3. The ID officer processing a crime scene will prepare a report of his/her activity. This will supplement the original Incident Report, and will include:

    (a) Date and time of arrival at the scene;
    (b) Location of the crime;
    (c) Specific actions taken at the scene (photos taken, physical evidence collected, etc.) to locate, collect, and preserve physical evidence.

F. EVIDENCE CONTROL PROCEDURES

1. All evidence seized, collected or received by members of the Kannapolis Police Department shall be properly documented, submitted to and stored under the custody of the department's Evidence/Property Control Technician in accordance with the provisions of General Order 1200-02.

G. SUBMISSION OF EVIDENCE FOR LABORATORY EXAMINATION

1. Responsibility for packaging and completion of forms requesting laboratory examination of evidence will rest with the officer collecting the evidence or assigned investigator.

2. The Evidence/Property Control Technician will normally be responsible for insuring evidence received from investigating personnel is delivered to the appropriate laboratory for examination.

3. DNA Evidence shall only be submitted to laboratories that are accredited for law enforcement DNA analysis.

4. When evidence of a perishable nature (e.g. blood or biological fluids) is collected, the same should be transported to the laboratory at the earliest possible convenience.

    (a) When such immediate transport is not possible, evidence should be either refrigerated (maximum of 7 days storage) and transported; or air dried and transported;

    (b) Perishable evidence which does not meet the SBI criteria for submission will be submitted to the Evidence/Property Control Technician and stored in the manner necessary for preservation until the criteria is met through additional investigation.

5. Any evidence submitted to the SBI Crime Laboratory for examination must be packaged to their specifications (refer to SBI Evidence Manual) and must be accompanied by a properly completed Form SBI-5 (Request for Examination of Physical Evidence). It is the submitting officer's responsibility to complete this form and properly package the evidence for submission. The SBI crime laboratory will supply written results of the evidence examination to the requesting officer.

6. Under certain conditions, evidence may be submitted directly to the FBI Crime Laboratory for examination. Such evidence must be packaged and submitted in accordance with FBI laboratory specifications. The FBI crime laboratory will supply written results of the evidence examination to the requesting officer.

7. The Evidence/Property Control Technician will arrange for delivery of the evidence to the laboratory and will accept receipt of the evidence upon its return. The Property Control Officer will return copies of the written SBI or FBI Laboratory Examination Report to the appropriate personnel.

8. The Evidence/Property Control Technician will maintain a record of physical evidence that is submitted for laboratory examination, to include prior custody information as follows:

    (a) Name of the person last having custody of the item;
    (b) Date and time of submission or mailing and the method used for transmission.

Evidence returned to the Department from crime laboratories shall be forwarded to Post Office Drawer 1207, Kannapolis, North Carolina 28082

H. RESTITUTION

1. Per North Carolina General Statute 7A-304(8), upon conviction for a violation of the North Carolina Controlled Substance Act, the amount of $300.00 shall be requested at the conclusion of the court proceedings as restitution to cover the cost of the testing procedures. Approval of this restitution will be at the discretion of the presiding judge.

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Crime Lab Submissions
Crime Scene Processing

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KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: **1200-02**
SUBJECT: PROPERTY & EVIDENCE CONTROL
DISTRIBUTION All Personnel
EFFECTIVE DATE: 05-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental policy and procedures for the evidence and property control function.

POLICY

The property control system is designed to provide for the control, tracking, and physical security of found, recovered, and evidentiary property in the custody of the department. This is vital to ensure the integrity of criminal investigations and for the proper administration of agency resources. It shall be the policy of the Kannapolis Police Department to safeguard property, preserve evidence, and properly document the chain of custody. The property control system implemented by the department shall utilize strict control measures with respect to the handling, security, and disposition of evidence and property.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Evidence/Property Control Technician: an employee designated by the Chief of Police as having responsibility for the acceptance, custody and accounting of property and evidence submitted to the department's property control system.

2. Alternate Evidence/Property Control Technician: an employee designated by the Chief of Police as responsible for the duties of the Evidence/Property Control Technician in his/her absence.

3. Property Control Area: areas under the direct control of the evidence/property control technician that are designated as secure storage areas.

4. Evidence: an item of property seized, collected or received by the Department that is related to a case under investigation.

5. DNA Evidence: Any item of evidentiary value which contains human DNA. DNA is the common abbreviation for deoxyribonucleic acid, a chemical which is found in virtually every cell in the body and which carries genetic information.

6. Drop-Locker: a temporary holding facility provided to maintain secure control of evidence until such time as the Evidence/Property Control Technician is on-duty or available to take custody of evidence.

7. Found Property: a lawful item of property, the control of which is assumed by the Police Department for the purpose of return to the rightful owner.

8. Safekeeping Property: an item that is taken into temporary police custody for reasons other than evidence or found property.

PROCEDURES

A. ADMINISTRATION & ORGANIZATION

1. The Evidence/Property Control Technician will be responsible for the departmental evidence and property control function and will be accountable for the control of all property and evidence accepted by or stored in the Department's property control areas. One or more alternate Evidence/Property Control Technicians may be designated by the Department to temporarily assume this responsibility in the absence of the Evidence/Property Control Technician.

2. The Support Services Bureau Commander, or his designee will conduct monthly inspections of the Property Control Areas in order to determine that:

   (a) The property storage areas are clean and orderly;

   (b) Agency directives governing property control procedures are being followed;

   (c) Property is being protected from damage and deterioration;

   (d) Property is received, processed, safeguarded, and disposed of in accordance with existing regulations and directives;

   (e) Property having no further evidentiary value is being disposed of promptly and properly.

3. Whenever a new Evidence/Property Control Technician is designated, the new and outgoing custodian will conduct an inventory of property jointly.

4. An annual audit of evidence and property held by the department will be conducted under the direction of the Support Services Bureau Commander in accordance with the procedures set forth in this General Order.

5. Unannounced inspections of property storage areas shall be conducted periodically and at a minimum of once a year, at the direction of the Chief of Police.

B. GENERAL PROVISIONS

1. All property and evidence received by department personnel shall be entered into the property control system and stored under the control of the Evidence/Property Control Technician in accordance with this Order unless otherwise authorized by the Chief of Police.

2. Only authorized personnel will have access into the secured storage areas. Entry into the secured storage areas, by persons other than the primary and alternate control technician, will be documented on form KPD-192 (Secure Evidence Storage Area Entry Log).

3. All property and evidence received by department personnel will be properly entered into and submitted to the property control system prior to ending the tour of duty on which such property or evidence was received.

4. In the event that the officer receiving the property/evidence is incapacitated, or for any other reason is physically unable to complete the entry and submission prior to the ending of the tour of duty, the ranking patrol supervisor shall take possession of the property or evidence, make the proper entry into the agency's records and submit the items on the officer's behalf. The details of this change in custody and submission will be fully documented in the incident report and the evidence vouchers.

5. Officers seizing or receiving any property or evidence shall accurately and legibly complete the RMS evidence voucher. Inaccurate or incomplete reports shall be returned to the appropriate Division Commander for correction. The original copy will be provided to the Evidence/Property Control Technician along with the property or evidence. When the Evidence/Property Control Technician has accepted the item(s), a signed receipt will be returned to the submitting officer.

6. Property and evidence will be properly packaged, labeled and submitted directly to the Evidence/Property Control Technician during normal business hours (0800-1700 Monday-Friday). Outside normal business hours, or when the Evidence/Property Control Technician is unavailable, officers will deposit property and evidence into the drop-lockers adjacent to the main evidence storage room. Items too large for the drop lockers may be placed in the designated temporary secure storage area. The on-duty supervisor may recall the primary and/or secondary Evidence/Property Control Technicians if needed or in the event of an emergency.

7. Once evidence or other property is submitted to the Evidence/Property Control Technician it can only be checked out of evidence by the officer or investigator responsible for the investigation of the associated case. Any changes to case assignment shall be documented within the RMS system.

8. In extenuating or emergency circumstances, a request may be made by other officers needing access to evidence through the Support Services Bureau Commander who may, after consultation with the Chief of Police authorize the release of evidence for investigative or court purposes.

9. No evidence shall be released to anyone other than the officer assigned to the case without the expressed written authorization from the Support Services Bureau Commander.

10. Chain of custody from the time the property was stored until its destruction or other final disposition is logged on the RMS evidence voucher.

11. Money, precious metals, firearms, and controlled substances will be stored in separate and more secure areas located inside the department's property control areas. Submitting officers should package these items separately from other evidence or property.

12. All firearms are to be **unloaded** prior to submission to the Evidence/Property Control Technician. On-premises unloading attempts shall be made utilizing a safety barrel. If a firearm cannot be unloaded, it should be submitted directly to the Evidence/Property Control Technician along with a verbal warning of its loaded condition. If the Evidence/Property Control Technician is not on-duty or available, a WARNING label shall be placed on the firearm so as to be immediately visible to the Evidence/Property Control Technician upon retrieval, and the firearm secured in an evidence drop locker.

13. Unloaded firearms shall be rendered incapable of firing by the use of approved means to prevent the chamber from closing.

14. Handguns will not be submitted in bags unless processing is needed for latent fingerprint evidence, or biohazard concerns exist.

15. Whenever possible, officers will release non-evidentiary property directly to the rightful owner and obtain a signed receipt. When feasible, officers should consult with the District Attorney's office to determine if larger items of evidence may be photographed and returned to the owner without jeopardizing the prosecution of the case.

16. All officers with stored property or evidence are to respond promptly to inquiries from the Evidence/Property Control Technician about the status of their case or property disposition.

17. Final disposition of all found, recovered or evidentiary property shall be in accordance with Chapter 15, Article 2 of the North Carolina General Statutes.

C. EVIDENCE CONTROL

1. Officers will properly mark, package and label all evidence prior to turning it over to the Evidence/Property Control Technician or placing it in the evidence drop-locker. A supply of evidence forms, tags, envelopes, bags and tape shall be maintained in the packaging area located outside of the Property Control Room.

2. Items requiring laboratory examination or processing should be properly packaged, labeled, and requests for examination forms completed by the submitting officer in accordance with established departmental procedures. The investigating officer may, with supervisory approval, transport evidence directly to and/or from the crime laboratory when necessary. However, returned evidence must be promptly submitted to the Evidence/Property Control Technician in accordance with this General Order.

3. Sealed evidence packages containing controlled substances will not be opened by the Evidence/Property Control Technician. All containers of controlled substances are to be inspected subsequent to each change in custody as a safeguard against tampering or substitution of contents. All controlled substances must be counted and weighed by investigating personnel prior to submission to the Evidence/Property Control Technician.

4. Personnel who need to take evidence out of the evidence room for court purposes or other reasons must sign for it electronically in the chain of custody portion of the agency’s Records

Management System. The evidence must be returned to the property control system on the same day before going off-duty unless held by the court. If the court holds the evidence, the officer must obtain a receipt for the evidence from the clerk of court. A copy of this form shall be returned to the Evidence/Property Control Technician.

5. Officers submitting evidence to the property control system are responsible for obtaining a disposition of the evidence from the court within ninety (90) days after the final case disposition is rendered. If the disposition is to return the property to the owner or to another agency, the investigating officer may do so at the time the disposition is received. If the court orders the evidence destroyed or otherwise disposed of, the instructions of the disposition must be strictly followed. The Evidence/Property Control Technician will handle destruction of evidence unless otherwise directed by the court. In any case, a copy of the court ordered disposition must be returned to the Evidence/Property Control Technician.

6. The Evidence/Property Control Technician may request the disposition of evidence in any case over one hundred twenty (120) days old. In such cases, a brief supplemental report shall be completed stating the status of the case and whether or not the evidence should still be maintained. If the case was dismissed or the evidence is no longer needed for any reason, disposition of such evidence should be affected in accordance with this Order.

7. Any time legal property is confiscated from the owner of said property for any reason, the RMS evidence voucher should indicate the chain of custody. Additionally, the owner of the property should be given a copy of the report as a receipt.

8. With the exception noted above, property that has been seized as evidence in any criminal case must be held until appropriate disposition authority is obtained by investigating personnel. This authority may be obtained from the District Attorney's office or any Judge. This is true even if the property is determined not to be "evidence" after further investigation, the case is assigned an "inactive" status, the case is dismissed, or the case is closed by "exceptional" clearance.

9. The custody, control and disposition of property introduced as evidence at trial becomes the responsibility of the Clerk of Court. Investigating personnel shall obtain a receipt for such evidence from the clerk and forward a copy to the Evidence/Property Control Technician.

10. The submitting and/or investigation officer shall meet with the Evidence/Property Control Technician on a monthly basis to review the status of property assigned to them.

D. BIOLOGICAL EVIDENCE

1. A sample of all items containing DNA evidence that is collected during the course of a criminal investigation shall be preserved and maintained by the evidence custodian for the period of time a defendant convicted of a felony is incarcerated in connection with that case.

2. When submitting items suspected of containing DNA materials the submitting officer will indicate this in the provided space on the RMD evidence voucher. All items of evidence containing DNA evidence shall be air dried and packaged in paper containers prior to submission to the evidence/property control technician. Bladed weapons and other “sharps” containing DNA materials shall be air dried and placed in approved sharps containers.

3. Items containing DNA evidence shall be packaged and maintained in such a manner as to prevent cross contamination. These items will be stored in a separate location within the evidence control area.

4. Liquid blood samples collected for comparison purposes shall be kept under refrigeration prior to submission to the SBI. This submission shall be made within ten (10) days of collection.

5. Sexual assault kits shall be collected and submitted in accordance with SBI guidelines.

6. Long term storage of sexual assault kits shall be maintained in accordance with the North Carolina SBI Evidence Field Guide.

7. Disposal of evidence or evidence samples containing DNA evidence shall only be completed as provided in North Carolina General Statute 15A-268.

E. FOUND PROPERTY

1. Found property shall be handled generally the same as evidence. The Property/Evidence Report form shall be completed using the same guidelines. Officers receiving found (non-evidentiary) property will first attempt to locate the rightful owner before entering it into the property control system. If the property owner is located before going off duty, the property may be released to the owner at that time. Otherwise, the property shall be handled the same as evidence in transferring custody to the Evidence/Property Control Technician. Unlike evidence, however, found property may be returned to the rightful owner at any time.

2. Bicycles, motorbikes, mopeds, and the like shall be taken to the Bicycle Storage Room and placed into the secure area for that purpose by the investigating officer. Other found property items that are too large for the main property/evidence storage room or drop lockers shall also be placed in the same area.

3. Investigating officers should make every attempt to locate the rightful owner of all found property. North Carolina law provides that if the rightful owner cannot be located within 180 days (only 60 days for bicycles), the finder has the right to claim the property (with the exception of weapons.) For this reason, investigating officers shall determine whether or not the finder wishes to keep the property if the rightful owner cannot be located and include this information in the original evidence/property report. A memorandum to the Evidence/Property Control Technician should be prepared by the investigating officer after 180 days (60 days for bicycles) indicating whether or not the rightful owner has been located, or that the finder has been notified to claim the property (if so desired). If no claim is made, the property (except weapons) will be sold at public auction or otherwise disposed of in accordance with law.

4. Found property released to owners or finders will be recorded on the departmental property control form and signed by the receiving person.

5. Although found property is submitted to property control for storage, investigating officers are to continue attempts to locate the rightful owner, and cooperate fully with the Evidence/Property Control Technician in making an appropriate disposition of the item(s) in accordance with this Order.

F. SAFEKEEPING PROPERTY

1. It must be understood that the Department cannot be used as a "safe deposit box" and keep items for an indefinite period of time. Safe keeping property shall be handled the same as found property and will be returned to the rightful owner within 180 days unless there is a legitimate reason that it should not be done.

2. As with found property, the rightful owner should be given a copy of the RMS evidence voucher. Investigating officers will be responsible for the return of safekeeping property. If the owner does not want the property, the officer will file a supplemental report to this effect and the property will be auctioned (except weapons).

3. Occasionally, citizens bring old ammunition, fireworks, or similar items to the police department and request that it be destroyed. These requests will be honored whenever possible. The RMS evidence voucher shall be completed the same as all other situations showing the property chain of custody and destruction of such items.

G. FIREARMS & AMMUNITION

1. Firearms that are obtained in any way and for any reason by the Police Department shall not be released to anyone except upon **satisfactory proof of lawful ownership or entitlement and legal eligibility to receive or possess the items under state and federal law.** If a court order is issued authorizing release of the firearm to a person who is found to be prohibited from receiving the firearm under state or federal law, no release will be made. The disqualifying information shall be communicated expeditiously to the judge who issued the original order.

2. ALL firearms received by the Police Department for any reason shall be queried via DCI/NCIC hot files. Documentation of this query and the result shall be included in the associated case file and a copy attached to the evidence record for the firearm.

3. ALL evidentiary and found/unclaimed firearms received by the Police Department shall be processed for latent evidence at the time of seizure or as soon thereafter as is practical. If processing at the time of original seizure is not possible, the firearm should be rendered safe using gloves and bagged so as to preserve any latent fingerprint evidence that may be present. Latent processing shall be conducted by properly trained personnel and shall include any removable magazines, spent casings, or loaded ammunition recovered with the firearm.

4. ALL evidentiary and found/unclaimed firearms, fired bullets, and spent casings received by the Police Department can be processed through the National Integrated Ballistics Identification Network (NIBIN) for ballistic examination. The Evidence/Property Control Technician will coordinate this testing with the nearest available NIBIN terminal. Documentation of NIBIN testing will be included in the associated case file and a copy attached to the evidence record for the firearm.

5. For firearms manufactured after 1968 or any military weapons, the investigating officer shall request that an electronic ATF Firearms Trace (e-Trace) be conducted by an authorized e-Trace user. The Chief of Police will designate agency members who are authorized e-Trace users and provide this information to all personnel. When in doubt about the manufacture date of a particular firearm, request the trace.

6. If the serial number on the firearm has been altered or obliterated, the investigating officer shall prepare the firearm for submission to the SBI Crime Lab and request that the serial

number be restored (do not attempt this in-house). Upon receiving the results of the restoration, if successful, the officer shall obtain a DCI/NCIC hot file query. Regardless of the success of the restoration, the officer shall arrange for an e-Trace submission of the firearm data to ATF.

7. The investigating officer shall coordinate with ATF as necessary to follow-up on the ATF trace results if the person in possession of the firearm is different from the purchaser of record.

8. Officers shall, based on probable cause, file appropriate criminal charges for firearms violations, including but not limited to, any unlawful manufacture, sale, purchase, transfer, possession, alteration, or modification of a firearm or ammunition. ATF assistance may be requested in cases involving federal firearm violations.

9. All persons charged with a firearms violation (including carrying a concealed weapon), shall be arrested and taken into physical custody, and shall be fingerprinted and photographed.

10. Any person claiming ownership or seeking the release of a firearm held by the Police Department must complete a Firearms Transaction Record (form KPD-242), and provide a verifiable photo identification. The Evidence/Property Control Technician shall review the completed form and verify the person's identity and eligibility to lawfully receive and possess the firearm or ammunition PRIOR to its release. This verification shall include a criminal history record check on the person via DCI/NCIC.

11. Upon release of a firearm, the completed form KPD-242, a photocopy of the receiver's photo ID, a printout of the NCIC/DCI criminal history inquiry result, and (where applicable) the ATF Firearms Trace result and NIBIN test documentation will be retained with the evidence record, and a copy included in the original case report.

12. Firearms may be shipped ONLY via commercial carrier (UPS or FED-EX) overnight, insured, with adult signature required, and then ONLY to a federal firearms license (FFL) holder or a government law enforcement agency. Firearms and ammunition may NOT be shipped via the US postal service. No firearm shall be shipped to any unlicensed individual, business, or insurance company without a valid court order.

    (a) The receiving FFL holder MUST provide the Police Department with a signed copy of their FFL prior to any shipment of a firearm. The signature on the copy must be in blue or red ink. In such cases the firearm may be shipped ONLY to the address shown on the Federal Firearms License.

    (b) In order to ship a firearm to an outside law enforcement agency, the receiving agency MUST provide the Police Department with a written request for shipment of the firearm on agency letterhead (faxed requests are not acceptable), and also provide a copy of the original crime /incident report that establishes their jurisdiction to receive the firearm as evidence.

    (c) In no case may a firearm seized or held by the Kannapolis Police Department be shipped outside the United States.

13. Firearms and other dangerous weapons that cannot be lawfully released by the agency shall be held in evidence pending a court order directing the destruction or other disposition of the

weapon. It shall be the responsibility of the seizing/investigating officer to secure a final disposition of the weapon from the court.

14. Ammunition seized or held by the Police Department will be released only upon satisfactory proof of lawful ownership and legal eligibility to receive such items. No ammunition will be released to any person who is under age 18 or otherwise prohibited by federal or state law from receiving or possessing ammunition. Completion of form KPD-242 is not required for the release of ammunition. However, the receiver of the ammunition must furnish verifiable photo identification PRIOR to such release. Teflon-coated or armor piercing ammunition will NOT be released to any person without a valid court order.

15. Ammunition shipped by the Police Department to a Federal Firearms License (FFL) holder or government law enforcement agency must be packaged and shipped in accordance with the prevailing law and the requirements of the particular shipping service used. In most cases, ammunition shipped by common carrier must be labeled as ORM-D (Other Restricted Material - Defined) and defined as “small arms ammunition”.

H. PERISHABLE, FLAMMABLE, OR EXPLOSIVE ITEMS

1. Because blood and other biological evidence samples are rapidly degraded, such items require refrigeration (or freezing in some cases) as soon as possible:

    (a) Perishable items of evidence should be submitted directly to the Evidence/Property Control Technician for refrigerated storage whenever possible;

    (b) If the Evidence/Property Control Technician is not on duty, perishable evidence may be placed in the temporary refrigerated storage unit maintained within the drop lockers adjacent to the main Property Control Room. Upon returning to duty, the Evidence/Property Control Technician will collect and transfer the evidence to the main perishable evidence storage unit inside the Property Control Room.

2. Flammable and explosive items will not be stored in property control areas unless absolutely necessary and then only if such storage can be safely affected. The Evidence/Property Control Technician shall be contacted for authorization prior to submitting such items for storage. Consultation with qualified EOD personnel will be required prior to the storage of ANY explosive materials, including initiators or detonators such as blasting caps.

3. Where feasible, flammable fuels will be removed from items of property or evidence prior to storage and disposed of in an appropriate manner. If the fuel cannot be removed, the item must be stored in a flammable liquids cabinet or secured in some other approved manner.

I. PROBATE PROPERTY

1. Officers will refrain from seizing property belonging to a deceased person unless it is collected as evidence, or as a last resort for temporary safekeeping. Probate property shall be handled as safekeeping property.

J. DESTRUCTION OF EVIDENCE OR PROPERTY

1. Property that is to be destroyed under court order or other competent authority will be disposed of in full compliance with such order.

2. A request for the destruction of evidence/property having no court disposition must be made by the seizing officer and authorized by the affected Bureau Commander.

3. The Evidence/Property Control Technician will affect the destruction in a safe and approved manner. All destructions of property or evidence must be witnessed by at least two officers and properly documented on the associated RMS evidence voucher.

K. ANNUAL AUDIT

1. At the direction of the Chief of Police an annual audit of all evidence and property held by the Department will be conducted with the Evidence/Property Control Technician and under the direction of the Support Services Bureau Commander as part of the Departmental inspections system. The inventory shall determine the following:

    (a) Account for all evidence in custody, comparing physical evidence with custody documentation and corresponding ledger entries;

    (b) Ensure that all temporarily released evidence is properly receipted or assigned the appropriate certification number;

    (c) A list of document numbers shall be maintained, and cross referenced with the ledger to assure accountability of all open entries in the ledger;

    (d) Drug evidence is not subject to weight verification unless the package is unsealed and /or there is a significant difference between the actual item and the laboratory description, weight, or count;

    (e) The inventory officer will not handle evidence that is pending latent examination or chemical analysis. If such evidence cannot be properly inventoried without the officer physically handling it, the Bureau Commander or his designee shall be contacted for resolution;

    (f) At the conclusion of the inventory, all ledger entries not reflecting disposition shall be accounted for;

    (g) Inventory certification shall be written into the evidence ledger and any accountable deficiencies recorded therein;

    (h) Administrative or security weaknesses/deficiencies or recommendations not involving the accountability of evidence should be brought to the immediate attention of the Support Services Bureau Commander and the Evidence Custodian.

2. A joint physical inventory of all evidence/property shall be conducted upon a change of evidence/property control technicians by the incoming and outgoing officer. Procedures for this inventory will follow the annual audit format. This inventory shall be fully documented in a written report signed by both the incoming and outgoing evidence/property control technicians and forwarded to the Chief of Police.

    (a) No joint inventory is required when the alternate property control officer serves in the absence of the primary property control officer for less than thirty (30) days;

(b) An unanticipated absence of more than thirty (30) days by the primary Evidence/Property Control technician shall mandate an inventory by the Alternate Evidence/Property Control technician and the Support Services Bureau Commander or his designee. This inventory shall be conducted not more than five (5) working days past the thirtieth (30th) day of absence.

3. Lost evidence or breach of security inquiries shall be initiated by the Support Services Bureau Commander and reported in writing to the Chief of Police. The officer(s) assigned to conduct the inquiry will certify the findings in the evidence ledger, using the same format as annual inventories.

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Evidence
Evidence Audits
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Found Property
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KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 1200-03

SUBJECT: ELECTRONIC MESSAGING
DISTRIBUTION All Personnel
EFFECTIVE DATE: 04-01-2002
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

It is the purpose of this policy to provide officers with guidance on the proper use of personal computers and related electronic messaging systems utilized in this agency for purposes of disseminating electronic mail, utilizing services of the Internet and related electronic message transmission, recording and storage devices.

POLICY

The availability and use of the personal computer within the work environment have provided many opportunities for enhancement of productivity and effectiveness. These technologies also entail the opportunity for rapid transfer and broad distribution of sensitive information that can also have damaging effects on this agency, its members, and the public if not managed properly. Therefore, it is the policy of this agency that all members abide by the guidelines set forth herein when using personal computers and the services of both internal and external databases and information exchange networks, and where applicable, voice mail, mobile digital terminals, and related electronic messaging devices.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Electronic Messaging Device (EMD*):* include personal computers, electronic mail systems, voice mail systems, paging systems, electronic bulletin boards and Internet services, mobile data computers, and facsimile transmissions.

2. System Administrator: the individual designated with responsibility for managing all aspects of electronic messaging through individual computers and computer networks within this agency.

3. Personal Computer: any agency or personally owned computer that provides access to the agency or agency personnel. This includes both on and off duty usage.

PROCEDURES

A. FIELD INTERVIEWS

1. The following procedures apply to all electronic media that is:

(a) Accessed on or from departmental premises;
(b) Accessed using department computer equipment or department paid access methods;
(c) Communications that make reference to the department in a manner; and/or
(d) Used in a manner that identifies the employee with the department.

2. Transmission of electronic messages and information on communications media provided for employees of this agency shall be treated with the same degree of propriety, professionalism, and confidentiality as official written correspondence, or verbal communication.

3. This agency encourages authorized and trained personnel with access to EMDs to utilize these devices whenever necessary. However, use of any of these devices is a privilege that is subject to revocation.

4. EMDs and their contents, with the exception of personally owned software authorized for installation on agency computers, are the property of this agency and intended for use in conducting official business with limited exceptions noted elsewhere in this policy.

5. Members are advised that they do not maintain any right to privacy in EMD equipment or its contents, to include personally owned software

   (a) This agency will monitor information contained in EMDs and may require members to provide passwords to files that have been encrypted or password protected.

   (b) The agency shall access, for quality control purposes and/or for violations of this policy, electronic and voice transmissions of members conducting business of this agency.

6. Computer repairs shall be made by agency authorized and approved sources.

7. Accessing or transmitting materials (other than that required for police business) that involves the use of obscene language, images, jokes, sexually explicit materials, or messages that disparage any person, group, or classification of individuals is prohibited whether or not a recipient has consented to or requested such material

8. Confidential, proprietary, or sensitive information may be disseminated (or made available through shared directories or networked systems) only to individuals with a need and a right to know and when there is sufficient assurance that appropriate security of such information will be maintained. Such information includes but is not limited to the following:

   (a) Transmittal of personnel information, such as salary, performance reviews, complaints, grievances, misconduct, disciplinary information, medical records, or related employee information.

   (b) Criminal history information and confidential informant master files, identification files, or related information.

   (c) Intelligence files and information containing sensitive tactical and undercover information.

9. Employees may not attempt to read or "hack" into other systems or logins; "crack" passwords; breach computer or network security measure; or monitor electronic filings or communications of other employees or third parties except by explicit direction of departmental authorities.
10. No e-mail or other electronic communications may be sent that attempts to hide the identity of the sender or represents the sender as someone else or someone from another agency.

11. Media may not be used in a manner that is likely to cause network congestion or significantly hamper the ability of other people to access and use the system.

12. Employees may not copy, retrieve, modify, or forward copyrighted materials except as permitted by the copyright owner or except for a single copy for reference use only.

13. No member shall access or allow others to access any file or database unless that person has a need and a right to such information. Additionally, personal identification and access codes shall not be revealed to any unauthorized source.

14. An EMD is designed and intended to conduct business of this agency and is restricted to that purpose. Installation of or access to software for purely entertainment purposes is prohibited. Exceptions to business use include the following:

    (a) Infrequent personal use of these devices may be permissible if limited in scope and frequency, if in conformance with other elements of this policy, and if not connected with a profit-making business enterprise or the promotion of any product, service, or cause that has not received prior approval of this agency.

    (b) Personnel may make off-duty personal use of agency computers for professional and career development purposes when in keeping with other provisions of this policy and with prior knowledge of an appropriate supervisor.

B. IMPORTING / DOWNLOADING INFORMATION AND SOFTWARE

1. Members shall not download or install on their personal computer or network terminal any file (including sound and video files and files attached to e-mail messages), software, or other materials from the Internet or other external sources without taking prescribed steps to preclude infection by computer viruses.

    (a) Material shall be downloaded to floppy drives and scanned for viruses prior to being entered into any personal or shared system;

    (b) In no case shall external files or software applications be downloaded directly to any shared (network) drive without agency approval. When in doubt, members shall consult the system administrator for guidance.

2. Members shall observe the copyright and licensing restrictions of all software applications and shall not copy software from internal or external sources unless legally authorized:

    (a) Any software for which proof of licensing (original disks, original manuals and/or license) cannot be provided is subject to removal by authorized agency personnel;

    (b) Privately owned licensed software may be loaded on agency computer workstations if approved by the system administrator and Chief of Police;

(c) Privately owned software may be removed by the system administrator if it conflicts with departmental hardware or software, interferes with the ability of other members to access or utilize the EMD, or occupies excessive storage space needed by the agency.

3. Members shall observe copyright restrictions of any documents, images, or sounds sent through or stored on electronic mail.

4. Any hardware enhancements or additions to agency-owned equipment must be approved and authorized by the system administrator. The system administrator is responsible for determining proper installation procedures.

5. Members shall not permit unauthorized persons to use this agency's electronic mail system.

6. Only electronic files and materials directly related to a legitimate law enforcement function shall be saved or stored on agency servers.

7. To avoid breaches of security, members shall log off any personal computer that has access to the agency's computer network, electronic mail system, the Internet, or sensitive information whenever they leave their workstation.

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Electronic Messaging
Electronic Messaging Devices
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KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: **1200-04**
SUBJECT: POLICE COMMUNICATIONS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 01-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish guidelines for the administration and operation of the Police Department's communication systems.

POLICY

The basic function of the department's radio communications system is to satisfy the immediate information needs of the law enforcement agency in the course of its normal daily activities and during emergencies. The system conveys information from the public to the law enforcement agency through communications personnel, to the officer who responds to the call for assistance, to other law enforcement and public service agencies, and to information storage and retrieval systems. It shall be the policy of the Department to operate a police communications system so as to support agency operations with radio communications and information exchange.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. CIIS: the Criminal Identification and Information Section of the North Carolina State Bureau of Investigation. CIIS operates an information system that serves as the state-level crime data center. The CIIS system also provides for automated data communications for local law enforcement agencies.

2. Communications Center: the area housing personnel and equipment of the police department's Communications Unit.

3. Communications Manual: a departmental manual for the administration and operation of the Communications Center, serving as a resource and guide to assigned personnel.

4. National Crime Information Center (NCIC): an information system administered by the Federal Bureau of Investigation that collates and disseminates nationwide crime data.

PROCEDURES

A. ADMINISTRATION

1. The Communications Unit will serve as the communications component for the Department. The Unit will be a distinct entity within the Support Services Bureau, under the command of the Bureau Commander and the supervision of the Communications Sergeant. Each Communications sub-unit (shift or squad) shall be under the direct supervision of a civilian telecommunications supervisor.

2. The primary functions of the Communications Center will be:

   (a) Radio Communications: to include recording and assigning calls for service, monitoring radio traffic from field personnel, and coordinating field units via radio;

   (b) Telephone Communication: to include receiving calls for service, paging, and utilization of the E-911 system;

   (c) Computerized Data Communication: to include the operation of the Computer Aided Dispatch (CAD) system, NCIC/CIIS terminal, and automated information systems.

3. Telecommunicators are responsible for the dispatching of all departmental units in accordance with assigned patrol areas, responsibilities, duties, and availability of each unit.

   (a) Such dispatching of units will carry full authority of an order unless countermanded by a supervisor;

   (b) Units will be assigned to calls in order of CAD recommendation or nearest available unit to respond. If all units are committed with an additional call pending, the call information will be evaluated to determine if holding the call for the next available unit is appropriate. If immediate dispatch is needed, the information will be given to the appropriate field supervisor, who will be responsible for determining how the call will be handled. An emergency call should not be held by the Communications Center unless so directed by a supervisor. If directed to hold a call, that information will be properly documented in the CAD narrative;

   (c) Detailed authority and responsibilities of personnel assigned to the Communications Center will be as described in the position description, respective sections of the departmental Performance Evaluation Guide, and the Communications Manual.

4. The radio communication operations of the Communications Center will be conducted in accordance with the procedures and requirements of the Federal Communications Commission (FCC). All messages transmitted over the agency's radio system will be direct, concise, and will conform to departmental regulations.

5. Access to the Communications Center shall be restricted to telecommunicators, command and supervisory personnel, and persons specifically authorized by command personnel to enter the Communications Center for legitimate business purposes.

6. Telephone line load studies will be conducted as needed by the Communications Sergeant in conjunction with telephone company officials to determine that a sufficient number of telephone lines are available to manage the volume of calls received.

7. The Communications Center will continuously record all E-911 telephone lines served by the Police Department and all radio transmissions made or received on police and fire dispatch

talk groups. In addition, communications personnel will have the capability of instant recall of emergency telephone conversations and radio transmissions with the Communications Center.

(a) Continuous audio recordings are made via an automated digital system. The Communications Supervisor will be responsible for establishing guidelines to ensure the proper operation, maintenance and integrity of the recording equipment. The Communications Sergeant will retain audio recordings in a secure area for a period of one (1) year from the date of recording. At the expiration of this period the recording may be erased or destroyed unless a court of competent jurisdiction orders a portion sealed, or the recording is being held as evidence in a criminal, civil, or administrative proceeding. In no case may an original audio recording be released from the custody of the police department without the prior approval of the Chief of Police;

(b) Requests to obtain copies and/or transcripts of recordings, including requests from the news media, shall be directed to the Communications Supervisor, who will determine if such access is authorized by prevailing law and departmental policy. Upon approval, a copy of the recording will be provided to the requesting party.

8. The Department has access to and will utilize the local, state and federal criminal justice information systems (NCIC/CIIS) in field operations and investigative efforts.

9. The responsibility for proper operation and usage of the radio communications system rests primarily with communications personnel. Violations of departmental policies or deviation from established procedures that becomes known to communications personnel are to be reported to the Communications Sergeant, who will forward the information to the appropriate supervisor for corrective action.

10. Complaints pertaining to the operation of the Communications Center regarding a telecommunicator or the dispatching of police units, and/or suggestions for improving communication services should be forwarded to the Communications Sergeant and/or Support Services Bureau Commander. It shall be the responsibility of the Communications Sergeant and the Bureau Commander to review all complaints and ensure corrective action is taken, as necessary.

B. OPERATIONS

1. Procedures for performing radio, telephone, and automated data communications functions will be as described in the CIIS Manuals and the Communication Manual.

2. The processing and handling of E-911 telephone calls by the Communications Center shall be in accordance with the provisions of General Order 1200-05 (E-911 Protocol).

3. Communications personnel will have immediate access to the following resources:

(a) The on-duty supervisor and other command personnel;

(b) A current roster of all on-duty personnel provided by the respective supervisor prior to the beginning of each shift;

(c) Home, office, pager and mobile telephone numbers of agency members;

(d) Visual maps detailing the service area;

(e) Officer status indicators;

(f) Written procedures and telephone numbers for procuring emergency and necessary external services.

4. Requests for service may be received by telephone, in person, or initiated by officers in the field. Each specific call for service will be assigned a unique control number through CAD. The number will serve as a basis for filing and retrieving subsequent information pertaining to the call. The following information will be logged into CAD for all calls for service:

   (a) Date and time of request;
   (b) Name and address of a complainant, if available;
   (c) Type of incident;
   (d) Location of incident;
   (e) Identification of officer(s) assigned as primary and back up;
   (f) Time of dispatch;
   (g) Time of officer's arrival;
   (h) Time of officer's return to service;
   (i) Disposition or status of reported incident.

5. Communications Center personnel will be trained in obtaining relevant information for each call for service so as to enhance the safety of officers and assist in anticipating conditions to be encountered at the scene. Specific information for obtaining such information will be outlined in the Communications Manual.

6. Communications personnel are often the first contact a citizen turns to for information and services. Responsibilities of the communicator include:

   (a) Determining if the call requires an emergency or non-emergency response;

   (b) Informing the caller of the agency's response, including both direct law enforcement service and alternatives, and/or referral to another agency.

7. Communications personnel will be familiar with the guidelines for telephonic report taking by Records personnel as outlined in G.O. 1200-07 (Police Records.) If during normal Records Unit office hours communications personnel identify incidents that meet the established criteria the following procedures will be followed:

   (a) Communications personnel shall ask the caller if they would like to make the report by telephone instead of having an officer respond.

   (b) Citizens wishing a police response will be advised that officer response may be delayed due to the call priority and current call volume.

   (c) Citizens wishing to file the report by telephone will be transferred to the Records Division.

8. The field unit assigned to a call ultimately decides what level of response they will travel based on the seriousness of the call and prevailing conditions. Telecommunicators should promptly

relay any information to the responding units that may allow them to reduce their response to a lower level for added safety.

9. Department personnel are responsible for responding to victims/witnesses within the provisions of the North Carolina Fair Treatment for Victims and Witnesses Act. Since communications personnel are often the first contact a victim/witness has after a crime has been committed, proper handling of such calls is essential. Communications personnel should refer to the Communications Manual for additional guidance in responding to victim/witness calls for information or services. Responsibilities of the communicator include:

    (a) Determining if the call requires an emergency response or referral to another agency;

    (b) Informing the victim/witness of the agency's response, including direct law enforcement service and/or referral to another agency.

10. Emergency calls that are misdirected to the Communications Center shall be accepted and the pertinent information relayed by telecommunications personnel to the appropriate agency having jurisdiction.

11. The Communications Center does not perform direct monitoring of residential and business alarm systems. Notification of residential and business alarm activations is received by the Communication Center from private security firms, citizen calls, or field officers. Upon receiving notification of alarm activation, communications personnel will dispatch appropriate police resources to the scene of the activation. Communications personnel will also obtain the following information from the alarm company:

    (a) Name, street address, and phone number of the residence or business;
    (b) Key holder information;
    (c) General area of the alarm activation within the structure (if zoned); and
    (d) Call back number from the alarm company if contact person is/is not available.

12. Departmental plans requiring tactical dispatching will be provided to the Communications Center so that personnel have immediate access to such strategies. Examples of such plans include alarm response, roadblocks, and special events.

13. Requests for delivery of emergency messages that are not related to Departmental investigations will be assigned to field officers in accordance with the applicable provisions of General Order 600-03 (Patrol Operations).

C. FACILITIES AND EQUIPMENT

1. Security measures will be implemented to ensure the integrity and protection of the Department's communications facilities and equipment. These measures shall include, but are not limited to:

    (a) Limiting access to authorized personnel;

    (b) Providing for the physical security and environmental protection of critical facilities and system equipment, including antennas and transmission lines, tower structures, control equipment, repeaters, etc; and

(c) Providing for back-up resources such as stand-by emergency power generators.

2. The Communications Center will maintain a list of all department personnel and the identification number of their assigned portable radio. A similar list is maintained for mobile radios installed in police vehicles. Radio ID numbers are used to identify the source radio and assigned officer in the event of a radio declared emergency (activation of emergency button). To ensure that this information remains valid, officers are responsible for promptly notifying the Communications Center whenever they change portable radios and providing them with the updated radio ID number. In addition, officers are responsible for notifying the Communications Center whenever they change police vehicles.

D. TALK GROUP ASSIGNMENT

1. KPD Dispatch 1: The primary operating talk group for the Kannapolis Police Department will be KPD Dispatch 1. This talk group will be monitored continuously by the Communications Center and is intended primarily for station-to-unit and unit-to-station transmissions. KPD Dispatch 1 may also be used for car-to-car transmissions when the information would be beneficial to other field and communications personnel.

2. KPD Dispatch 2: This talk group will serve as an alternate dispatch channel during special operations or other events requiring the designation of a telecommunicator to monitor and handle radio traffic specific to that event or operation. KPD Dispatch 2 may also be used for routine communication with unassigned units when KPD Dispatch 1 is being used exclusively for an emergency in progress. KPD Dispatch 2 will be continuously monitored by the Communications Center when so designated for use.

3. KPD TAC 1: This talk group is intended for use by field units involved in special assignments or activities. The supervisor in charge of the assignment or activity must authorize the use of this talk group. It may also be used for routine car-to-car transmissions that do not require monitoring by other field or communications personnel.

4. KPD TAC 2: This talk group is intended for use by field units involved in special assignments or activities. The supervisor in charge of the assignment or operation must authorize the use of this talk group. It may also be used for routine car-to-car transmissions that do not require monitoring by other field or communications personnel.

5. KPD Investigations 1: This talk group is intended for use by investigative and supporting units engaged in special assignments or activities.

6. KPD Conventional - Repeater: This talk group is intended for use by the Special Response Team (SRT) in conducting tactical operations and is restricted to authorized SRT and command personnel. This talk group accesses a stand-alone conventional 800 MHZ repeater with digital voice encryption capability and may be considered a SECURE channel when properly equipped field radios are operated in the encrypted mode.

7. KPD Conventional - Direct: This talk group allows the SRT and other officers to communicate radio-to-radio without the need for system repeater support. It allows officers to communicate directly (within a limited range) independently of any repeater system. This talk group may be considered a SECURE channel when properly equipped field radios are operated in the encrypted mode.

8. KPD K-Wide-1: This talk group is a city-wide channel that enables personnel of the city's police, fire and public works to effect inter-departmental radio communication for mutual aid purposes, emergencies, natural disasters, unusual occurrences, or similar activities.

9. Other Talk Groups: Other talk groups not specifically dedicated to the Kannapolis Police Department are accessible through the radio system for communication with various other public safety departments in our area. These talk groups should only be used when direct communication with other agencies is required in the conduct of official business. In such cases, officers shall observe any established procedures or guidelines for the use of these talk groups by the agency to which they are assigned.

E. RADIO DECLARED EMERGENCIES

1. Officers with trunked 800 MHZ radios can silently "declare an emergency" by pressing the emergency (orange color) button on their assigned portable or mobile radio. If this occurs, the system automatically switches that radio to a pre-assigned talk group (KAN EMERGENCY) regardless of the channel that the radio was on at the time of the activation. An audible emergency alert, along with the radio's unique identification number (which identifies the officer to whom the radio is assigned) is automatically displayed on all communication console positions. Top priority will be given to any radio declared emergency and all traffic not related to the declared emergency will be restricted until the situation is stabilized. The following procedures will be followed:
   (a) The telecommunicator will silence the alarm, switch to the declared emergency talk group and attempt contact with the assigned officer to determine if an actual emergency exists. If an emergency is confirmed, the Communications Center will verify the officer's location and immediately dispatch back-up assistance;

   (b) If no contact is made, the Communications Center will immediately begin efforts to locate the unit and provide emergency assistance. This includes notifying on-duty supervisory personnel and acting at their direction to coordinate search efforts;

   (c) Once the emergency has been resolved, or it is determined that no actual emergency exists, the declared emergency may be cleared from the consoles and the user's radio reset in accordance with the procedures applicable to that type of radio.

F. FIELD RADIO PROCEDURES

1. All personnel assigned to field duties, unless exempted by a higher authority, will maintain radio contact with the Communications Center at all times while in-service, and shall be ready to accept all radio calls assigned.

2. Upon beginning a tour of duty, officers are to notify Communications by radio using the proper ten signal (10-41). This will verify the officer's on-duty status and availability for radio traffic. Such notification will not negate the responsibility of supervisors to provide a daily personnel schedule to the Communications Center.

3. Upon completing their tour of duty, officers are to advise the Communications Center by radio using the proper ten signal (10-42) at the time they take their police vehicle out of operation. In the event of an emergency, officers who are still in radio contact are expected to remain available to render assistance if necessary.

4. Officers using a police vehicle for special assignments, approved off-duty employment or other authorized purposes are to advise Communications of their unit, destination and reason for operation.

5. When calling the Communications Center, officers are to state their unit number and receive acknowledgement prior to transmitting any message other than a standard ten-signal.

6. When called by Communications, officers are to respond by giving their radio number and current location. The unit number is to be complete. Telecommunicators will utilize the full unit radio number when calling or answering units.

7. Officers assigned to special investigative duties are not required to check in and out of service by radio, or to give their location while performing investigative functions when the broadcast of such information would tend to compromise or impair the investigative activity.

8. When checking out of service for reasons other than assigned calls, the officer will give his unit number, the reason for checking out of service, and the location, unless such information is obvious by the nature of the code given.

    (a) Checking out of service is to be conducted by mobile radio. If the officer is not working in a police vehicle, the portable radio may be used;

    (b) When checking out of service, officers should not discontinue radio contact until acknowledged by the Communications Center.

9. In the event an officer has checked out-of-service and a situation arises which necessitates immediate police action, the officer will so advise Communications and proceed to handle the situation. It is not necessary for the officer to check in-service prior to rendering assistance.

10. When a telecommunicator is unable to contact a unit after reasonable attempts, the telecommunicator shall notify the appropriate field supervisor, dispatch officers to the unit's last known location, and continue attempts to make contact by radio.

G. RESPONSIBILITIES OF SUPERVISORY PERSONNEL

1. Supervisory personnel are responsible for the proper use of the radio communications system by personnel under their command and shall take corrective action to correct any improper or unauthorized use.

2. Supervisors and commanders shall be responsible for notifying telecommunicators of circumstances that affect the normal dispatching of units. The telecommunicator is to be notified of units not available for duty or assignment and shall be notified when an officer will be late for duty due to deviation from the regular duty schedule.

3. Supervisors of operational personnel will provide daily to the Communications Center, a schedule indicating the following:

    (a) Name of officer;
    (b) Radio call number;
    (c) Area or duty assignment;
    (d) Assigned vehicle number;

(e) Scheduled work hours.

4. Supervisors may countermand assignments made by the Communications Center when, in the judgment of the supervisor, the unit is not appropriate to perform such assignment. The supervisor may direct a replacement or assisting unit as deemed necessary and may upgrade or downgrade the level of response.

5. Supervisors are responsible for determining that their subordinate personnel are accounted for at the end of each tour of duty. Supervisors are not considered relieved of duty until all subordinate personnel have been accounted for.

H. TEN SIGNALS

1. The Department will utilize a system of radio ten signals and plain text for the purpose of minimizing broadcast time and to facilitate the concise and accurate communication of operational information. The system of ten signals used by the Department will be consistent with accepted state and national standards.

2. A list of the current ten signals will be maintained in the Communications Center, and copies disseminated to all personnel. All officers shall become familiar with and properly use the ten signals designated by the Department.

I. RESPONSE AND STATUS CODES

1. Response codes are to indicate the level of urgency or priority of the police response. The use of these special codes will be reserved to their intended meaning as indicated below:

   (a) **CODE-1** shall mean a routine response under non-emergency conditions. Calls in this classification include, but are not limited to, property crimes that have already occurred; traffic collisions involving only property damage or minor injuries, and no hazardous situation exists; non-emergency assistance to citizens; and other situations that do not require an emergency police response. Officers in a Code 1 routine response are to obey all traffic laws and respond in routine operation to the scene. Officers should always utilize the most expeditious route when responding to calls for service. If it can be accomplished in reasonable safety, officers are authorized to use their blue lights to aid the response, but may not otherwise engage in non-routine operation nor exercise the right-of-way as an emergency vehicle unless the response is upgraded to a Code 2 emergency response ;

   (b) **CODE-2** shall mean a full emergency response involving non-routine operation, having priority over all other levels of calls when the immediate presence of police may prevent death or injury, or alleviate the threat of death or injury. Calls in this classification include: officer in trouble; dangerous crimes in progress or having just occurred; traffic collisions with serious injuries and public safety personnel are not present; and other situations wherein the immediate arrival of police could possibly eliminate the threat of, or prevent, death or injury to persons. If it can be accomplished in reasonable safety (as that term is defined in this General Order), Officers initiating a Code 2 emergency response are authorized to engage in non-routine operation of the police vehicle and shall utilize blue lights <u>and</u> siren;

(c) **CODE-4** shall mean that no further emergency assistance is needed. An emergency response should be downgraded to a non-emergency response immediately upon the broadcast of a Code-4 message.

2. Status codes are used to indicate the availability status of an officer or unit as follows:

   (a) **CODE-6** shall mean that the officer is temporarily out of service for the purpose of refueling a police vehicle;

   (b) **CODE-7** shall mean that the officer/member is temporarily out of service for the purpose of taking a meal or break period.

J. IMMINENT DANGER WARNING SIGNAL

1. Under certain circumstances, the Communications Center may need to warn an officer that he is in imminent physical danger from a wanted and/or dangerous person(s) who may in a position to overhear the police radio.

2. Signal 0 (Zero) shall be an imminent danger signal that is intended as a means of warning the officer to take immediate steps to protect his physical safety. The danger signal also serves to alert other field units of the need to provide immediate backup assistance to the affected officer.

3. Use of Signal 0 (Zero) shall be reserved for those situations where there is reasonable cause to believe that the suspect encountered is armed and/or dangerous and poses a significant risk of death or serious injury to the officer. Some examples include vehicle stops, field interviews, or investigative detentions where:
   (a) The suspect is currently wanted for the commission of a serious or violent crime;

   (b) The suspect has escaped from a law enforcement or correctional agency/officer pursuant to arrest or incarceration for a serious or violent crime;

   (c) The suspect is believed to be mentally deranged and/or has escaped from a mental confinement facility and may be prone to violent behavior.

4. Upon receiving a “Signal Zero” warning, the affected officer should acknowledge same and give his location if possible. In all cases, the officer should take immediate steps to protect his own safety pending the arrival of backup units.

5. The Communications Center should immediately dispatch the nearest available units to the affected officer’s location and ensure that a supervisor is notified.

6. When the officer has taken appropriate steps to protect his personal safety, he should (if practical) immediately relay his status to the Communications Center and confirm his exact location.

7. The on-duty supervisor will coordinate and direct the overall response by field units to avoid escalating the danger to the affected officer. When sufficient back-up assistance has arrived to safely handle the situation, a **CODE-4** message should be broadcast to all units. The supervisor will evaluate the situation and return officers not needed to their assigned area as soon as practical.

K. PHONETIC ALPHABET

1. The use of a phonetic alphabet enhances the accuracy of radio transmissions involving alpha characters, such as vehicle registration information or vehicle identification (VIN) numbers. The Police Department will utilize the following phonetic alphabet for this purpose:

A = Adam	J = John	S = Sam
B = Boy	K = King	T = Tom
C = Charles	L = Lincoln	U =Union
D = David	M = Mary	V = Victor
E = Edward	N = Nora	W = William
F = Frank	O = Ocean	X = X-Ray
G = George	P = Paul	Y = Young
H = Henry	Q = Queen	Z = Zebra
I = Ida	R = Robert	

L. RADIO CALL NUMBERS

1. Each member of the Department will be assigned an individual radio call number used to identify the member during radio transmissions. A list of current radio call numbers for department personnel will be maintained in the Communications Center and disseminated to all personnel. The list will be updated and reissued periodically as required.

M. DRIVER'S LICENSE SUSPENSION/REVOCATION CODES

1. CIIS regulations prohibit the radio broadcast of detailed information disclosing computerized criminal history information or which indicates the existence or non-existence thereof, including driver's history. The status of a driver license (e.g., "revoked, suspended, or eligible for reinstatement") may be transmitted by radio in plain text. However, the basis for such revocation or suspension may not. For this reason, the following codes will be used to indicate the basis for which a person's drivers license is currently suspended or revoked:

   (a) **Signal 13** indicates that the person's drivers license is currently in a state of suspension or revocation for a reason other than impaired driving offenses;

   (b) **Signal 14** indicates that the driver's license of a person driving a motor vehicle is revoked as the result of a prior impaired driving offense.

2. When broadcasting a "Signal 13" or "Signal 14" message, the telecommunicator should also provide the officer with the effective dates of the period of suspension or revocation, as well as any information that indicates the issuance of a limited driving privilege.

3. Regardless of the reason for a vehicle stop, the field officer should be advised of the appropriate suspension/revocation signal, as applicable.

N. CONFIDENTIALITY AND SECURITY

1. Information that is deemed sensitive or confidential should be communicated using appropriate means. Routine voice (radio) dispatch information may be supplemented with the use of

mobile data, cell phone, and/or alpha pager messages as a more secure means of relaying sensitive information to field units. However, the originator must remain aware of the inherent limitation of these devices and take appropriate measures to ensure that critical messages containing time sensitive or confidential information have been successfully received.

2. The nature of information transmitted over the radio system and the need to maintain the security of operations require that Department personnel strictly adhere to all applicable laws and regulations pertaining to restricted information and security of Department business. However, nothing in this policy should be construed to mean that a free flow of information should not exist between the Department and other law enforcement agencies.

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KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 1200-05

SUBJECT: E-911 PROTOCOL
DISTRIBUTION All Personnel
EFFECTIVE DATE: 01-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental protocol for the receipt, processing and response to 911 calls, and to establish procedures for internal systems administration.

POLICY

The 911 telephone system was established as a public service to provide a toll-free number through which citizens can gain rapid, direct access to public safety assistance. The primary benefit of the 911 system is that public safety resources can be utilized more efficiently to improve response times and save lives. It shall be the policy of the Kannapolis Police Department to receive and process 911 calls in a manner that will ensure an expeditious response by appropriate emergency services personnel.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Automatic Location Identification (ALI): a 911 feature by which the name and address associated with the calling party's telephone number is forwarded to the PSAP for display.

2. Automatic Number Identification (ANI): a 911 feature by which the calling party's telephone number is forwarded to the PSAP for display.

3. Enhanced 911 (E-911): an emergency telephone system that provides the users of public telephone systems with the ability to reach a public safety answering point (PSAP) by dialing 911, and in addition provides the capability of automatically identifying the telephone number and location from which the call originated. For the purposes of this Order, the term 911 shall refer to the Enhanced 911 systems currently in operation.

4. Public Safety Answering Point (PSAP): an answering location for 911 calls originating in a given area. PSAPs are public safety agencies such as police, fire or emergency medical.

PROCEDURES

A. 911 ACCESS AND CALL ROUTING

1. Through the 911 systems currently in operation in Rowan and Cabarrus counties, the public is provided with a single 24-hour, toll-free, direct telephone number for emergency calls for police, fire or medical assistance originating within the City of Kannapolis.

2. The Kannapolis Police Department is the designated answering point (PSAP) for all traditional 911 calls originating from within the Cabarrus County portion of the City of Kannapolis. Police and fire emergencies will be dispatched by the Kannapolis Police Department. Medical emergencies will be transferred to the Cabarrus County PSAP for EMS dispatching.

3. The Cabarrus County Sheriff's Office is the designated answering point for cellular 911 calls originating in Cabarrus County. The Rowan County Emergency Operations Center is the designated answering point (PSAP) for all 911 calls originating from within the Rowan County portion of the City of Kannapolis. 911 calls received by either the Cabarrus County Sheriff's Office or the Rowan County Emergency Operations Center that requires a response by the Kannapolis Police or Fire Departments will be transferred to the Kannapolis PSAP.

B. 911 SYSTEM FEATURES

1. Each console position in the Communications Center is equipped with a 911 display terminal. This terminal automatically displays the telephone number (ANI) and street address (ALI) of the calling party.

2. Each 911 Console is equipped with a mapping interface to allow for the pinpoint positioning of both landline and wireless 911 calls. The system allows for call origins to be located using X/Y positioning.

C. CALL PROCESSING

1. Calls received on 911 emergency lines will take priority over all other non-emergency calls and shall be answered as quickly as possible by the on-duty telecommunicator. It shall be the goal of Communications personnel to meet or exceed the established National Emergency Number Association standard of answering all 911 calls arriving at the center within twenty seconds of the initial ring. Designated 911 lines must be kept available for incoming emergency calls and may not be used for non-emergency purposes.

2. When a 911 call is received by the Department, the telecommunicator will answer by saying, "**KANNAPOLIS 911, WHERE IS YOUR EMERGENCY?"** Once the location of the emergency is verified, the response of the caller in identifying the type of emergency will determine which of the following actions is then taken:

   (a) <u>No Emergency</u>: If the caller indicates that no emergency exists, the telecommunicator will advise the caller that 911 lines are reserved for emergency calls only and will provide the caller with the appropriate non-emergency number to call for assistance.

   (b) <u>Medical Emergency</u>: If the caller indicates a need for emergency medical assistance, the Telecommunicator will confirm the caller's location and then advise the caller to"Stay on the line, I am transferring you to Cabarrus/Rowan County." The Telecommunicator should immediately transfer the call and ANI/ALI data to the appropriate PSAP and remain on the line until the PSAP has established voice

contact with the caller and sufficient data has been obtained to dispatch the appropriate Kannapolis Fire Department unit(s).

NOTE: In the event the Emergency Medical Dispatcher from Rowan or Cabarrus County determines that "first responders" are not needed for the call, they will notify Kannapolis Communications and the telecommunicator will cancel the response of KFD units. All first responder dispatches will be conducted in accordance with procedures established by the Kannapolis Fire Chief and approved by the Department.

(c) Fire Emergency: If the caller indicates a fire emergency, the telecommunicator should verify the location where a response is needed, obtain all pertinent information, ask if everyone can safely evacuate the fire scene, and dispatch appropriate fire units in accordance with established procedures.

(d) Police Emergency: If the caller indicates an emergency need for police assistance, the telecommunicator should verify the location where a response is needed, obtain all pertinent information, and dispatch appropriate police units.

(e) No Voice Response or Disconnected Call: If there is no voice response from the caller, or if call is disconnected prior to the establishment of voice contact, the telecommunicator shall check the 911 display terminal to determine if the caller's telephone number (ANI) and location information (ALI) were captured by the system. If the telephone number was captured, the telecommunicator should immediately attempt to re-contact the caller. If the address information (ALI) was captured, the nearest available police unit should be immediately dispatched.

(f) TTY Recognition Tone: If a TTY (Teletext Typewriter) recognition tone is received, the telecommunicator will immediately establish contact via TTY and process the 911 call in accordance with established TTY procedures. The telecommunicator should attempt a TTY response on any open line / no voice 911 call received. Many TTY users are trained to wait for a response from the 911 center before activating their TTY.

D. ABUSIVE CALLERS

1. North Carolina General Statute 62A-12 makes it a misdemeanor criminal offense for any person to intentionally call the 911 number for other than the purpose of obtaining public safety assistance.

2. If an abusive caller refuses to hang up, the telecommunicator can forcibly disconnect the call and free the 911 line.

3. Abusive calls received on 911 lines should be immediately reported to the on-duty supervisor for appropriate investigation and enforcement action. Available ANI/ALI data identifying the origin of the abusive call should be provided to the supervisor when making such report.

E. SYSTEM ADMINISTRATION

1. The Communications Unit supervisor will serve as the department's 911 systems administrator. This responsibility includes, but is not limited to:

(a) Review and forwarding of E911 Inquiry forms on problems encountered with the accuracy of ANI/ALI information or systems equipment;

(b) Maintaining liaison with the county 911 coordinators;

(c) Reporting technical problems with 911 systems equipment;

(d) Monitoring and review of printed 911 logs;

(e) Monitoring and evaluation of telecommunicator performance in the processing of 911 calls and systems operation;

(f) Coordinating the interface of 911 address (ALI) data with the data-base for the departmental Computer Aided Dispatch (CAD) system;

(g) Ensuring continuous recording of all 911 telephone lines via the Master Communications Logger and retention of recordings for at least one (1) year.

2. Enhanced 911 is a technically complex system and requires continual updating and revision of system databases. Therefore, the potential for errors may exist in the accuracy of ANI/ALI information displayed, or the functioning of 911 systems equipment. The following procedures have been established to ensure prompt assessment and resolution of problems:

(a) Any errors on the ANI/ALI screen or with the routing of calls should be promptly reported on an E911 Inquiry Form and forwarded to the systems administrator for review by the next business day.

(b) The systems administrator will be responsible for verifying the information contained on the E911 Inquiry Form and forwarding it to the county 911 coordinator. Each inquiry will be assigned a control number by the county E911 coordinator, and a master ledger will be maintained to track all E911 Inquiry Forms submitted.

F. EQUIPMENT PROBLEMS AND REPAIRS

1. A Telecommunicator's Guide explaining the operation of the E911 equipment, call handling, alarms, screen examples, trouble shooting, and inquiry forms is available and maintained in the Communications Center for the use and reference of assigned personnel.

2. Before reporting 911 equipment problems to the telephone company some preliminary trouble shooting procedures should be performed which could save time in clearing the problem once the telephone company is notified. The following steps should be followed:

(a) Verify that the power cords are properly seated in the outlets;

(b) Determine if more than one console position is experiencing the same problem;

(c) Make a "test" 911 call from a non-emergency line and answer the call at the position where the problem occurred. This will determine if the trunk between the central

telephone office and the PSAP is free of trouble. Be sure to advise the repairman of the result of this test call.

3. When reporting 911 equipment problems to the Telephone Company, the following procedures will be observed:

   (a) Call the Repair Center by dialing 611 (24hour service);
   (b) Identify yourself as a 911 PSAP reporting a 911 problem;
   (c) Describe the problem in detail and include any error messages received.

4. The Support Services Bureau Commander and 911 systems administrator will immediately be notified in the event that 911 services to either of the Kannapolis PSAP terminals are interrupted.

5. In the event of total interruption, Kannapolis 911 calls will be automatically routed to the Cabarrus County Sheriff's Department. The Communications Sergeant or Manager will assign a telecommunicator to report to the Cabarrus County Communications Center to assist in the processing of Kannapolis 911 calls transferred to that location until such time as normal service is restored to the Kannapolis PSAP.

6. In the event of a prolonged service interruption, or the need to physically evacuate the Kannapolis Communications Center, employees shall report to the designated emergency backup center.

G. POLICE RESPONSE TO DISCONNECTED 911 CALLS

1. 911 calls received by the Department which are disconnected by the caller prior to or during the establishment of voice contact with the receiving telecommunicator and which are not responsive upon re-contact will be considered a request for emergency assistance and shall require the immediate dispatch of the nearest available patrol unit to the location where the call originated.

2. Officers responding to a location from which a disconnected 911 call originated shall take all reasonable and necessary measures to determine if an actual emergency exists and to render or summon appropriate emergency assistance as required.

3. If the location from which the 911 call originated is locked and no response is received from inside the location, a field supervisor shall be summoned to the scene to determine if forcible entry to the location is justified under G.S. 15A-285 (Urgent Necessity).

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E-911 Protocol
PSAP

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: **1200-06**
SUBJECT: CELLULAR TELEPHONES
DISTRIBUTION All Personnel
EFFECTIVE DATE: 01-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental policy for the use of cellular telephones owned or leased by the Kannapolis Police Department.

POLICY

The Kannapolis Police Department will utilize cellular telephone technology as a means of facilitating patrol and investigative functions, as a tool to enhance the ability of supervisors to provide line personnel with operational guidance, and as a supplemental means of communications support during special operations and major incidents.

PROCEDURES

A. DUTIES & RESPONSIBILITIES OF USERS

1. Members using cellular telephones shall comply with all applicable state and federal laws related to their use and shall adhere to the rules and regulations for telephone service and equipment established by the North Carolina Utilities Commission.

2. Cellular telephones are provided for employee use in the transaction of official business. Members shall not allow unauthorized persons to make or receive calls on departmental cellular telephones. Inappropriate or excessive use of issued cellular telephones for personal reasons will not be tolerated and may result in disciplinary action.

3. Cellular telephones are intended to facilitate necessary communications when other forms of communication are not appropriate or available. Cellular telephones may be used for communication with Police Headquarters, officers in the field, supervisory personnel and other persons as required in the conduct of official business.

4. Cellular telephones or direct connect wireless transmissions shall not be used in place of the police radio system to dispatch calls for service.

5. Members should remain aware that cellular telephones are not secure, and that interception and/or monitoring of cell phone conversations, while unlawful without a court order, can technically be accomplished.

6. Cellular numbers may be disseminated to criminal justice personnel, City officials and staff, and other persons as required to conduct police business. A listing of cellular telephone numbers and the officer assigned will be maintained in the Communications Center.

7. The cumulative time-used function may be utilized as a check and balance when reconciling monthly billing statements. Cost is assessed at a per-minute rate for both outgoing and incoming calls. Therefore, cellular calls should be as brief as practical. If the call is expected to be lengthy in duration, the officer should use a standard telephone if feasible.

8. Cellular telephones must be secured against unauthorized use or theft. It will be the personal responsibility of the officer to whom the telephone is assigned to take reasonable measures to ensure the security of his/her assigned phone.

B. REPAIRS TO CELLULAR PHONES

1. All repairs to cellular telephones will be made by a service provider authorized and approved by the Department, and all expenses incurred for repairs will be handled in accordance with established purchasing procedures. Members should not attempt any field repair or disassembly of cellular equipment.

C. ACCOUNTABILITY

1. The officer to whom the telephone is assigned will be held accountable for the proper use and care of such equipment in accordance with this Order. Any loss, theft, damage, or unauthorized use of a cellular telephone must be promptly reported in writing to the appropriate supervisor. The supervisor will notify the appropriate cellular provider <u>without delay</u> that the phone has been compromised and request immediate deactivation.

2. Bureau Commanders shall periodically audit the use of Department issued cellular telephones assigned to personnel under their command. The purpose of such audits is to ensure accuracy in the billing process and sustained compliance with the provisions of this Order.

INDEX AS:

Cellular Telephones

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: **1200-07**
SUBJECT: POLICE RECORDS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 02-01-1999
LAST REVISION DATE: 10-15-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish guidelines for the administration of the central records function of the Kannapolis Police Department.

POLICY

The central records function is important to the efficient and effective delivery of law enforcement services. Personnel assigned to the Records Unit, through their daily activities pertaining to records maintenance, play a significant role in the overall performance of the agency. The record-keeping duties of the Department contribute to the security of police information and the protection of police personnel and private citizens as they relate to agency documents. It will be the policy of the Department to maintain a comprehensive system of records maintenance and utilization to support and assist with the effective delivery of police services.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. CIIS: the Criminal Information & Identification Section of the North Carolina State Bureau of Investigation.

2. Computer Aided Dispatch (CAD): a dispatch system that uses computers for the efficient assignment of units to calls for service, and the entry and/or retrieval of incidents or calls for service data.

3. Computerized Criminal History File (CCH): criminal records of individuals who have been arrested and/or for which a valid criminal fingerprint card has been submitted to the North Carolina State Bureau of Investigation. This file is a part of the CIIS system and is maintained by the SBI.

4. Criminal History Record Information (CHRI): records maintained by local agencies that may or may not be documented by fingerprint cards, these records are called Criminal History Record Information.

5. National Incident Based Reporting System (NIBRS): a systematic crime reporting program used to compile local, state, and national crime statistics.

6. National Crime Information Center (NCIC): a national agency that collates and disseminates nationwide crime data by means of local agency submissions. The related state system is operated by the Criminal Information & Identification Section (CIIS) of the NCSBI.

7. Public Record: as defined in N.C.G.S. 132-1 includes all documents, papers, letters maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristic, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions.

PROCEDURES

A. ADMINISTRATION

1. The Records Unit is a component of the Staff Services Division and is responsible for the records function of the Department. The Records Unit is under the direct supervision of the Records Unit Supervisor who reports directly to the Support Services Bureau Commander.

2. The functions of the Records Unit include, but are not limited to:

   (a) Report Review: Records personnel will ensure that field reports are completed according to administrative directives;

   (b) Report Control: The Records Unit will provide a suitable storage facility and security measures to ensure the safekeeping of all documents; ensure that documents are routed to specialized units; and ensure that the proper status of cases is maintained by follow-up reports;

   (c) Records Maintenance: The Records Unit will ensure that all police reports and records described in this Order are retained, stored, and purged according to applicable state and federal law and regulations;

   (d) Records Retrieval: Records personnel will assist other department personnel and members of the public in retrieving and utilizing police records.

3. A police record will be required for each incident occurring within the Department's service area in the following categories:

   (a) Citizens reports of crime;
   (b) Citizen complaints;
   (c) Incidents resulting in an employee being dispatched or assigned;
   (d) Criminal and non-criminal cases initiated by officers; and
   (e) Incidents involving arrests, citations, or criminal summons;

4. Appropriate reporting of the incidents specified above will be determined by the nature of the incident, the action taken, and the results realized. According to these criteria, reporting may be as an Incident/Investigative Report or other type of field case report, a citation, or a Computer Aided Dispatch (CAD) printout with appropriate comments. All police activity recorded in the CAD files is available by terminal or in report form on an as-needed basis

5. Forms used in field reporting and the procedures to be followed in completing reports will be as described in the US DOJ NIBRS User Manual and/or specific operational policies.

6. Computer files and/or written reports documenting police activity will include, at a minimum the following information:

    (a) Date and time of initial reporting;
    (b) Name (if available) of the requestor, victim, or complainant;
    (c) Nature of the incident; and
    (d) Nature, date and time of action taken (if any) by the officer.

7. Assignment of case numbers is a function of the agency's automated records management system (RMS). The numbering system provides the assignment of a unique identification number to each incident. All reports of incidents will be forwarded to the Records Unit for retention and disposition in accordance with law.

B. SUPERVISORY REVIEW

1. Each written report will be reviewed by the supervisor of the reporting officer prior to submission to the Records Unit via the electronic records management system. Supervisors will check reports for compliance with departmental reporting requirements. Reports not approved will be returned to the officer for correction. Upon approval, the reviewing supervisor will determine the status and assignment of each report and forward it to the Records Unit.

2. Accountability for the status of Incident Reports will be a joint responsibility of the Staff Services and Field Operations personnel as follows:

    (a) Initial Incident reports and supplemental reports will be maintained by the Records Unit. In the event the department's electronic records management system is temporarily down the Records Unit will be responsible for the eventual data entry of reports, including case management information, into the department's computerized system;

    (b) Field supervisors reviewing initial Incident/Investigative reports are responsible for the status and assignment of these reports. These reports provide supervisors with timely information on officer activity regarding criminal investigations and will be internally recorded utilizing the Investigator Dashboard contained within the Case Management Module of the department's records management system. This will include the following information:

        (1) OCA Number;
        (2) Type of case;
        (3) Date of report;
        (4) Officer's name;
        (5) Case status;
        (6) Due dates for supplemental or follow-up reports;
        (7) Follow-up information;
        (8) Date closed.

    (c) Supplementary Investigation reports will carry the same case number as the Incident/Investigation report and will be subject to the same review process.

Supervisors and Records personnel will review and record a Supplementary Investigation report as they would an Incident/Investigative report. Traffic cases are generally excluded from this requirement; however, all investigations of death by motor vehicle and any felony case arising out of traffic investigations are to be governed by this section.

3. As part of the monthly reporting process, the Support Services Bureau Commander, or his designee, will audit the recording, reporting, and case review procedures for accuracy. Discrepancies identified in the audit are to be corrected individually and procedurally with the cooperation of the other affected component supervisors.

4. The Support Services Bureau Commander will conduct an annual review and evaluation of the complaint recording and field reporting process. This inspection will include an evaluation of the reporting and recording of directives to determine discrepancies and necessary changes. Results of this inspection will be reported to the Chief of Police by means of a comprehensive written report.

5. The development, modification, and review of departmental forms will be the responsibility of the Police Planner/Accreditation Manager. The actual design of such documents may be conducted by means of individual or team assignments and should involve members of the unit/division that will utilize the forms. The Chief of Police will have final approval of departmental forms.

C. RECORDS REPOSITORY

1. The Records Unit will maintain a central repository of records to include Incident/Investigation reports, Supplementary Investigation reports, Arrest reports, Traffic Collision reports, and other files as directed by the Chief of Police.

2. Records personnel enter data from reports into the computerized records management system (RMS). Original reports, including narrative sections and attachments, are maintained for a period of three (3) years in a hard copy file referenced numerically by the assigned case number. After three years, the reports and attachments will be scanned and an exact electronic copy of the original stored via the agency's document imaging system. After scanning, the original reports may be disposed of in accordance with law and city policies.

3. In addition to the reports listed above, the Records Unit will maintain the following information necessary to the operation of the Department:

   (a) <u>Master Name Indexing</u>: The computerized records system allows for global name searches and cross referencing of related cases using a soundex (sounds like) program. Persons who meet the following criteria are entered into this system:

      (1) Incident/Investigation Reports: Victim, complainant, suspect, arrestee, witness, missing person, vehicle owner, all "other" persons listed on report by officer;

      (2) Arrest: arrestee, alias, associates;

      (3) Citation: person cited;

(4) Wants/Warrants: Name of defendant/complainant;

(5) Traffic Accidents: drivers, vehicle owners (if no driver), pedestrians, injured persons, and property owners if damaged by accident.

(b) Location Indexing: Incidents by location are available on a 24-hour basis from any terminal using standard programs in the CAD or records management system. Specialized listings are available upon request to the Support Services Bureau Commander;

(c) Incidents by Type Index: An index of incidents by type of incident or offense;

(d) Stolen, Found, Recovered and Evidentiary Property Index: The Property/Evidence Unit maintains a record of all found/recovered property, evidentiary property, property retained for safekeeping, and property to be destroyed. This information is available through any in-house computer terminal via the user menu system;

(e) Warrant/Wanted Persons File: These files contain information and actual documents concerning persons wanted locally, state-wide, and nationally. The Warrant/Wanted Person File consists of the actual criminal process directed to the Department for service, and computerized departmental and NCIC/CIIS records. Communications and Records personnel have twenty-four hours access to information in Warrant/Wanted Person files. An officer requesting a warrant be entered into NCIC/CIIS files will observe the following procedures:

(1) The officer will complete and submit form KPD-162 (Request For NCIC/State Wanted Entry) with supporting documents to the shift supervisor who will review such requests to verify that requirements for NCIC entry are met;

(2) Communications Center personnel enter wanted persons into NCIC/CIIS. Criteria and guidelines as listed in the NCIC/CIIS manuals will be followed when making such entries. Warrants and NCIC documentation will be maintained in the Communications Center until service is affected or the NCIC entry is canceled;

(3) NCIC/CIIS guidelines will be observed when verifying and canceling wanted person information. Information received from other jurisdictions concerning entries will be managed as required by NCIC/CIIS guidelines.

(4) The NCSBI will provide to the agency a list of NCIC data entries each month for record validation. Upon receipt of this file, records clerks shall review the data within the file validate the file entry is remains in effect. Each NCIC entry file shall have a validation record validation sheet placed within the file bearing the signature of the official validating the record.

(5) Batch validation of active file records shall be made electronically using the EVOLVE computer software system. A report of validated records shall be completed monthly and submitted to the Support Services Bureau Commander.

(6) In the event an invalid record is found within the active entry files, it shall be immediately removed, and notification of the removal shall be made the Support Services Bureau Commander.

(f) Arrest Records: An index containing information on all persons arrested by the Department. Information collected includes name, address, charge, date of offense, and arresting officer;

(g) Criminal Identification Files: These files, maintained through a combined effort of Records personnel and Identification officers, will contain:

(1) Fingerprint cards;
(2) Photographs;
(3) Departmental arrest reports;
(4) Criminal history transcripts, if available.

D. RECORDING ARREST INFORMATION

1. The arresting officer will complete the appropriate Arrest and Juvenile Contact reports for each person charged.

2. Arrested persons will be fingerprinted and photographed as authorized by state law, local judicial regulations, and departmental requirements. Persons arrested for felonies are to be fingerprinted and photographed upon each arrest. Persons arrested for misdemeanors may be fingerprinted and photographed in accordance with N.C.G.S. 15A-50.

3. When an arrestee is to be fingerprinted, the arresting officer will capture optically scanned impressions using the Police Department's live-scan system. Officers are to print out one local (KPD) card and one disposition (check-digit) sheet. The KPD card is forwarded to Records along with related arrest reports. The disposition sheet will be attached to the warrant or charging document. The fingerprint impressions captured by the live-scan system shall be electronically transmitted to the SBI and FBI identification sections.

4. If the live-scan system is out of service, the officer will take standard inked impressions on three separate fingerprint cards (KPD, FBI and SBI) as well as a disposition (check-digit) sheet. All fingerprint cards will be forwarded to central records for disposition. The disposition (check digit) sheet will be attached to the warrant or charging document. The KPD card and photographs will be stored as secure records in the agency's Identification files. The remaining two fingerprint cards (SBI and FBI cards) will be forwarded to the State Bureau of Investigation

5. Arrestees to be photographed will be processed using the Police Department's digital imaging equipment. These photographs are stored electronically in the RMS system. Back-up photographic equipment is available in the booking room if the RMS imaging system is down.

6. A unique "Master Name Index Number" is automatically assigned by the agency's records management system (RMS) to each person arrested or otherwise entered into the system. Once an individual has been assigned a master index number, all subsequent arrests and information concerning that person will be referenced to that unique number.

E. INCIDENT BASED (NIBRS) CRIME REPORTING

1. Agency personnel will record and classify offenses in accordance with the NIBRS reporting procedures specified in the current version of the US DOJ NIBRS user manual.

2. Records personnel will review reports to ensure compliance with NIBRS requirements, and compile crime data reports for submission to the State Bureau of Investigation.

F. EXTERNAL DISTRIBUTION OF REPORTS

1. The Records Unit will be responsible for the release of copies of Incident/Investigative Reports to any outside law enforcement or criminal justice agency when needed for performance of their law enforcement duties.

2. The investigating/assigned officer will be responsible for forwarding copies of case reports to the District Attorney's office for prosecution purposes.

3. Public access to copies of reports is the responsibility of Records personnel and will be provided in accordance with NCGS 7B-3001 and NCGS 132-1.4.

4. Bureau Commanders will be responsible for the release of information to the news media in accordance with established departmental procedures, state, and federal law.

5. Information from Incident/Investigation and Traffic Collision reports will be made available to the news media for review. Only the information contained on the first page of Incident/Investigative reports will be routinely provided. However, copies of the complete Traffic Collision report may be issued.

G. SECURITY & PRIVACY OF RECORDS

1. The collection, storage, and dissemination of police records, with particular concern for criminal history record information (CHRI), will take place under procedures designed to ensure the security and privacy of such records. Security procedures for the Records Unit will be in accordance with state and federal law. Further, the procedures will ensure that the information will only be used for law enforcement and criminal justice purposes, or other lawful uses.

2. Supervisors at all levels will ensure that established security measures are followed to provide maximum security of police records and information. The Support Services Bureau Commander will ensure that:

   (a) NCIC inquiries are processed in accordance with state laws, rules, and regulations;

   (b) Juvenile arrest records are collected, disseminated, retained, and disposed of in accordance with state law and established departmental policy.

3. Due to security and privacy requirements, access to information stored in the Records Unit in material documentation form will be restricted to selected personnel. The Department's automated records system will permit limited access and viewing capability to members via computer terminals located throughout the department. Persons requiring view of controlled materials will request assistance from authorized personnel. Persons authorized to access controlled materials will be limited to:

(a) Records Clerks;

(b) Telecommunicators & Telecommunication Supervisors;

(c) Squad/Division supervisors;

(d) Bureau Commanders;

(e) Chief of Police and Administrative Assistant;

(f) Police Planner.

4. The retention and disposition of police records will be conducted in accordance with state law and the City of Kannapolis Municipal Records Retention & Disposition Schedule.

H. REVIEW AND DISSEMINATION OF CRIMINAL HISTORY RECORD INFORMATION

1. Criminal History Record Information (CHRI) will be disseminated in accordance with local, state, and federal regulations. Information may be routed to the following:

(a) Authorized officers or employees of criminal justice agencies, probation and parole, correctional centers, juvenile detention centers, etc;

(b) Individuals and agencies for research, provided that an agreement exists addressing the security and confidentiality of the data;

(c) Agencies of state or federal government conducting investigations to determine employment eligibility for security clearances allowing access to classified information;

(d) Agencies of any political subdivisions of the state conducting applicant investigations for public employment, permit or license;

(e) Individuals or agencies authorized by court order or rule;

(f) Public or private agencies, when, and as required by law, investigating applicants for foster or adoptive parenthood;

(g) Authorities for the purpose of granting citizenship or for international travel;

(h) Individuals and agencies which require criminal history information to implement state/federal statute, or executive order of the President or Governor that expressly refer to criminal conduct and contain requirements or exclusion expressly based on such conduct;

(i) Any person, or his attorney, requesting a copy of his own criminal history record information in writing with proper identification. The Support Services Bureau Commander or on-duty Patrol Supervisor will handle such requests.

(1) At a minimum, verification of identity through presentation of a photo identification issued by the Division of Motor Vehicles or other federal or

state agency will be required for inspection of a record maintained by the department;

(2) Requests to challenge a criminal history record will be referred to the Staff Services Division Commander, who will proceed as specified in NCGS Chapter 132;

(3) In the event an error in criminal history records is detected, all known copies of the records will be corrected. The Staff Services Division Commander will provide written notice of the correction to all agencies and individuals who have received the record. The Commander will also, upon request, provide the individual or his attorney a list of all non-criminal justice agencies to which data has been furnished.

2. Individuals not listed above who are seeking arrest record information are to be referred to the Office of the Clerk of Court to obtain current dispositions of arrests. Persons insisting on viewing arrest records and/or seeking information pertaining to individual arrest reports will be referred to the Staff Services Division Commander.

3. When there are questions regarding the release of information, Records personnel are to check with supervisory personnel, or ask the requesting party to submit a copy of the federal or state law or court order permitting them access to the information.

4. A record of all dissemination of CHRI will be maintained by use of the CIIS electronic log.

5. All requests for Computerized Criminal Histories (CCH) information will be handled in accordance with CIIS guidelines.

I. EXPUNGEMENT AND/OR PURGE ORDERS

1. Adult arrest records may be expunged by court order in accordance with N.C.G.S. 15A-145 and 15A-146. Juvenile records will be expunged in accordance with N.C.G.S. 7B-3200
   (a) In the event of an expunction or purge order, all records of the arrest will be placed in an envelope and sealed. These records will include the departmental arrest report, fingerprint cards, photographs, arrest cards, and any other document which shows that the arrest occurred;

   (b) The envelope will be forwarded to the Chief of Police, who will provide for the destruction of said documents.

J. RECORD KEEPING BY OTHER UNITS

1. The Criminal Investigation Division (CID) will maintain a secure original file regarding the Department's criminal intelligence information, and confidential informant activities. CID will also maintain investigative files on active investigations, reports/complaints pertaining to vice and organized crime, and identification files.

2. Patrol Units will maintain case files on their active investigations.

3. The Office of the Chief of Police will maintain the Department's Public Safety (personnel) files, administrative files, and internal affairs files.

4. The Evidence Custodian will maintain records relating to the custody and control of evidence and property entered into the property control system.

5. The Accreditation Manager will maintain files and records related to the agency's accreditation by the Commission on Accreditation for Law Enforcement Agencies, Inc.

K. ALTERNATIVE POLICE REPORTING

1. There are instances where it is more efficient to receive certain criminal and non-criminal incident reports via telephone or electronic methods in lieu of an officer responding to the scene.

2. The following types of incident reports may be taken from citizens via electronic methods, or by telephone when there is no crime scene to process and no suspect is at the scene:

    a. Lost or stolen vehicle registration plate;

    b. Misdemeanor Larceny;

    c. Vandalism;

    d. Any report requested by a Citizen "for insurance purposes only;"

    e. Other offenses as approved by the Support Services Bureau Commander.

3. Incidents that include a crime in progress, a suspect still at the scene, incidents requiring the processing of the crime scene require the dispatch of an officer.

4. If a citizen specifically requests that an officer respond to one of the events listed above, they will be advised that response may be delayed based on current call volume and call priority.

5. Records personnel notified of electronic reporting will candidate report names and ensure MFR checks are completed.

6. Citizens filing reports using alternative methods will be advised that an officer will conduct a follow up investigation in the near future.

7. Reports received in these alternative methods will be forwarded to the on-duty Field Operations Division Commander to manage and assign in accordance with agency protocols.

8. The following types of incidents will not be taken by alternative methods:

    a. Traffic Crashes;

    b. Assaults;

    c. Sexual Assaults;

    d. Robberies;

e. Arsons;

f. Drug Offenses;

g. Frauds/Forgeries; and

h. Identity Crimes.

L. APPLICABILITY

1. The rules, regulations, and statutes cited within this directive are applicable to original, copies, and manual or automated criminal history records that are used, collected, stored, and disseminated by the Department.

2. These rules and regulations are not intended to prohibit department personnel from carrying out normal duties and responsibilities. Further, no restrictions set forth in this policy will prohibit departmental personnel from disclosing to the public, in accordance with applicable policy and procedure, information concerning:

   (a) The status of an investigation;
   (b) Apprehension and arrest information;
   (c) Traffic collision / charge information.

INDEX AS:

CCH Information
Criminal History Records
Expungement of Records
Field Reporting
I-BASE Reporting
Police Records
Records Repository

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 1200-08

SUBJECT: MOBILE COMPUTER SYSTEM
DISTRIBUTION All Personnel
EFFECTIVE DATE: 05-01-2001
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish department policy and procedures governing the use and security of the police department's mobile data system.

POLICY

Mobile Data Computers provide field officers with a near "real-time" access to local, state and national criminal justice computer databases. This technology is a vital resource for improving officer safety, efficiency and productivity. Mobile data also enable officers to communicate directly with each other, the Communications Center, and with other law enforcement agencies using wireless technology. The mobile data system shall be used for official purposes only, and in strict accordance with applicable regulations established by the North Carolina State Bureau of Investigation's Criminal Information and Identification Section and the Kannapolis Police Department.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. Mobile Computer Terminal (MCT): an approved combination of a laptop computer, operating software, and a radio modem and / or air card, which allows an authorized user to access the CJIN network and local law enforcement databases.

2. Mobile Data System: the combination of mobile computers and headquarters based wireless data technology that enables cars to interface directly with CJIN as well as the police department's computer aided dispatch (CAD) and records management system (RMS).

3. CJIN (Criminal Justice Information Network): a system established by the North Carolina Department of Justice to develop and enhance a statewide system of communication.

4. CIIS: the North Carolina State Bureau of Investigation's Criminal Information and Identification Section (formerly DCI).

PROCEDURES

A. SYSTEM ADMINISTRATION

1. The Chief of Police shall designate the police department's Mobile Computer System Coordinator and will have administrative authority over all access and use of the mobile data system by agency employees.

2. MCT units and air-cards will be issued to individual authorized employees. MCT units may be utilized by authorized personnel both on-duty and off-duty when completing agency business and/or attending agency authorized training.

3. Authorized employees will utilize a security password approved by the Coordinator to access the CJIN system and local databases. Employees shall not disclose their password to anyone other than the Coordinator.

B. TRAINING & CERTIFICATION REQUIRED

1. Only those employees who have successfully completed department approved training in the operation of the MCT may operate the terminal. In house training will be provided for MCT access of local databases and the use of field reporting features.

2. Only those employees who hold a valid certification from CIIS may log onto CIIS or perform CIIS transactions from an MCT.

C. USE OF MOBILE DATA SYSTEM

1. All communication transmitted over the mobile data system must be business related and conform to CIIS and FCC regulations.

2. Communication over the mobile data system is not intended to replace radio communication, but rather to enhance it and make it more efficient. Because not every officer is issued an MCT, it is critical that all on-duty officers and supervisors be made aware of emergencies and other situations affecting officer safety.

3. Use of Mobile Data in Call Dispatching:

   (a) All calls for service and alert bulletins (e.g., attempt to locate, be-on-the-lookout, etc) will be broadcast by radio.

   (b) All operational status changes (e.g. 10-23, 10-24, 10-7, 10-8, etc) by field units will be reported by radio.

   (c) Dispatch information such as house numbers or call location, complainant name, and vehicle or suspect descriptions, may be transmitted via mobile data to responding officers as a supplement to the radio broadcast. This will reduce the need for officers to manually record this information and/or have the information repeated by the Communications Center.

   (d) Follow-up or sensitive information about a call may be transmitted to the responding officer(s) or Communications Center via mobile data if the information does not affect general officer safety. Any information about a call or situation that is transmitted ONLY by mobile data must be copied to the appropriate on-duty supervisor.

4. Officers are to limit switched routine (SR) messages to official business only. Switched messages are logged for administrative review. Personal and inappropriate messaging may result in disciplinary action and/or revocation of an officer's authorization to access the mobile data system.

5. Computerized criminal history (CCH) and driver history information received from CIIS inquiries is considered confidential and may be released only to authorized criminal justice personnel in accordance with CIIS security regulations.

6. The mobile data system provides field officers with direct access to the police department's records management system (RMS). This enables officers to query local databases such as wants/warrants, incident records, and arrest history. The system also provides officers with a limited capability for wireless field reporting of crimes/incidents and traffic crashes. The use of an MCT to retrieve or input data into the agency's RMS must be in accordance with departmental policy and established field reporting guidelines.

7. The use of the MCT to access the internet will be strictly limited to official business. Access will be limited through site blocking software and the system administrator will routinely monitor unit usage.

8. The use of any MCT for any purpose that violates any federal, state, or local law is prohibited.

9. The use of any MCT for private commercial purposes, financial, or material gain while on or off duty is prohibited.

10. Sending harassing, intimidating, abusive, sexually explicit, or offensive materials to or about others is strictly prohibited.

D. SAFETY ISSUES

1. Police officers must not let the operation of an MCT distract them from their primary duty to drive with due regard for the safety of themselves and other users of the highway. When the police vehicle is in motion, the officer should operate the terminal ONLY if such operation can be safely accomplished. *(Note: This section does not apply to operation of the MCT by a secondary officer riding as a passenger in the police vehicle*).

2. During vehicle stops and other potential enforcement situations, officers must remain alert to their surroundings and the movement of individuals who could pose a potential threat. Officers should avoid becoming so focused on MCT operation that they fail to see movement or other actions that could pose a hazard to officer safety.

3. Officers are to ensure that vehicle mounted MCT equipment is not positioned in a manner that could interfere with deployment of the air bag safety system.

E. MAINTENANCE & SECURITY OF MOBILE DATA EQUIPMENT

1. Upon beginning a tour of duty, officers are to inspect the MCT (if installed) for proper operation. Any malfunction or problem shall be reported to the system Coordinator as soon as

practical. The Coordinator will be responsible for arranging the repair or service of the unit by a qualified technician.

2. All maintenance and service to mobile computer equipment must be authorized in advance by the system Coordinator. This includes any repair or modification of the equipment, as well as the installation, upgrade, deletion, or modification of operating software. The installation of supplemental software will be approved based on a demonstrated business need. No software intended for personal use only will be approved.

3. Closing the MCT when not in use offers enhanced protection from the extreme heat buildup that can occur inside a closed car during warmer weather.

4. When off duty, or when leaving the vehicle for mechanical or radio system repairs, or leaving the vehicle unattended for an extended period, officers are to ensure that the MCT unit is removed from the vehicle.

5. Supervisors will inspect each MCT during routine weekly vehicle inspections. This inspection shall include a review of recent electronic transmissions and web browser histories to insure the units are not being utilized for unauthorized purposes.

6. The Coordinator or his designee will conduct periodic inspections of all mobile computer equipment and system components. Inspections will cover both the physical condition of the equipment and its operational status.

7. The Coordinator or his designee will select a minimum of four MCTs each month for an audit of electronic transmissions through the agency's CAD message switch. These audits will be documented, and the results provided to the appropriate Bureau Commander.

8. CIIS requires that no information from CIIS be displayed or viewed by the public or anyone other than criminal justice employees. Security regulations require the screen to be closed or blacked out when the unit is on and the operator is not in view of the vehicle.

9. CIIS requires the MCT to be removed from the patrol vehicle when the vehicle is out of service for repairs. This requirement is intended to prevent any unauthorized access to CIIS via the mobile computer system.

INDEX AS:

CJIN
CIIS Certifications
Mobile Computer Terminals
Mobile Computer System

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 1200-09

SUBJECT: POLICE COMPUTER NETWORK
DISTRIBUTION All Personnel
EFFECTIVE DATE: 05-01-2001
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish departmental policy governing the use of the department's computer network and to outline procedures for the use of system software, hardware, and data.

POLICY

The availability and use of personal computers and computer networks within the work environment provides many opportunities for enhancement of productivity and effectiveness. These new technologies provide the opportunity for rapid transfer and broad distribution of sensitive information that can have serious legal consequences if mishandled. Therefore, the Kannapolis Police Department will maintain and use all computers and computer network systems in accordance with all applicable federal, state, and local laws and ordinances, software manufacturers licensing agreements, and department rules and regulations.

DEFINITIONS

The following definitions are for the limited purposes of this General Order and may not apply in all other cases:

1. Microcomputer: any desktop or laptop computer (also considered hardware).

2. Software: programs used by the computer to perform any of its functions.

3. Authorized Software: computer programs the department has paid for or is licensed to use. Also included in this definition is personally owned or public domain software approved by the department's System Administrator for use on a departmental microcomputer.

4. Network: a system of linked microcomputers that facilitates data communication between components.

5. Internet: a system of linked computer networks, international in scope that facilitates data communication services such as remote login, file transfer, electronic mail and newsgroups.

6. E-mail: (electronic mail) a way of sending other people messages from a computer. This includes messages sent over the Internet or internally over the department's network.

PROCEDURES

A. RESPONSIBILITIES

1. It is the responsibility of each department employee to ensure the proper and legal use of the agency's computer network. The use of any part of the network is subject to all applicable federal, state, and local statutes.

2. The final authority relating to the procurement, maintenance, inventory, and security of the agency's computer network rests with the Chief of Police.

3. The Support Services Bureau Commander is designated as the department's System Administrator and shall have the following duties and responsibilities related to the network:

    (a) Serve as the Police Department's single point of contact with the City of Kannapolis System Administrator and contracted technical consultants.

    (b) Maintain an updated inventory of all network hardware and components.

    (c) Ensure that adequate security measures are implemented to protect the agency's computer network from viruses and unauthorized access.

    (d) Review requests from employees for microcomputers, system hardware, and software, and make recommendations to the appropriate Bureau Commander or Chief of Police.

    (e) Work with the Training Advisory Committee and Training Coordinator in an advisory capacity related to microcomputer and software training.

    (f) Evaluate and make recommendations to the Chief of Police to approve or disapprove requests for use of personally owned computer hardware and/or software.

    (g) Coordinate the acquisition of all departmental microcomputer hardware and software products.

    (h) Coordinate the installation, use, inspection, and support of the department network and related software.

4. Bureau and Division Commanders shall have the following responsibilities as related to the agency's computer network:

    (a) Insure that members of their respective components comply with all applicable laws, software manufacture's licensing agreements, and departmental policy and procedures concerning the use of the agency's computer network.

    (b) Provide for the physical security of microcomputer hardware and software. To the extent practical, this equipment should be physically located in controlled access areas that restrict access by unauthorized persons.

(c) Inspect the workstations within their areas of responsibility as part of the regular line and/or facility inspection procedures.

(d) Direct any requests for microcomputer assistance (i.e., hardware, software, supplies, or training) to the Systems Administrator.

B. SECURITY

1. Computer Login Names and Passwords:

   (a) The Support Services Bureau Commander shall provide each employee a login name and a confidential password for the agency's computer network and related software. A master list of login names and passwords will be maintained and its distribution limited to the Chief of Police, the System Administrator, and the City's contracted technical consultant.

   (b) No changes shall be made to assigned passwords without prior written approval from the Chief of Police.

   (c) Employees shall either lock or close all programs and log out prior to leaving the computer workstation unattended. Any activity completed on an individual workstation will be the responsibility of the employee signed on at the time.

   (d) In the event that an employee forgets his/her assigned password or the confidentially of the password is compromised a memorandum shall be forwarded to the Support Services Bureau Commander without delay. A copy of this memorandum shall be forwarded to the Office of the Chief.

   (e) The Support Services Bureau Commander, in conjunction with the City's contracted technical consultant shall conduct an annual audit of the agency's computer network and records management software for verification of passwords, access codes, and access violations. The results of this audit shall be reported to the Chief of Police.

2. Access to the Criminal Information & Identification Section (CIIS) System:

   (a) To insure against unauthorized access to the CIIS system via the agency's computer network, workstations, and mobile microcomputers with CIIS capabilities all agency personnel shall follow the requirements of the CIIS User Agreement.

   (b) Access of federal and state records via CIIS computer connections will be limited to certified CIIS terminal operators and logins must follow CIIS procedures using proper login names and passwords.

   (c) Any network server, workstation, laptop or mobile computer utilized to send and receive information on the CIIS system shall have its hard drive degaussed prior to its disposal or sale.

3. The Kannapolis Police Department shall maintain current virus protection software on the network and all workstations.

C. SOFTWARE

1. Computer software is generally a copyrighted product. The City of Kannapolis and/or the Kannapolis Police Department purchases the right (license) to use a computer program on a specific number of workstations. All department members are to respect computer software copyrights and adhere to the terms of the software license. Employees shall not unlawfully duplicate any licensed software obtained for the department's use.

2. The introduction of privately owned computer software and disks into agency owned computer systems or workstations could result in virus infection of the host system. Accordingly, all privately owned disks and software shall be checked for virus infection prior to introduction into the agency's networked or stand-alone computers, including laptops.

3. Privately owned software shall not be installed on city owned computer equipment without the prior approval of the System Administrator. When approval to load personal software is granted the System Administrator shall maintain a copy of the software license.

D. COMPUTER FILE BACKUP AND STORAGE

1. All departmental servers housing the agency's data files will be backed up on a daily basis by the City of Kannapolis System Administrator and/or the contracted technical consultant.

2. The Police Department will maintain one week of daily backups to be stored in a secured off-site location approved by the Chief of Police.

3. When the media used for computer backups has reached its minimum life expectancy it shall be destroyed in a manner that renders the data irretrievable.

E. RESTRICTIONS

1. The use of any departmental computer or workstation for any purpose that violates any federal, state, or local law is prohibited.

2. The use of any departmental computer or workstation for private commercial purposes, financial, or material gain while on or off duty is prohibited.

3. Sending harassing, intimidating, abusive, or offensive materials to or about others is prohibited.

4. The use of another employee's password or login name is prohibited. The System Administrator may use an employee's password or login name when necessary to identify or correct computer related problems.

5. Employees are not authorized to add, delete, or modify computer components without the direct approval of the system administrator. This includes both hardware and software.

6. Employees experiencing network problems should not shut off the workstation until directed to do so by the system administrator. If the problem occurs after hours, the employee should record any error messages received prior to any attempt to reboot the

workstation and forward this information to the system administrator. These error messages will be needed by the system administrator in order to diagnose the problem.

7. Workstations shall not be unplugged from surge protectors, except as necessary for maintenance, relocation, repair, replacement, or disposal.

INDEX AS:

CIIS
Computer Network
Computer Software

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 1200-10

SUBJECT: **CIIS Computer System**
DISTRIBUTION All Personnel
EFFECTIVE DATE: 12-01-2003
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish department policy and procedures governing the access, use, and security of the Criminal Information & Identification Section (CIIS) computer network.

POLICY

The SBI Criminal Information & Identification Section computer system was created by North Carolina General Statutes 114-10 and 114-10.1 to provide for the collection, correlation, maintenance, and dissemination of information designed to assist criminal justice agencies in the performance of official duties. It shall be the policy of the Kannapolis Police Department to use the CIIS computer system only for official law enforcement related purposes. All use of the CIIS system and information will be in accordance with prevailing CIIS policies and regulations.

DEFINITIONS

The following definitions are for the limited purpose of this General Order and may not apply in all other cases:

1. CIIS: the Criminal Information & Identification Section of the North Carolina State Bureau of Investigation. CIIS is responsible for the collection, maintenance, and access to information pertinent to the performance of law enforcement and criminal justice agencies.

2. CIIS Terminal Operator: an employee of a law enforcement or criminal justice agency who has attended a CIIS approved certification class and achieved a passing score.

3. Dissemination: any transfer of information, whether orally, in writing, or by electronic means.

4. NCIC: the National Crime Information Center located in Clarksburg, West Virginia and maintained by the Federal Bureau of Investigation.

5. NLETS: the National Law Enforcement Telecommunications System located and maintained in Phoenix, AZ. This system provides for the interstate routing of electronic messages.

6. ORI: Originating Routing Identifier. This is an alphanumeric designator assigned by the National Crime Information Center to law enforcement, criminal justice agencies, and other approved agencies to identify that agency and type for access to criminal justice information.

7. Secondary Dissemination: the transfer of CIIS information to anyone legally entitled to receive such information and who is outside the initial user agency.

8. TAC: the Terminal Agency Coordinator. An employee designated by the Chief of Police as having responsibility for overseeing and coordinating use of the CIIS and NCIC systems by agency personnel to ensure compliance with established security requirements and operating protocols.

9. TID: Terminal Identifier. This is a designator assigned by CIIS to agencies in North Carolina used to route in-state messages.

PROCEDURES

A. CIIS STANDARDS & AGREEMENTS

1. Due to the sensitive nature of information available through the CIIS system, the integrity, confidentially, and proper use of the system is essential. To achieve these desired goals, CIIS has established and implemented uniform standards and security agreements applicable to all eligible users of the CIIS system.

2. The Kannapolis Police Department has been recognized by the North Carolina Attorney General's Office, the National Crime Information Center, and the National Law Enforcement Telecommunications System as meeting the criteria for eligibility for CIIS and NCIC interface. The Kannapolis Police Department has been assigned the ORI of NC0130200 and the TID of KNA.

3. The Chief of Police will execute a "User Agreement" on behalf of the Police Department certifying that he or she has read and understood the requirements for security of the CIIS System.

4. Each employee of the Kannapolis Police Department must also read and sign a notarized CIIS Security Agreement for either certified operators or non-certified personnel, as applicable. The original copy of this agreement will be maintained in the employee's public safety file.

5. All CIIS operators and users of CIIS supplied information shall be subject to the CIIS policies and procedures governing the use, security, and dissemination of said materials. The use of the CIIS system and/or derived information may be used for official law enforcement purposes only. Any misuse of the system will result in appropriate disciplinary action up to and including dismissal and may subject the offender to criminal prosecution.

B. SECURITY REQUIREMENTS

1. The computer site, servers, routers, and all computer workstations with a connection to the CIIS system shall be maintained in a secure area and must have adequate physical security to protect against any unauthorized personnel gaining access to the computer equipment or any stored data.

2. All visitors to areas allowing CIIS access or stored information from CIIS must be accompanied by department personnel at all times unless the visitor has met the security requirements established by CIIS and NCIC.

3. CIIS operators must log into the system utilizing both their assigned Operator ID and Passwords for individual security. No certified operator may use another's ID and password to log into the CIIS system.

4. Individuals who have been enrolled in an initial CIIS certification class and are completing indoctrination training with a certified CIIS operator may use the system under that certified operator's login when such use is under the direct supervision of the certified operator.

5. All CIIS operators shall logout of the system prior to leaving any workstation outside of the Communications Center. Communications Center personnel may lock their workstations for temporary breaks within the Communications Center but will logout of the system at the end of their tour of duty.

6. Criminal History record information obtained from or through CIIS, NCIC, or NLETS shall not be disseminated to anyone other than authorized criminal justice agencies except as expressly authorized by federal or state statute, and then only after submission of a form KPD-100. To prevent unauthorized or unintended dissemination of criminal history information obtained from CIIS, NCIC, or NLETS databases, all records not included in official reports or investigative files shall be destroyed by shredding.

7. The Kannapolis Police Department will notify CIIS within 24 hours if a certified CIIS operator leaves the employment of the agency. The TAC will disable the user in the Administrator Module of Ominxx and notify the CIIS Training Specialist accordingly.

8. CIIS and NCIC security regulations require local network administrators and maintenance personnel, as well as any person who will be permitted unescorted access to areas of the police facility where CIIS information may be accessed or stored, must undergo criminal background checks and submit fingerprint cards to CIIS. The TAC will be responsible for conducting such background checks and submitting fingerprints to CIIS in accordance with their established requirements. Any person convicted of a felony or serious misdemeanor may NOT be allowed access to these restricted areas. All other persons who have not met CIIS security requirements must be escorted at all times while in areas of the facility where CIIS/NCIC materials are accessed or stored.

C. TERMINAL AGENCY COORDINATOR

1. The Chief of Police, as the agency head, shall designate a Terminal Agency Coordinator (TAC) and any assistant Terminal Agency Coordinators needed to act as liaisons between the Kannapolis Police Department and CIIS. The TAC and assistant TAC shall be certified in all CIIS modules utilized by the agency.

2. The TAC is responsible for making written notification to CIIS of any of the following:

    (a) Agency head change at the Kannapolis Police Department;
    (b) TAC or assistant TAC changes;
    (c) Agency address changes;
    (d) Agency telephone and/or FAX number changes;

(e) Changes to the physical location of all terminals or workstations with CIIS access;
(f) Employment status changes of certified CIIS operators; and
(g) The violation of any CIIS rules or regulations at any time they may occur.

3. The TAC or Assistant TAC shall coordinate all CIIS certification training for department personnel to include scheduling, canceling, and module testing.

4. The TAC shall act as the department's liaison and primary point of contact during CIIS Quality Assurance Unit Audits.

D. SELECTION AND CERTIFICATION OF CIIS OPERATORS

1. A background investigation must be conducted on all employees assigned as CIIS operators. The pre-employment background investigation conducted by the Kannapolis Police Department on all personnel will satisfy this requirement.

2. No individual with a felony conviction will be eligible for CIIS operator certification. No individual with a misdemeanor conviction of an offense involving fraud, misrepresentation, or deceit shall be eligible for CIIS operator certification, when such conviction is within 10 years of the date of application.

3. Employees designated to be CIIS operators by the Kannapolis Police Department must attend CIIS approved certification training within 120 days of assignment.

4. Certifications are valid for 24 months. Each certified operator must seek re-certification within 30 days preceding the expiration of his or her certification.

5. Any operator whose certification expires shall have 90 days to seek re-certification without attending a CIIS approved certification class. A CIIS operator seeking first-time certification or whose certification has been expired for more than 90 days must attend an approved CIIS certification training class for the appropriate CIIS module(s).

6. Prior to attending initial CIIS approved certification training, the employee must receive a minimum of 8 hours of indoctrination training with a certified CIIS operator. This indoctrination training shall be coordinated between the employee's immediate supervisor and the Technical Services Unit Sergeant and shall include basic training in third party software associated with the CIIS system and exposure to all current CIIS training modules utilized by the Kannapolis Police Department.

E. CIIS CERTIFICATION & TESTING

1. CIIS certification and testing is module specific. Employees seeking certification must score a minimum of 80% on each test module.

2. Testing is completed at the Kannapolis Police Department using the approved CIIS Internet-based testing method. Testing locations within the Kannapolis Police Department will be designated by the TAC and utilized in accordance with CIIS policies and procedures.

3. Testing must be completed within five (5) working days of CIIS certification training class attendance.

4. The TAC or assistant TAC shall proctor all testing in accordance with CIIS policies and procedures.

5. The operator may take any of his or her own class notes and training manuals into the testing site to be used during the test. The TAC shall ensure that no other materials are used during the testing.

6. The use of police radios, cell phones, or any other communications device is strictly prohibited during the testing procedures.

7. Test results shall be printed and signed and dated by the employee and the proctor. The TAC shall maintain the original and a copy shall be filed in the employee's training file.

8. An employee may only test once in any given module during a 24-hour period. In the event that an employee fails to score the required 80% on a module he or she may retest at the direction of the TAC.

9. Employees failing a specific module twice will be provided remedial training and additional testing under the following guidelines:

    (a) An employee whose essential job function requires CIIS certification will be enrolled, and shall attend, one additional CIIS certification class and then be retested up to two more times. If the employee fails to score at least 80% after remedial training the effected Bureau Command shall make a recommendation to the Chief of Police for dismissal of the employee for inability to meet job requirements. Remedial training in CIIS for these employees shall be offered only <u>once</u> during the employee's career.

    (b) An employee whose essential job functions do not require CIIS certification will be enrolled, and shall attend, one additional CIIS certification class and then be retested up to two more times. If the employee fails to score at least 80% after remedial training the employee shall be denied CIIS access and the effected Bureau Command shall take necessary measures to limit access to CIIS, including denial of access to Mobile Data Terminals. Additional remedial training for these employees will be at the discretion of the appropriate Bureau Commander.

F. USE OF THE CIIS SYSTEM

1. All traffic generated over the CIIS system must be made in the performance of official duties as they relate to the administration of criminal justice.

2. Any use of the CIIS system to send or receive messages that are unnecessary, excessive, or abusive in nature is prohibited.

3. Any use of the CIIS system to send or receive any message of a personal nature or of a subject matter unrelated to the administration of justice is prohibited.

4. Primary and secondary dissemination of information received through the CIIS system shall be in strict accordance with established CIIS and NCIC policies and procedures.

5. The TAC shall report violation of CIIS policies and procedures to the Chief of Police and CIIS authorities without delay.

6. Suspension or revocation of operator certification by CIIS for violation of policies and procedures will also subject an employee to departmental disciplinary actions up to and including dismissal.

G. MOBILE DATA COMPUTER ACCESS TO CIIS

1. All use of mobile data computers to access CIIS systems and information shall conform to prevailing CIIS regulations and the provisions of this General Order. Please see General Order 1200-08 for additional procedures governing the use of mobile data equipment.

INDEX AS:

CIIS
CIIS Certifications

KANNAPOLIS POLICE DEPARTMENT

GENERAL ORDER: 1200-11

SUBJECT: SOCIAL NETWORKING SITES
DISTRIBUTION All Personnel
EFFECTIVE DATE: 09-08-2010
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

PURPOSE

The purpose of this General Order is to establish guidelines with respect to the use of personal web pages, internet postings and social networking web sites by department personnel.

POLICY

The measurement of success of any law enforcement agency depends upon the public's confidence and trust in the individual officers and the agency's ability to effectively protect and serve the public. Any unprofessional act, display, or comment made by any member of the Department reduces confidence and trust in our department and impedes our ability to work with and serve the public. While employees have the right to use personal/social networking web pages or sites, as members of the Kannapolis Police Department, they are public servants who are held to a higher standard than the general public with regards to general conduct and ethical standards. It is the policy of the Kannapolis Police Department to maintain a level of professionalism in both on-duty and off-duty conduct and employees shall not engage in conduct that contradicts or impedes the mission of our agency.

DEFINITIONS

The following definitions are for the limited purposes of this General Order and may not apply in all other cases:

1. Microcomputer: any desktop or laptop computer (also considered hardware).

2. Internet: a system of linked computer networks, international in scope that facilitates data communication services such as remote login, file transfer, electronic mail and newsgroups.

3. Social Networking Websites: Internet websites which focus on building online communities of people who share interests and activities and/or exploring the interests and activities of others. Examples of social networking websites include, but are not limited to: Facebook, MySpace, Friendster, Linked In, Twitter, and sites that allow users to post personal blogs. The absence of, or lack or explicit reference to, a specific site does not limit the extent of the application of this policy.

PROCEDURES

A. PROCEDURES

1. Employees who have personal web pages, memberships with social networking web sites or other types of internet postings, which can be accessed by the public, shall not identify themselves directly or indirectly as an employee of the Kannapolis Police Department.

2. Photographs or other depictions of department uniforms, badges, patches, marked patrol cars, or any other item or material which is identifiable to this department shall not be used on employee internet postings.

3. Employees may not represent their opinions or comments as that of the Kannapolis Police Department or as an official of the Kannapolis Police Department.

B. RESTRICTIONS

1. Employees are prohibited from posting, or in any other way broadcasting, or disseminating information on the internet, social networking sites or other medium of communication, the business of this department including, but not limited to the following:

   (a) Photographs/images related to any investigation of this department either on-going or closed;

   (b) Video or audio files related to any investigation of this department either on-going or closed;

   (c) Any other information related to any investigations of this department either on-going or closed.

2. Employees will not discuss or divulge department business on their websites or in other medium of communication as addressed in this policy.

3. Employees are prohibited from posting, broadcasting or otherwise disseminating any sexual, violent, racial, or ethnically derogatory material, comments, pictures, artwork, video, or other references on their websites or through any other medium of communication.

4. Employees are prohibited from using social networking sites or personal web pages to harass or attack others, including those who work for the Kannapolis Police Department.

5. Employees shall not post any material on the Internet that brings discredit to or may adversely affect the efficiency or integrity of the Kannapolis Police Department.

6. Employees shall not access, submit, or edit personal websites or social networking sites on any department computer system.

7. Employees are prohibited from accessing these types of websites while on duty, unless the employee is conducting a criminal or administrative investigation that has been approved by a supervisor.

8. Employees should consider the possible adverse consequences of internet postings, such as future employment, cross examinations in criminal cases as well as public and private embarrassment.

INDEX AS:

Social Networking

KANNAPOLIS POLICE DEPARTMENT

SPECIAL ORDER **SO-001**

SUBJECT: SUDDEN INFANT DEATHS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 12-01-2003
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

OVERVIEW: Sudden unexplained infant deaths are those for which no cause of death was obvious when the infant died. One of the most frequent causes is sudden infant death syndrome (SIDS). The determination that a death was one from SIDS is made after autopsy, examination of the death scene, and review of clinical history. To ensure that these criteria are met, the following guidelines, based on guidelines from the Centers for Disease Control (CDC), have been established for use in case investigation by officers of the Kannapolis Police Department.

PROCEDURE: The following procedure will be observed.

1. Upon receiving a report from any source regarding a sudden unexplained infant death or any infant CPR in progress, appropriate police and medical resources will be dispatched to the scene. This will include the dispatch of a police field supervisor.

2. Upon confirmation that a sudden unexplained infant death has occurred, the responsible police supervisor will ensure notification and response of the on-call investigator from CID.

3. Upon confirmation that a sudden unexplained infant death has occurred, the responsible supervisor will ensure the notification of the Department of Social Services for the county of jurisdiction.

4. The assigned patrol officer will complete a preliminary investigation report per normal case investigation protocols.

5. The CID investigator will complete a supplemental **Sudden Unexplained Infant Death Investigation Report Form**, and coordinate with the local Medical Examiner to arrange for an autopsy. (Currently, all infant autopsies are performed at Chapel Hill). The completed report will be sent under sealed cover to the Children's Advocacy Center for the county of jurisdiction. (In Cabarrus County, a copy will also be provided to the SIDS counselor at the Cabarrus Health Alliance.)

INDEX AS:

SIDS
Sudden Unexplained Infant Deaths

KANNAPOLIS POLICE DEPARTMENT

SPECIAL ORDER **SO-002**

SUBJECT: INSPECTION OF DUTY WEAPONS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 01-01-1999
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

OVERVIEW: Supervisory personnel are responsible for conducting the routine administrative inspection of duty handguns and shotguns. To provide for greater safety in the conduct of administrative weapon inspections, all officers will observe the uniform procedures outlined in this Special Order.

A. PROCEDURES FOR INSPECTION OF DUTY HANDGUNS:

1. All weapons are to remain holstered and secured until otherwise directed by the supervisor conducting the inspection. Weapons will be inspected one officer at a time.

2. On command, the officer will approach the safety container.

3. Leaving the weapon secured in the holster, the officer will remove the magazine.

4. Remove the weapon from the holster while keeping the muzzle pointed into the safety container and finger OFF the trigger. The officer will cycle the slide back and forth several times to extract any chambered round.

5. The officer will lock the slide to the rear using the slide stop lever. The officer will visually inspect the chamber and magazine well to verify that the weapon is empty. Pull the slide slightly rearward, depress the slide stop lever, and release the slide forward.

6. Keeping the muzzle pointed directly into the safety container, pull the trigger to release the slide. The weapon can now be fieldstripped for inspection.

7. Upon completion of the inspection, re-assemble the weapon and insert a loaded magazine.

8. Keeping the muzzle pointed directly into the safety container and finger OFF the trigger, cycle the slide to chamber a round. Holster the weapon and secure the safety snap.

9. Leaving the weapon secured in the holster, remove the magazine, top off the ammunition, and re-insert the magazine into the weapon. Make sure the magazine is fully seated.

B. PROCEDURES FOR INSPECTION OF DUTY SHOTGUNS:

1. All shotguns are to remain secure in the rack until otherwise directed by the supervisor conducting the inspection. Shotguns will be inspected one at a time.

2. On command, the officer will remove the shotgun from the rack.

3. Visually verify that the safety is ENGAGED.

4. Keeping the muzzle pointed in a safe direction and finger OFF the trigger, unload the shotgun in accordance with the method instructed during departmental firearms training. Do NOT work the slide back and forth to chamber and eject rounds from the magazine tube.

5. Leaving the slide back, visually inspect the chamber and magazine tube to verify that the weapon is empty. The shotgun is now ready for field inspection.

6. Upon completion of the inspection, return the slide forward and verify that the safety is ENGAGED.

7. Keeping the muzzle pointed in a safe direction, fully reload the magazine tube. DO NOT chamber a round.

8. Re-secure the weapon in the shotgun rack.

C. PROCEDURES FOR INSPECTION OF DUTY RIFLES:

1. All rifles are to remain secure in the rack until otherwise directed by the supervisor conducting the inspection. Rifles will be inspected one at a time.

2. On command, the officer will remove the rifles from the rack.

3. Visually verify that the selector switch is on the SAFE position.

4. Keeping the muzzle pointed in a safe direction and finger OFF the trigger, remove the magazine from the magazine well.

5. Keeping the muzzle pointed in a safe direction and finger OFF the trigger, pill the charging handle to the rear and lock the bolt in the rear position.

6. Leaving the bolt locked in the rear position, visually and physically inspect the chamber and magazine well to verify that the weapon is empty. The rifle is now ready for field inspection.

7. Upon completion of the inspection, return the bolt forward and verify that the selector switch is on the SAFE position.

8. Keeping the muzzle pointed in a safe direction, insert the loaded magazine into the magazine well ensuring it is fully seated. DO NOT chamber a round.

9. Re-secure the weapon in the rifle rack.

INDEX AS:

Administrative Inspection
Inspection of Weapons

KANNAPOLIS POLICE DEPARTMENT

SPECIAL ORDER **SO-003**

SUBJECT: WATER EMERGENCY MANAGEMENT
DISTRIBUTION All Personnel
EFFECTIVE DATE: 10-21-2002
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

OVERVIEW: All sworn officers of the Police Department, as well as certain other city employees designated by the City Manager, have the authority and responsibility for civil enforcement of the mandatory water restrictions imposed by the City pursuant to Code Section 17-38 (Water Emergency Management). The City Code provides for progressive levels of water use restrictions, depending on the criticality of the conditions affecting the city water supply.

PROCEDURES: The following procedures will be observed:

A. Water Violation Complaints

1. The police department's non-emergency number (704) 920-4000 has been designated by the City as the primary point of contact for the public in reporting water restriction violations.

2. The Communications Center will assign a CAD Unicode to all water violation complaints. These complaints will have a call status of Priority 4.

3. Police officers will be dispatched to investigate reported violations occurring inside the city limits. Reports of violations occurring outside the city limits will be referred to Code Enforcement for follow-up. All dispatched water violation calls must have a CAD disposition of either "civil citation issued" or "no violation established."

4. Violations must involve a prohibited use of water from the city's public water supply. Use of private wells and water trucked into the City from outside sources is NOT regulated by the water emergency management ordinance.

5. In order to reduce unfounded complaints, the city issues signs on a request basis to water customers who irrigate using private wells. However, there is no code requirement that such a sign be posted if irrigating with well water, and no code provision preventing the false posting of a sign. In effect, the signs are only an indicator that the person MAY be irrigating from a private well.

B. Civil Citations

1. Civil citation books are issued to all officers for use in citing violations. No warnings will be given. A civil citation SHALL be issued if a violation is established. Officers may cite "on-view" violations as well as those established from police response to complaints.

2. Citations should be issued to a specific person. If the person is a representative of a business that is in violation, the name of the business should be indicated on the citation in addition to the person's name. Regardless of the person cited, the water customer of record at the location of violation (address where the improperly used water originates)

will be assessed the civil penalty on their water bill. Therefore, it is preferred that officers issue the citation directly to the water customer whenever possible.

3. The purpose of civil enforcement is to deter and stop the prohibited use of water and conserve resources during water emergencies. Accordingly, officers are to instruct the violator to immediately cease the prohibited use. If the property is unattended and a significant water loss is occurring, officers should contact the public works department for assistance in determining if the water supply to the property should be disconnected.

4. When issuing a citation, the officer should advise the person cited of the specific violation established, the amount of the civil penalty, and how the penalty is assessed. In addition, the officer should explain the right to appeal and the proper procedure to follow in order to request an appeal hearing.

5. If a person refuses to accept a citation, or if no responsible person can be located at the site of the violation, the officer may mail the citation by First Class U.S. Mail to the responsible water customer. If service is completed by mail, the officer should indicate "Issued via US Mail" on the face of the citation.

6. The white (original) copy of the citation will be issued to the person cited. The yellow and pink copies are to be forwarded to the Office of the Chief of police by the end of the tour of duty on which the citation was issued. The Chief's office will retain the pink copy and forward the yellow copy to the Code Administrator.

7. Officers who have access to a Mobile Data Terminal (MDT) and printer in their patrol vehicle can complete an electronic copy of the water citation and provide the violator a copy just as indicated in the normal issuance procedures. In this instance the Computer Aided Dispatch (CAD) number will be used as the tracking number. An additional copy will be printed and forwarded to the Office of the Chief of Police to be forwarded to the Code Administrator.

8. Civil citations may be voided by an officer ONLY if issued upon a clear mistake of fact. In such case, the citation must be clearly marked "VOID", signed by the officer's supervisor, and ALL copies forwarded to the Chief of Police along with a written explanation of the reason that the citation was voided.

9. Officers notified of appeal hearings before the Code Administrator are to appear as directed and shall provide relevant information regarding the violation that formed the basis for the issuance of the citation.

C. Thefts of City Water

1. All thefts of city water and meter tampering, including the unauthorized access of hydrants, illegal water taps, and other thefts of city water will be investigated by the Police Department as CRIMINAL violations in accordance with policy. Appropriate criminal charges are to be filed, based on probable cause, for violations established.

INDEX AS: **CALEA REFERENCE:**

Water Emergency Management

KANNAPOLIS POLICE DEPARTMENT

SPECIAL ORDER **SO-004**

SUBJECT: AUTHORIZATION TO ACT AS AGENT
DISTRIBUTION All Personnel
EFFECTIVE DATE: 09-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

OVERVIEW: The Authorization to Act as Agent (form KPD-149) was created to address the problem of persons congregating on commercial property after business hours or on residential or vacant property that no one is supposed to be on. The Authorization allows a police officer to eject (or arrest) person(s) who have no right to be there, without the necessity of the owner's presence. For officers to act under this Authorization, the property must be posted with "No Trespassing" signs, and the signs must be clearly visible. Unless people are prohibited from being on the property at all times, the applicable hours (when trespassing is prohibited) must be displayed on the signs. Legal problems can arise from the exercise of such an Authorization in "common areas" such as those found in residential subdivisions, apartment complexes, managed shopping centers, and similar locations where tenants or residents may have certain property rights in shared parking lots or other facilities. Therefore, the Authorization to Act as Agent will be limited to individual properties whose boundaries can be clearly identified, and upon which NO ONE is authorized to be present during the posted hours of exclusion

PROCEDURES:

1. Property owners desiring to execute an Authorization to Act as Agent should contact the Office of the Chief of Police during normal business hours to obtain the appropriate form and related information. The Authorization to Act as Agent must be reviewed and approved by the Chief of Police before it becomes effective. The Authorization is valid for a period of one (1) year from he date executed, unless there is a change in ownership or authority over the property, and may be renewed for a successive one year period from the original date of execution upon the written request of the property owner.

2. The Chief of Police, or his designee, will maintain an electronic database of properties where an Authorization to Act as Agent has been approved. This database will be accessible on a 24-hour basis to all personnel via the departmental computer network, and will contain a scanned image of the original document showing owner contact information, applicable hours of enforcement, and expiration date.

INDEX AS:

Authorization to Act as Agent
Trespass Agreements

KANNAPOLIS POLICE DEPARTMENT

SPECIAL ORDER **SO-005**

SUBJECT: CRIMINAL GANG INTELLIGENCE
DISTRIBUTION All Personnel
EFFECTIVE DATE: 12-06-2006
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

OVERVIEW: This Special Order establishes the protocol for documenting individuals who are known or suspected to be involved or associated with a criminal gang.

DEFINITIONS: The following definitions are for the limited purpose of this Special Order and may not apply in all other cases:

1. Criminal Street Gang: A group or association of three or more persons who may have a common identifying sign, symbol, or name and who individually or collectively engage in, or have engaged in, criminal activity which creates an atmosphere or fear or intimidation. Criminal activity includes acts of juvenile delinquency that if committed by an adult would be a crime.

2. Criminal Gang Member: An individual who has been validated as a member of a criminal street gang using established validation criteria. For validation, the criminal street gang member must meet at least two of the criteria elements.

3. Criminal Gang Associate: An individual who is associated with a Criminal Street Gang Member, but who has not been validated as an active member of the group.

4. Gang Crime: A criminal act incorporating any of the following elements:

    a. Involves two or more gang members and/or their associates; or

    b. Is committed in furtherance of a gang and/or its members; or

    c. During the commission of the crime, two or more of the validation criteria listed in this Order are demonstrated; or

    d. Is committed for the purpose of causing fear or intimidation; or

    e. Is committed at the direction of a validated gang member or documented associate.

PROCEDURE: To ensure the uniform collection, evaluation, and subsequent dissemination of criminal gang intelligence information, the following procedure will be followed:

1. VALIDATION: An individual may be validated as a member or associate of a criminal street gang based on two (2) or more of the following validation criteria:

    (a) Admits gang affiliation or membership (gang name and set must be listed);

    (b) Has been identified as a gang member by a reliable informant/source (list reliable source using the assigned CI File number);

(c) Has been identified as a gang member by an untested source and such identification has been corroborated by police through other means;

(d) Displays or possesses documents, drawings, correspondence, or other gang related materials (e.g., book of knowledge, specialized lettering or coded text, etc.) or photographs or other media linking the subject to a criminal gang or gang activities;

(e) Engages in the use of hand signs or signals, codes, or slang related to criminal gangs (specific examples must be cited);

(f) Is named in gang database entries, field contact reports, or intelligence reports generated by another law enforcement agency;

(g) Associates with known gang/group members and/or frequents gang areas (list gang and specific area frequented);

(h) Has scars, marks, brands, or tattoos related to a criminal street gang;

(i) Has a stylized appearance (haircuts, group dress such as jewelry, colors, or symbols) or wears a particular brand of clothing in a style indicative of gang affiliation;

(j) Possesses or is involved with graffiti-style writing or symbols written on any surface or document;

(k) Is involved in a gang-related crime or incident (list the type of crime, incident, date, and report number).

2. DOCUMENTATION: The following procedure should be followed when documenting a suspected criminal street gang member or associate aged 16 or older:

   a. Identification Procedures if IN-Custody: the officer shall obtain major case fingerprints for submission with the intelligence file. Photographs should be obtained of the subject (frontal, both profiles, and rear), along with photographs of all scars, marks, brands, and/or tattoos. Care should be taken to ensure the photographs accurately depict the intricate details of the item photographed.

   b. Identification Procedures if NOT in custody: Voluntary consent to obtain fingerprints and/or photographs may be granted by the subject in question. If such consent is granted, written documentation of the consent must be obtained using form KPD-220.

   c. The suspected gang member or associate should be questioned using form KPD-246 (Gang Affiliate Questionnaire). The location of any scars, marks, brands, or tattoos should be documented on the questionnaire.

   d. The completed Gang Affiliate Questionnaire (KPD-246), along with a copy of the associated incident report, major case fingerprints, identification consent form, and any other related materials should be forwarded to the CID Commander for review, confirmation, and entry into the agency's Criminal Intelligence File.

3. INVESTIGATION: Upon receipt of the street gang intelligence documents, the CID Commander shall review the documentation and initiate an investigation by the Vice, Narcotics & Organized Crime Unit to confirm the validation. The investigation will include, at minimum, efforts to corroborate the applicable validation criteria elements, the review of evidentiary items related to each element, and a complete investigative case report detailing the findings of the confirming investigation. This report shall be submitted to the CID Commander for final review and inclusion in the criminal street gang intelligence files.

4. ADMINISTRATION: The collection, storing, and dissemination of Criminal Gang intelligence information shall be conducted in accordance with General Order 700-04 (Criminal Intelligence) and other applicable policies established by the Kannapolis Police Department.

    a. Upon final confirmation/validation of the file and approval by the CID Commander, the information shall be entered into the Criminal Street Gang Intelligence Database(s) utilized by the agency, as well as the NCIC Violent Gang & Terrorist Organization file.

    b. Applicable records may be purged upon review and approval of the CID Commander if the file is no longer related to active criminal street gang intelligence or if the relevant information contained therein is determined to be invalid.

INDEX AS:

Criminal Street Gangs
Gang Member Validation
Gang Intelligence Files

KANNAPOLIS POLICE DEPARTMENT

SPECIAL ORDER **SO-006**

SUBJECT: REPOSSESSION OF VEHICLES
DISTRIBUTION All Personnel
EFFECTIVE DATE: 11-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

OVERVIEW: Police officers occasionally encounter situations where a motor vehicle is being repossessed. Repossession of vehicles can be accomplished pursuant to a judicial process (a civil claim and delivery order usually executed by the county sheriff), or through private repossession by the lien holder (the creditor) or his agent. NCGS 25-9-503 provides that, unless otherwise agreed, the creditor has on default the right to take possession of the collateral. In taking possession, the creditor may proceed without a judicial process only if the repossession can be accomplished without a breach of the peace.

PROCEDURE:

1. When police are called, a breech of the peace may have already occurred.

2. An officer encountering a private repossession situation should first determine that the person attempting the repossession has some evidence that he is acting on behalf of the creditor after default by the purchaser. No specific paperwork is required. However, the person attempting repossession should be able to demonstrate that he is lawfully repossessing the vehicle and not stealing it. If no breech of the peace exists, the officer should allow the repossession to take place.

3. If the officer responds to a private repossession situation where a breech of the peace has occurred, the repossession must be terminated.

4. No breech of the peace takes place if the person attempting repossession merely goes on private property to obtain the vehicle to be repossessed. However, the person cannot, for example, break and enter a garage to obtain the vehicle or make any kind of forcible entry onto private property.

5. If the purchaser or property owner is present and objects to the repossession at all, the peace has been breeched and the officer should not allow the vehicle to be repossessed. In such cases, the officer should advise the person attempting the repossession that a judicial process (a civil claim and delivery order) must be obtained. \

6. Sometimes, police presence is requested prior to an attempted repossession. Officers may not “assist” repossession in any way. Officers responding to such requests should only ensure that the repossession is lawful and that no breech of the peace occurs. In doing so, officers may take whatever action is necessary to enforce the law.

INDEX AS:

Vehicle Repossessions

KANNAPOLIS POLICE DEPARTMENT

SPECIAL ORDER **SO-007**

SUBJECT: ADMINISTRATIVE FINGERPRINTING
DISTRIBUTION All Personnel
EFFECTIVE DATE: 06-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

OVERVIEW: The Police Department provides limited administrative (non-criminal) fingerprinting assistance as a public service to our citizens. This Order does not apply to the internal processing of applications for employment with the Kannapolis Police Department; identification procedures associated with business licenses and/or permits issued by the Kannapolis Police Department pursuant to city ordinances (i.e., taxi permits, pawnbroker licenses, etc); or identification procedures conducted pursuant to the arrest or indictment of persons on criminal charges, or in connection with criminal investigations.

PROCEDURES:

1. Persons requesting fingerprinting by the Police Department for administrative (non-criminal) purposes shall be directed to the Police Records Unit. Records personnel will determine if the fingerprinting is for a purpose for which the Police Department is authorized to conduct such services and will schedule an appointment accordingly.

2. The Kannapolis Police Department does NOT conduct fingerprinting for concealed handgun permit applications, or for immigration/naturalization purposes.

3. The requesting person will be advised of the following requirements:

   (a) A ten-dollar ($10.00) per person administrative fee will be assessed for fingerprinting services and must be paid in advance. A maximum of three (3) fingerprint cards per person will be completed;

   (b) Positive proof of identification will be required at the time of processing. This can be established with a valid driver's license, military ID card, or other form of verifiable picture identification;

   (c) Standard FBI applicant cards will be provided by the Police Department. If a specialized fingerprint card is required, the person to be processed must provide these cards to the Police Department;

   (d) The fingerprint cards must NOT be signed in advance. The cards must be signed in the presence of the processing officer.

4. The $10.00 administrative fee shall be paid directly to authorized records personnel, who will provide a written receipt upon payment. All money collected for fingerprinting services will be handled, accounted, and deposited by records personnel in the same manner as parking fines and other administrative fees.

5. Upon completion of the fingerprinting, the processing officer shall ensure that appropriate identification information is included on the cards. Both the processing officer and the person fingerprinted shall sign and date the cards in the designated space.

6. Completed cards will be returned to the person processed for disposition. The Police Department will not be responsible for the mailing or submission of fingerprint cards to outside agencies on behalf of private citizens.

7. ID photographs will not be made by the Police Department in connection with administrative fingerprinting services. A number of retail photography sources are available to citizens for the taking of photos for administrative purposes.

INDEX AS:

Administrative Fingerprinting
Fingerprinting Services

KANNAPOLIS POLICE DEPARTMENT

SPECIAL ORDER **SO-008**

SUBJECT: PRESCRIPTION TAKE BACK PROGRAM
DISTRIBUTION All Personnel
EFFECTIVE DATE: 07-01-2016
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

OVERVIEW: The Kannapolis Police Department recognizes prescription drug abuse as a significant danger to the public and a growing problem for our citizens. Prescription drugs such as painkillers can be highly addictive and just as dangerous as illegal narcotics. To help stop prescriptions from falling into the wrong hands the Kannapolis Police Department actively participates in a prescription take back program. The program is designed to provide members of the community a safe alternative to dispose of surplus or out of date medications rather than dumping them down the drain or tossing them in the garbage. The program's goals are threefold; to protect children, prevent overdoses, and protect the environment by keeping toxic medications out of our water supply.

PROCEDURE:

1. The Kannapolis Police Department in partnership with the National Association of Drug Diversion Investigators has placed a prescription drug drop box in the lobby of police headquarters. This drop box is specifically designed for this purpose and has been securely affixed within the building and is under audio and video surveillance 24 hours a day.

2. The Chief of Police shall designate a member of the Department's Vice Narcotics and Organized Crime Unit as the Prescription Take Back Program Coordinator. The Coordinator shall be responsible for all aspects of this program.

3. The Department shall publicize the program through traditional media sources, as well as on the Department's webpage and social media platforms.

4. On or about July 1st each year, to correspond with the beginning of the fiscal year, the Coordinator shall create an informational incident report within the Department's record management system to document all activities related to the drop box. This report shall include supplemental reports and evidence vouchers as required by this special order and shall serve as a running report for each fiscal year.

5. The Coordinator shall check the drop box on a weekly basis and shall empty the contents of the box as needed.

6. Medications removed from the drop box shall be emptied from the original containers and shall be weighed and placed in specially designed containers and submitted to the Evidence Custodian in accordance with established agency protocols. All original prescription containers shall be destroyed. Steps shall be taken to protect any personal information contained on prescription labels.

7. Each time the drop box is emptied and medications are submitted to the Evidence Custodian, the Coordinator shall document all pertinent information on a supplemental report and the required evidence voucher(s).

8. The Evidence Custodian shall store the designated containers within the Evidence and Property control area, but separate and apart from items of evidentiary value.

9. As needed and based on the amount of medications collected, the Coordinator shall turn over all collected medications to the Cabarrus County Sheriff's Office for final destruction. This shall be documented in supplemental reports and on the appropriate evidence vouchers.

10. All medications submitted to the Evidence Custodian during the fiscal year shall be turned over to the Cabarrus County Sheriff's Office for final destruction prior to June 30th of each year.

11. On or about June 30th of each year, to correspond with the end of the fiscal year, the Coordinator shall complete a final supplement report closing out the incident report.

INDEX AS:

Prescription Take Back

KANNAPOLIS POLICE DEPARTMENT

SPECIAL ORDER **SO-009**

SUBJECT: RECOVERY OF STOLEN PROPERTY FROM PAWN SHOPS

DISTRIBUTION All Personnel
EFFECTIVE DATE: 11-01-1998
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

OVERVIEW: Police officers and investigators routinely check pawn shops to locate stolen property that may have been pawned. To ensure fairness to pawn operators, the Department has established certain guidelines that must be followed in recovering such items.

PROCEDURE:

1. BEFORE an officer takes possession of an item of property from a pawnshop, the officer must first establish probable cause to believe that the property is stolen. This will be accomplished as follows:

   (a) The property has been reported stolen to a law enforcement agency; AND

   (b) The property can be positively identified by unique serial number, owner applied number (e.g. engraved license or social security number), or other unique distinguishing markings that enable positive identification of the item by the owner.

2. Once probable cause has been established, the officer shall provide the pawn operator with a copy of the theft report and ask the pawnshop operator to voluntarily release property to the Kannapolis Police Department.

3. The officer receiving the property from the pawnshop shall complete RMS evidence voucher. A copy of this form shall be provided to the pawnshop operator as a receipt at the time the property is received. The officer shall then enter the property into the evidence control system in accordance with departmental policy. If the pawn operator refuses to voluntarily release the property to the Police Department, the officer may apply for a search warrant.

4. The officer should make reasonable effort to identify the person(s) who pawned the stolen property and file appropriate criminal charges if feasible. If criminal charges are filed, the District Attorney should be made aware of any financial loss the pawnshop has incurred as a result of the defendant pawning the stolen articles.

5. Before any items of recovered property are released to the owner, the officer will consult with the District Attorney and follow his/her directions. NCGS 15-11.1 authorizes the District Attorney to allow property to be released to the owner and/or for photographs of the items to be used at trial if it will not prejudice the case.

INDEX AS:

Stolen Property
Pawnshops

KANNAPOLIS POLICE DEPARTMENT

SPECIAL ORDER **SO-011**

SUBJECT: GAS MASKS & RESPIRATORS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 06-01-2000
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

OVERVIEW: The City of Kannapolis has established a respiratory protection program to ensure the safety of its employees and to comply with Occupational Safety and Health Act (OSHA) respiratory protection standards. Every sworn officer of the Kannapolis Police Department is provided with a full-face gas mask for use during training and law enforcement operations involving the use of chemical munitions. Officers assigned to the SRT are also provided with Powered Air Purifying Respirators (PAPRs) and Self-Contained Breathing Apparatus (SCBA) for use in conducting tactical operations in contaminated environments. The purpose of this special order is to establish departmental procedures for the use and care of respiratory protection equipment and to ensure our agency's compliance with applicable OSHA standards and city respiratory protection policies.

PROCEDURE:

A. RESPIRATORY PROTECTION POLICY

1. All personnel shall comply with the applicable provisions of the Respiratory Protection Policy established by the City of Kannapolis. A copy of this policy is maintained in the Safety Manual and is available for review by all agency personnel.

2. No employee may use a gas mask, PAPR, SCBA, or other respirator in the performance of official duties unless <u>all</u> of the following conditions have been satisfied:

   (a) The respirator has been issued or specifically authorized for use by the Police Department;

   (b) The employee has obtained a medical clearance for the type of respirator used;

   (c) The employee has completed a fit test using the respirator; and

   (d) The employee has successfully completed an approved course of instruction in the use and care of the specific respirator used.

B. GAS MASKS

1. All gas masks issued by the Police Department will be NIOSH and MSHA approved and designed for use in protecting against the specific respiratory hazards posed by CN, CS and OC munitions. Only the canisters issued or specifically authorized by the Department may be used with the issued gas mask.

2. Filter canisters that have been used or that have reached the manufacturer's expiration date shall be replaced. It will be the individual responsibility of each officer to periodically inspect his/her issued canister(s) and to promptly request a replacement when needed. Canisters should be kept sealed in the original package until needed. This practice will extend their "shelf life" and reduce the frequency of needed replacement.

3. Officers must ensure that their gas mask is readily available while on duty and ready for use if the need should arise. The mask shall be inspected at least monthly and after each use. Inspection shall include a check of the condition of the face-piece, headband and/or adjusting straps, and canisters. Rubber and elastomer parts shall be inspected for pliability and signs of deterioration. Periodic stretching or manipulating of these parts with a massaging action will keep them pliable and prevent them from taking a set during storage. The mask should be thoroughly cleaned and disinfected after each use in accordance with the manufacturer's instructions.

4. Wearing of contact lenses in contaminated atmospheres with a gas mask is prohibited. If the officer requires corrective (prescription) lenses, the Police Department will provide the officer with a special lens insert designed for use with the issued mask. Officers will be solely responsible for the cost of obtaining prescription lenses to use with the insert. Gas masks may not be worn with standard eyeglass frames because the temples will prevent a positive face seal.

5. Officers shall not attempt to effect repairs, replace components (other than changing canisters), or make adjustments beyond the manufacturer's recommendations. If a mask should require repair or replacement, the officer shall immediately notify their supervisor accordingly. Masks requiring repair will be returned to the manufacturer or authorized service center.

6. Selected employees with investigative responsibilities may be issued anti-putrefaction masks designed to provide limited protection against odors associated with decomposing human remains. Anti-putrefaction masks are respirator devices, and all applicable provisions of this Special Order shall apply to their use.

C. PAPR & SCBA EQUIPMENT

1. PAPR and SCBA equipment issued or authorized for use by the Police Department for use by members of the Special Response Team (SRT) will be NIOSH and MSHA approved, and rated for use in CBRN environments.

2. Filter canisters and other disposable components that have been used or that have reached the manufacturer's expiration date shall be replaced. It will be the individual responsibility of each officer to periodically inspect his/her issued equipment and to promptly request a replacement of replacement components when needed.

3. PAPR and SCBA equipment shall be inspected at least monthly and after each use. Inspection shall include a check, as applicable, of the condition of the face-piece, hoses, regulator, motor, valve, air cylinder, alarms, mount, battery, gauges, and controls. Rubber and elastomer parts shall be inspected for pliability and signs of deterioration. Periodic stretching or manipulating of these parts with a massaging action will keep them pliable and prevent them from taking a set during storage.

4. PAPR and SCBA equipment should be thoroughly cleaned and decontaminated after each use in accordance with the manufacturer's instructions.

5. Officers shall not attempt to effect repairs, replace components (other than changing canisters), or make adjustments beyond the manufacturer's recommendations. If a PAPR or SCBA should require repair or replacement, the officer shall immediately notify the SRT Coordinator accordingly. Devices requiring repair will be returned to the manufacturer or authorized service center

D. TRAINING

1. Prior to using a gas mask, PAPR or SCBA, the officer must complete an approved course of instruction in the proper use, care, and maintenance of the equipment, and must undergo a fit test to ensure that the mask is properly sized and seals properly. In addition, the officer must be instructed in departmental procedures for completing the annual medical evaluation as provided in this Special Order. Documentation of the training and fit test must be forwarded by the instructor to the Chief of Police and Training Coordinator.

2. Each officer shall complete an annual fit test for each type of respirator mask issued to him or her. This fit test will be conducted by methods and equipment meeting NIOSH and MSHA standards.

E. MEDICAL EVALUATION FOR RESPIRATOR USE

1. Medical evaluation of employees that may be required to wear respiratory protection will occur prior to fit testing for respirators and on an annual basis thereafter.

2. The Chief of Police will provide the departmental physician with information regarding the type of respirator(s) issued or authorized by the Department, the type of work being performed while wearing the respirator, and the anticipated extent of usage.

3. Each officer shall complete a confidential OSHA Respiratory Protection Medical Questionnaire on an annual basis in conjunction with the officer's performance evaluation process. The purpose of the questionnaire is to identify any known disease, medical condition, physical deformity or abnormality that may interfere with respirator use.

4. Medical questionnaires pertain ONLY to the use of gas masks and respirators issued or authorized by the Police Department. Employees who serve as volunteer firefighters should not include any information about SCBA or fire respirator equipment, or the performance of fire suppression, confined space entry, or fire rescue activities while wearing fire department respirator equipment. It is the responsibility of the Fire Department to provide training, fit tests, and medical clearances on respiratory devices issued or authorized for use by firefighters.

5. Medical questionnaires are confidential and are not subject to review by the employee's supervisor or the Department. To maintain confidentiality, the officer will be responsible for submitting the completed questionnaire in a preaddressed sealed envelope directly to the Administrative Assistant to the Chief of Police. The Administrative Assistant will log the date and place the envelope with the outgoing departmental for postage metering and delivery to the post office. Enveloped shall be addressed as follows:

Cabarrus Urgent Care
Attn: Respiratory Protection Review

Gateway Medical
Office Building II
1090 Northeast Gateway Court, NE, Suite 202
Concord, North Carolina 28025

6. Officers may contact the departmental physician who will review their questionnaire by calling, Cabarrus Urgent Care at telephone 704-403-9050.

7. If after reviewing the questionnaire the departmental physician determines that further medical examination of the officer is warranted, the Chief's office will be notified accordingly and an appointment will be scheduled for the officer. The medical examination may include additional medical history, physical examination, and any additional tests deemed necessary by the departmental physician. The cost of the questionnaire review and medical examination by the departmental physician (if needed) will be paid by the police department.

8. Upon completion of all evaluation, the departmental physician will provide the Chief of Police with written certification of the officer's permitted use of a respirator(s) in accordance with the following:

   (a) No restrictions;
   (b) Some specific restrictions on respirator type and/or conditions of use;
   (c) No respirator use under any circumstances.

9. Special medical examinations may be required by the department after an officer's prolonged absence from work for medical reasons or whenever a medical condition or functional disability that could affect respirator use has been identified.

INDEX AS:

Gas Masks
Respiratory Protection

KANNAPOLIS POLICE DEPARTMENT

SPECIAL ORDER **SO-012**

SUBJECT: FOREIGN NATIONALS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 04-01-2005
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

OVERVIEW: This special order summarizes for law enforcement officers the basic consular notification procedures to follow upon the arrest or detention of a foreign national. For detailed instructions, please refer to the Department of State publication ***Consular Notification and Access*** *(hereafter referred to as CNA publication)*. A copy of this publication is maintained in the Police Department's Booking Room and will be updated as revisions are made by the Department of State. The complete publication is also available on-line at **http://travel.state.gov/law/notify.html**.

PROCEDURE: The following procedure will be observed when any person suspected of being a foreign national is arrested or detained by a Kannapolis officer:

1. ASK the suspect, "*Are you a U.S. Citizen*?"

2. If YES, no consular notification is necessary.

3. If NO, then ask *"What is your nationality?"* Normally, this is the country on whose passport or other travel document the foreign national travels.

4. Consult the CNA publication to determine if the foreign national's country is on the list of mandatory notification countries.

5. If the foreign national's country is **NOT** on the list:

    a. Provide a copy of Statement 1 from the CNA publication (available in a variety of the languages).

    b. If the foreign national asks that consular notification be given, notify the nearest consular office of the foreign national's country without unnecessary delay. This notice should be transmitted by FAX using form KPD-241. Direct telephone notification may be made if a FAX transmission cannot be successfully completed.

    c. If the foreign national declines consular notification, this information should be noted in the narrative portion of the arrest report.

6. If the foreign national's country **IS** on the list:

    a. Notify that country's nearest consular officials of the arrest/detention without unnecessary delay. This notice should be transmitted by FAX using form KPD-241. Direct telephone notification may be made if a FAX transmission cannot be successfully completed.

    b. Provide a copy of Statement 2 from the CNA publication telling the foreign national that you are making this notification.

7. Keep a written record of the provision of notification and actions taken. A copy of this record should be attached to the arrest report and included in the criminal case file.

8. The steps outlined in this Special Order should be followed for all foreign nationals, regardless of their immigration status.

9. Questions regarding consular notification may be directed to the Office of Policy and Public Affairs, Bureau of Consular Affairs, US Department of State, Washing, DC at telephone (202) 647-4415 or by fax at (202) 736-7559. Urgent after-hours inquiries should be directed to the Diplomatic Security Command Center at telephone (571) 345-3146, or by fax at (571) 345-3131.

INDEX AS:

Consular Notification
Foreign Nationals

KANNAPOLIS POLICE DEPARTMENT

SPECIAL ORDER **SO-013**

SUBJECT: FLAG PROTOCOL
DISTRIBUTION All Personnel
EFFECTIVE DATE: 03-01-2001
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

OVERVIEW:

On April 26, 2004, the City of Kannapolis adopted a comprehensive flag policy that governs the use and display of the flag of the United States, as well as the flag of North Carolina, and other authorized flags at city facilities. This policy incorporates by reference Title 4, Chapter 1 of the United States Code, which establishes a national protocol for the use and display of the flag of the United States. This code was adopted by Congress to ensure an appropriate level of honor, respect and dignity for this national symbol of sacrifice and freedom. Hundreds of thousands of Americans have given their lives in defense of our nation, a nation represented by our national flag. As law enforcement officers we must be visible examples to our community in displaying our patriotism and respect for the national flag and what it represents.

PROCEDURE: All members shall observe the following:

1. The Kannapolis Police Department and all members thereof shall observe the City of Kannapolis flag policy and the provisions of Title 4, Chapter 1 of the United States Code.

2. The City of Kannapolis flag policy and Title 4, USC, Chapter 1, including any subsequent amendments or revisions thereto, are incorporated into this Special Order by reference.

INDEX AS:

Flag Protocol
United States Flag

CITY OF KANNAPOLIS FLAG POLICY

OVERVIEW

Title 4, Chapter 1 of the United States Code establishes legal protocol for the use and display of the flag of the United States. This code was adopted by Congress to ensure an appropriate level of honor, respect and dignity for this national symbol of sacrifice and freedom. Hundreds of thousands of Americans have given their lives in defense of our nation, a nation represented by our national flag. As public officials and employees we must be visible examples to our community in displaying our patriotism and respect for the national flag and what it represents.

GENERAL REQUIREMENTS

The City of Kannapolis and all employees thereof shall observe the protocols for the use, display, and respect of the United States flag as provided in Title 4, Chapter 1 of the United States Code. This requirement shall apply to all city departments and in all instances where the United States flag is displayed.

It will be the personal responsibility and obligation of each city official and city employee to read and become familiar with the provisions of Title 4, Chapter 1 of the United States Code.

The City Manager and each City Department Head will have responsibility for any display of the United States flag at public facilities owned or operated by the City of Kannapolis. This responsibility will include ensuring that the United States flag is properly hoisted, lowered, and displayed in accordance with law, and that used flags are disposed of with proper dignity.

Title 4, United States Code, Chapter 1, including any subsequent amendments or revisions thereto, is hereby incorporated into this policy by reference.

WHEN TO DISPLAY THE UNITED STATES FLAG AT HALF-STAFF

Memorial Day: The flag shall be flown at half-staff from sunrise until 12:00 noon and raised to the peak for the remainder of the day. In accordance with Public Law 90-363, Memorial Day is observed annually on the last Monday in May.

Peace Officers Memorial Day: The flag shall be flown at half-staff from sunrise to sunset, unless that day is also Armed Forces Day. In accordance with Public Law 130-322, Peace Officers Memorial Day is observed each year on May 15th.

National Fallen Fighters Memorial Day: Consistent with Public Law 107-51, the flag shall be flown at half-staff from sunrise to sunset on the day of the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland. This service normally occurs during October of each year. The actual date of the half-staff display will vary each year to correspond to the actual date of the memorial service, and the Fire Chief will advise all City Departments accordingly.

By Order or instruction of the President of the United States upon the death of any principle figure of the United States Government or the death of other officials and dignitaries as provided in Title 4, USC, Chapter 1, Section 7(m).

By Order of the Governor upon the death of a present or former official or dignitary of the State of North Carolina.

By Order or instruction of the Mayor or City Manager upon the death of a present or former local government official or dignitary, or the line of duty death of a City firefighter or law enforcement officer. When the death of a public official, dignitary, or public safety officer to be so honored is verified, flags shall be flown at half-staff immediately. The flags shall remain at half-staff during each day they are normally flown until lowered at sunset of the day on which the funeral is solemnized.

The honor and reverence accorded this solemn act should not be diminished by the display of the United States flag at half-staff on occasions of local tragedy wherein some other form of tribute would be more appropriate.

METHOD FOR PLACING THE UNITED STATES FLAG AT HALF-STAFF

The flag shall be raised to the peak for an instant and then lowered to the half-staff position midway between the top and bottom of the staff. The flag should be raised again to the peak before it is lowered for the day. The flag must never touch the ground when being raised or lowered. The flag should be raised briskly and lowered slowly and ceremoniously. At no time shall any other flag be displayed above the United States flag. When the United States Flag is lowered to half-staff position, any other flags displayed should be similarly lowered.

USE OF OTHER FLAGS

Except as provided below, the only other flags that may be flown at any time with the United States flag are the North Carolina flag and any flag of the City of Kannapolis approved by City Council.

The POW/MIA flag, in accordance with Section 1082 of the 1998 Defense Authorization Act, may be flown at City facilities on Armed Forces Day, Memorial Day, Flag Day, Independence Day, National POW/MIA Recognition Day and Veterans Day. Provided however, that the POW/MIA flag may also be flow at any time along with the United States flag and North Carolina flag at a City owned or operated Veterans Memorial.

This policy is approved and adopted this the 26th day of April, 2004.

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O. Ray Moss, Mayor

ATTEST:

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Bridgette Bell, CMC
City Clerk

CHAPTER 1 - THE FLAG

- § 1. Flag; stripes and stars on.
- § 2. Same; additional stars.
- § 3. Use of flag for advertising purposes; mutilation of flag.
- § 4. Pledge of allegiance to the flag; manner of delivery.
- § 5. Display and use of flag by civilians; codification of rules and customs; definition.
- § 6. Time and occasions for display.
- § 7. Position and manner of display.
- § 8. Respect for flag.
- § 9. Conduct during hoisting, lowering or passing of flag.
- § 10. Modification of rules and customs by President.

Sec. 1. Flag; stripes and stars on

The flag of the United States shall be thirteen horizontal stripes, alternate red and white; and the union of the flag shall be forty-eight stars, white in a blue field.

Sec. 2. Same; additional stars

On the admission of a new State into the Union one star shall be added to the union of the flag; and such addition shall take effect on the fourth day of July then next succeeding such admission.

Sec. 3. Use of flag for advertising purposes; mutilation of flag

Any person who, within the District of Columbia, in any manner, for exhibition or display, shall place or cause to be placed any word, figure, mark, picture, design, drawing, or any advertisement of any nature upon any flag, standard, colors, or ensign of the United States of America; or shall expose or cause to be exposed to public view any such flag, standard, colors, or ensign upon which shall have been printed, painted, or otherwise placed, or to which shall be attached, appended, affixed, or annexed any word, figure, mark, picture, design, or drawing, or any advertisement of any nature; or who, within the District of Columbia, shall manufacture, sell, expose for sale, or to public view, or give away or have in possession for sale, or to be given away or for use for any purpose, any article or substance being an article of merchandise, or a receptacle for merchandise or article or thing for carrying or transporting merchandise, upon which shall have been printed, painted, attached, or otherwise placed a representation of any such flag, standard, colors, or ensign, to advertise, call attention to, decorate, mark, or distinguish the article or substance on which so placed shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding $100 or by imprisonment for not more than thirty days, or both, in the discretion of the court. The words "flag, standard, colors, or ensign", as used herein, shall include any flag, standard, colors, ensign, or any picture or representation of either, or of any part or parts of either, made of any substance or represented on any substance, of any size evidently purporting to be either of said flag, standard, colors, or ensign of the United States of America or a picture or a representation of either, upon which shall be shown the colors, the stars and the stripes, in any number of either thereof, or of any part or parts of either, by which the average person seeing the same without deliberation may believe the same to represent the flag, colors, standard, or ensign of the United States of America.

Sec. 4. Pledge of allegiance to the flag; manner of delivery

The Pledge of Allegiance to the Flag, I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all." should be rendered by standing at attention facing the flag with the right hand over the heart. When not in uniform men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Persons in uniform should remain silent, face the flag, and render the military salute.

Sec. 5. Display and use of flag by civilians; codification of rules and customs; definition

The following codification of existing rules and customs pertaining to the display and use of the flag of the United States of America is established for the use of such civilians or civilian groups or organizations as may not be required to conform with regulations promulgated by one or more executive departments of the Government of the United States. The flag of the United States for the purpose of this chapter shall be defined according to sections 1 and 2 of this title and Executive Order 10834 issued pursuant thereto.

Sec. 6. Time and occasions for display

- (a) It is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, when a patriotic effect is desired, the flag may be displayed 24 hours a day if properly illuminated during the hours of darkness.

- (b) The flag should be hoisted briskly and lowered ceremoniously.

- (c) The flag should not be displayed on days when the weather is inclement, except when an all weather flag is displayed.

- (d) The flag should be displayed on all days, especially on New Year's Day, January 1; Inauguration Day, January 20; Lincoln's Birthday, February 12; Washington's Birthday, third Monday in February; Easter Sunday (variable); Mother's Day, second Sunday in May; Armed Forces Day, third Saturday in May; Memorial Day (half-staff until noon), the last Monday in May; Flag Day, June 14; Independence Day, July 4; Labor Day, first Monday in September; Constitution Day, September 17; Columbus Day, second Monday in October; Navy Day, October 27; Veterans Day, November 11; Thanksgiving Day, fourth Thursday in November; Christmas Day, December 25; and such other days as may be proclaimed by the President of the United States; the birthdays of States (date of admission); and on State holidays.

- (e) The flag should be displayed daily on or near the main administration building of every public institution.

- (f) The flag should be displayed in or near every polling place on election days.

- (g) The flag should be displayed during school days in or near every schoolhouse.

Sec. 7. Position and manner of display

The flag, when carried in a procession with another flag or flags, should be either on the marching right; that is, the flag's own right, or, if there is a line of other flags, in front of the center of that line.

- (a) The flag should not be displayed on a float in a parade except from a staff, or as provided in subsection (i) of this section.

- (b) The flag should not be draped over the hood, top, sides, or back of a vehicle or of a railroad train or a boat. When the flag is displayed on a motorcar, the staff shall be fixed firmly to the chassis or clamped to the right fender.

- (c) No other flag or pennant should be placed above or, if on the same level, to the right of the flag of the United States of America, except during church services conducted by naval chaplains at sea, when the church pennant may be flown above the flag during church services for the personnel of the Navy. No person shall display the flag of the United Nations or any other national or international flag equal, above, or in a position of superior prominence or honor to, or in place of, the flag of the United States at any place within the United States or any Territory or possession thereof. Provided, That nothing in this section shall make unlawful the continuance of the practice heretofore followed of displaying the flag of the United Nations in a position of superior prominence or honor, and other national flags in positions of equal prominence or honor, with that of the flag of the United States at the headquarters of the United Nations.

- (d) The flag of the United States of America, when it is displayed with another flag against a wall from crossed staffs, should be on the right, the flag's own right, and its staff should be in front of the staff of the other flag.

- (e) The flag of the United States of America should be at the center and at the highest point of the group when a number of flags of States or localities or pennants of societies are grouped and displayed from staffs.

- (f) When flags of States, cities, or localities, or pennants of societies are flown on the same halyard with the flag of the United States, the latter should always be at the peak. When the flags are flown from adjacent staffs, the flag of the United States should be hoisted first and lowered last. No such flag or pennant may be placed above the flag of the United States or to the United States flag's right.

- (g) When flags of two or more nations are displayed, they are to be flown from separate staffs of the same height. The flags should be of approximately equal size. International usage forbids the display of the flag of one nation above that of another nation in time of peace.

- (h) When the flag of the United States is displayed from a staff projecting horizontally or at an angle from the window sill, balcony, or front of a building, the union of the flag should be

placed at the peak of the staff unless the flag is at half-staff. When the flag is suspended over a sidewalk from a rope extending from a house to a pole at the edge of the sidewalk, the flag should be hoisted out, union first, from the building.

- (i) When displayed either horizontally or vertically against a wall, the union should be uppermost and to the flag's own right, that is, to the observer's left. When displayed in a window, the flag should be displayed in the same way, with the union or blue field to the left of the observer in the street.

- (j) When the flag is displayed over the middle of the street, it should be suspended vertically with the union to the north in an east and west street or to the east in a north and south street.

- (k) When used on a speaker's platform, the flag, if displayed flat, should be displayed above and behind the speaker. When displayed from a staff in a church or public auditorium, the flag of the United States of America should hold the position of superior prominence, in advance of the audience, and in the position of honor at the clergyman's or speaker's right as he faces the audience. Any other flag so displayed should be placed on the left of the clergyman or speaker or to the right of the audience.

- (l) The flag should form a distinctive feature of the ceremony of unveiling a statue or monument, but it should never be used as the covering for the statue or monument.

- (m) The flag, when flown at half-staff, should be first hoisted to the peak for an instant and then lowered to the half-staff position. The flag should be again raised to the peak before it is lowered for the day. On Memorial Day the flag should be displayed at half staff until noon only, then raised to the top of the staff. By order of the President, the flag shall be flown at half-staff upon the death of principal figures of the United States Government and the Governor of a State, territory, or possession, as a mark of respect to their memory. In the event of the death of other officials or foreign dignitaries, the flag is to be displayed at half-staff according to Presidential instructions or orders, or in accordance with recognized customs or practices not inconsistent with law. In the event of the death of a present or former official of the government of any State, territory, or possession of the United States, the Governor of that State, territory, or possession may proclaim that the National flag shall be flown at half-staff. The flag shall be flown at half-staff 30 days from the death of the President or a former President; 10 days from the day of death of the Vice President, the Chief Justice or a retired Chief Justice of the United States, or the Speaker of the House of Representatives; from the day of death until interment of an Associate Justice of the Supreme Court, a Secretary of an executive or military department, a former Vice President, or the Governor of a State, territory, or possession; and on the day of death and the following day for a Member of Congress. The flag shall be flown at half-staff on Peace Officers Memorial Day, unless that day is also Armed Forces Day. As used in this subsection -

    - (1) the term "half-staff' means the position of the flag when it is one-half the distance between the top and bottom of the staff,

- (2) the term "executive or military department" means any agency listed under sections IQ 1 and 102 of title 5, United States Code; and the term "Member of Congress" means a Senator, a Representative, a Delegate, or the Resident Commissioner from Puerto Rico.

(n) When the flag is used to cover a casket, it should be so placed that the union is at the head and over the left shoulder. The flag should not be lowered into the grave or allowed to touch the ground.

(o) When the flag is suspended across a corridor or lobby in a building with only one main entrance, it should be suspended vertically with the union of the flag to the observer's left upon entering. If the building has more than one main entrance, the flag should be suspended vertically near the center of the corridor or lobby with the union to the north, when entrances are to the east and west or to the east when entrances are to the north and south. If there are entrances in more than two directions, the union should be to the east.

Sec. 8. Respect for flag

No disrespect should be shown to the flag of the United States of America; the flag should not be dipped to any person or thing. Regimental colors, State flags, and organization or institutional flags are to be dipped as a mark of honor.

- (a) The flag should never be displayed with the union down, except as a signal of dire distress in instances of extreme danger to life or property.

- (b) The flag should never touch anything beneath it, such as the ground, the floor, water, or merchandise.

- (c) The flag should never be carried flat or horizontally, but always aloft and free.

- (d) The flag should never be used as wearing apparel, bedding, or drapery. It should never be festooned, drawn back, nor up, in folds, but always allowed to fall free. Bunting of blue, white, and red, always arranged with the blue above, the white in the middle, and the red below, should be used for covering a speaker's desk, draping the front of the platform, and for decoration in general.

- (e) The flag should never be fastened, displayed, used, or stored in such a manner as to permit it to be easily tom, soiled, or damaged in any way.

- (f) The flag should never be used as a covering for a ceiling.

- (g) The flag should never have placed upon it, nor on any part of it, nor attached to it any mark, insignia, letter, word, figure, design, picture, or drawing of any nature.

- (h) The flag should never be used as a receptacle for receiving, holding, carrying, or delivering anything.

- (i) The flag should never be used for advertising purposes in any manner whatsoever. It should not be embroidered on such articles as cushions or handkerchiefs and the like, printed or otherwise impressed on paper napkins or boxes or anything that is designed for temporary use and discard. Advertising signs should not be fastened to a staff or halyard from which the flag is flown.

- (j) No part of the flag should ever be used as a costume or athletic uniform. However, a flag patch may be affixed to the uniform of military personnel, firemen, policemen, and members of patriotic organizations. The flag represents a living country and is itself considered a living thing. Therefore, the lapel flag pin being a replica, should be worn on the left lapel near the heart.

- (k) The flag, when it is in such condition that it is no longer a fitting emblem for display, should be destroyed in a dignified way, preferably by burning.

Sec. 9. Conduct during hoisting, lowering or passing of flag

During the ceremony of hoisting or lowering the flag or when the flag is passing in a parade or in review, all persons present except those in uniform should face the flag and stand at attention with the right hand over the heart. Those present in uniform should render the military salute. When not in uniform, men should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart. Aliens should stand at attention. The salute to the flag in a moving column should be rendered at the moment the flag passes.

Sec. 10. Modification of rules and customs by President

Any rule or custom pertaining to the display of the flag of the United States of America, set forth herein, may be altered, modified, or repealed, or additional rules with respect thereto may be prescribed, by the Commander in Chief of the Armed Forces of the United States, whenever he deems it to be appropriate or desirable; and any such alteration or additional rule shall be set forth in a proclamation.

KANNAPOLIS POLICE DEPARTMENT

SPECIAL ORDER **SO-014**

SUBJECT: CONTROLLED SUBSTANCE TAX
DISTRIBUTION All Personnel
EFFECTIVE DATE: 05-01-2000
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

OVERVIEW: North Carolina General Statute §105-113 levies an excise tax on persons who possess non-tax paid (unstamped) controlled substances and counterfeit controlled substances in violation of State law. The North Carolina Department of Revenue, Unauthorized Substances Tax Division, is charged with the responsibility for assessing and collecting this tax. The role of the Police Department in the administration of this law is limited to the reporting of arrests or seizures involving non-tax paid controlled substances to the Department of Revenue.

PROCEDURE: The following procedure will be observed.

1. Officers who make an arrest or seizure involving non-tax paid controlled substances that meet the threshold amount shown below are required to provide notice of the arrest/seizure within 48 hours to the Unauthorized Substances Tax Division using form BD-4:

   (a) 42.5 grams (1.5 ounces) or more of Schedule VI – Marijuana;
   (b) 7 or more grams of any other controlled substance sold by weight;
   (c) 10 or more dosage units of any other controlled substance not sold by weight.

2. Officers who make an arrest or seizure involving any amount of non-tax paid (unstamped) illicit liquor are required to provide notice of the arrest/seizure within 48 hours to the Unauthorized Substances Tax Division using form BD-4L.

3. To collect unpaid taxes, penalties and interest, the NC Department of Revenue may seek an execution (court order) against the property of the person who owes the tax. The execution may empower the Department of Revenue to seize currency, personal property, or real property from the person responsible. Such property is subject to forfeiture and sale by the State in order to satisfy the taxes, penalty and interest due.

4. Officers of the Kannapolis Police Department are expressly prohibited from the collection of taxes assessed by the Department of Revenue. Officers are further prohibited from seizing any property from any individual for the purpose of satisfying a tax assessment.

5. No currency, asset or other property of evidentiary value shall be released from the custody of the Kannapolis Police Department to the NC Department of Revenue without a valid court order.

6. A portion of the controlled substances taxes are awarded to the seizing agency and may be expended for authorized law enforcement purposes. The City has established designated revenue and expenditure accounts for the deposit and disbursement of proceeds received from controlled substance excise taxes, including any interest income generated by these funds. These accounts are exclusive and contain no other funds. All tax distribution checks received by agency employees must be delivered directly to the Chief of Police on the date received or no later than the next business day. In all cases, checks must be physically safeguarded against theft or loss pending delivery to the Chief of Police

INDEX AS:

Controlled Substance Excise Tax
Drug Tax

KANNAPOLIS POLICE DEPARTMENT

SPECIAL ORDER **SO-015**

SUBJECT: BLET SPONSORSHIP
DISTRIBUTION All Personnel
EFFECTIVE DATE: 07-01-2005
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

OVERVIEW: The Kannapolis Police Department offers sponsorship to qualified individuals to attend Basic Law Enforcement Training (BLET) academies conducted by North Carolina community colleges. Sponsorship or employment by a law enforcement agency is normally required for admission in order to ensure that graduates of the program will be suitable candidates for law enforcement employment in North Carolina. Sponsorship does not obligate or require the Kannapolis Police Department to hire the candidate or provide financial support or assistance for such training. Sponsored candidates are solely responsible for the cost of all medical examinations, training materials, tuition, fees and supplies required for participation. Sponsorship is one way that area law enforcement agencies can expand the pool of potential candidates for employment.

PROCEDURE: To ensure that individuals seeking sponsorship by the Police Department are suitable candidates for future law enforcement employment, the following procedure will be followed:

1. Requests for BLET sponsorship must be made with sufficient advance notice to permit the Police Department to complete the procedures described in this Special Order. Individuals seeking sponsorship will be referred to the Training Coordinator for assistance.

2. The Training Coordinator shall require the following from the candidate:

    a) A formal letter of request for sponsorship. This letter shall be addressed to the Chief of Police and shall contain at a minimum the candidate's name, address, phone number, and the date(s) and location of the BLET session for which they are seeking sponsorship.

    b) A notarized Authorization for Release of Personal Information to Law Enforcement Agencies for Certification / Employment Purposes (form KPD-230).

    c) A notarized Form F-3 (Personal History Statement).

    d) A copy of the candidate's high school diploma or GED certificate.

    e) A copy of the candidate's driver's license.

    f) A certified copy of the candidate's criminal history record from the clerk of court in every county or jurisdiction where the candidate has lived since attaining age 16.

3. The agency Training Coordinator will complete a search for the candidate within the North Carolina AOC records for any arrest history and dispositions. In addition, a copy of the candidate's driver history will be obtained through DMV.

4. All documentation collected by the Training Coordinator will then be forwarded to the Deputy Chief of Police for review. Appropriate follow up inquiry may be made to verify any criminal convictions or other information that may form the basis for denial of sponsorship.

5. The Deputy Chief shall conduct a personal interview with the candidate and shall make a written recommendation to the Chief of Police regarding the candidate's suitability for sponsorship. In the event that the candidate receives a positive recommendation the Deputy Chief shall attach a completed Verification of Sponsorship for Basic Law Enforcement form, and a confirmation letter to the candidate for the Chief's review and signature.

6. All sponsorship documents shall be retained by the agency Training Coordinator for the duration of the BLET session and may be incorporated into any subsequent application for employment by this agency.

7. Continuation of BLET sponsorship by the Police Department is contingent upon the candidate's continued suitability for law enforcement employment, satisfactory performance and conduct during the training session, and full compliance with the rules and regulations set forth by the community college and the BLET Program Director.

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BLET Sponsorship

KANNAPOLIS POLICE DEPARTMENT

SPECIAL ORDER **SO-016**

SUBJECT: JUVENILE ALCOHOL VIOLATIONS
DISTRIBUTION All Personnel
EFFECTIVE DATE: 05-28-2010
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

OVERVIEW: The North Carolina Governor's Crime Commission is currently addressing the issue concerning the treatment of juvenile runaways and alcohol violations for 16 and 17-year olds. This is the result of various North Carolina State laws, which conflict with Federal statutes. The laws in conflict include the amount of time a juvenile runaway can be held in secure custody as well as 16 and 17-year olds being held in secure custody for alcohol violations. North Carolina has been deemed out of compliance on these issues and some Federal funds that normally flows through the Governor's Crime Commission have been interrupted. The Governor's Crime Commission is coordinating with various agencies in an attempt to bring North Carolina agencies closer to compliance so the grant funds will be released. In an effort to comply with Federal guidelines the following procedures will be effective immediately when dealing with runways and status alcohol offenders:

PROCEDURES:

1. If a juvenile runaway is apprehended, has no connection to any other crime, has no need for Social Service intervention and a guardian cannot be located, they will be placed in an unsecure holding area and monitored by an officer until a guardian can be located.

2. If a 16 or 17-year old is encountered on a non-driving alcohol possession or consumption offense, every effort will be made to only cite the individual (if the officer chooses to charge) and turn them over to a responsible adult without taking them in to our custody. If a responsible adult cannot be located and the officer determines the offender should be detained for their own safety, the juvenile should be held in an unsecure holding area and monitored by an officer until a responsible adult can be located.

3. If the 16 or 17-year old is violating alcohol possession or consumption offenses, has committed any other crime including any misdemeanor driving offense and the officer decides to make an arrest, they should be processed through the system as normal to include the magistrate, bond, jail ,etc.

4. A 16 or 17-year old, who violates any law concerning the purchase or possession of tobacco products with no other offense present, should be cited and released.

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Juvenile Alcohol Violations

KANNAPOLIS POLICE DEPARTMENT

SPECIAL ORDER **SO-017**

SUBJECT: EXTENDED MILITARY DEPLOYMENT
DISTRIBUTION All Personnel
EFFECTIVE DATE: 07-01-2015
LAST REVISION DATE: 08-26-2020
BY ORDER OF: Terry L. Spry, Chief of Police

OVERVIEW: Employees who are members of the United States armed forces Reserve Component (i.e. military reservists or members of the National Guard) may face unique challenges and circumstances surrounding extended military deployments, and their reintegration upon returning from such deployments. While existing City and Department policies address military leave, weekend drills, and military training, it is important to have a plan in place for those employees experiencing military activations of more than 180 days.

PROCEDURE: To ensure that the unique needs of Kannapolis Police Department personnel experiencing military deployments of 180 days or more are met, the following procedures will be utilized:

1. In order to insure a consistent channel of communication and a smooth transition, the deployed employee's Bureau Commander shall be designated as the agency point of contact. In the event that a Bureau Commander is the deployed employee, the Deputy Chief of Police is designated as the point of contact. The agency point of contact will:

    a) Work to ensure a process for communication with the deployed employee is established. This can be accomplished through both traditional and electronic methods and in accordance with any military protocols; and
    b) Make every effort to ensure that the deployed employee is notified of agency news, significant events, and promotions or promotional opportunities.

2. The City of Kannapolis Director of Human Resources shall serve as the Human Resources point of contact for all deployed employees in order to insure that the employee's rights, responsibilities, and minimum requirements as outlined in statutory law, to include but not limited to the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) are protected.

3. The deployed employee shall complete a pre-deployment exit interview with the Chief, and/or Deputy Chief of Police and the designated point of contact.

4. Prior to deployment, all departmental weapons and vehicles will be turned over to the Field Operations Bureau Commander for secure storage and maintenance. The security and storage of other issued equipment and uniforms is the responsibility of the employee.

5. The deployed employee shall notify his/her designated point of contact of their expected return date when it becomes known. Prior to resuming their duties, the Chief, and/or Deputy Chief of Police and the designated point of contact shall meet with the returning employee to address any needs or concerns of the employee, and to insure that they have all information necessary for reintegration into the Department.

6. Prior to returning to duty the returning employee shall be reissued their assigned weapons and any other equipment being maintained by the agency.

7. The employee shall be required to requalify with all issued firearms and demonstrate continued proficiency with issued less-lethal weapons prior to return to duty.

8. Returning employees shall be required to satisfactorily complete all necessary training and/or certification programs to ensure compliance with the North Carolina Criminal Justice Education and Training Standards requirements.

9. In addition, based on the length of the deployment and the overall law enforcement experience of the employee, the Chief of Police may require the returning employee to complete a short term assignment with a Field Training Officer for refresher training.

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Extended Military Deployment